

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
AIR FORCE; et al.,

Defendants.

Case No. C06-5195-RBL

DECLARATION OF HEIDI SMIDT

I, HEIDI SMIDT, do hereby declare under penalty of perjury under the laws of the United States of America, that the following facts are true and correct:

1. I am over the age of 18 years, have personal knowledge of the facts contained in this Declaration and am competent to testify to them.

DECLARATION OF HEIDI SMIDT -- 1
Case No. C06-5195-RBL

AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION
705 Second Avenue, Suite 300
Seattle, Washington 98104-1799
(206) 624-2184

1 2. I was commissioned in the United States Air Force Reserve in 1983 and
2 joined the 40th/446th AES as a flight nurse. I left the military in 1996 due to other job
3 commitments.

4 3. I served with Major Witt for one year in the 446th AES. We socialized with
5 the same group of people and occasionally went out together for pizza after weekend duty.

6 4. Major Witt never told me that she is a lesbian but I suspected that she might
7 be. I also assumed that some other members in our unit were gay or lesbian because they
8 brought their partners on annual tour and roomed together. Additionally, I sometimes visited
9 with members at their houses and saw same-sex housemates who appeared to be their
10 partners. I believe that most of the unit knew that there were numerous lesbians serving in
11 the squadron.
12

13 5. Prior to Major Witt joining the unit, there were five or six members in our
14 squadron that I believed to be gay or lesbian. There were lesbian couples that did not try to
15 hide their relationship by the way they talked of each other, and by the fact that they always
16 took trips together. I am aware of two lesbian couples who lived together while serving in
17 the squadron, and it was never an issue.

18 6. I think that the general unit attitude towards gay and lesbian members is
19 indifference. I am not aware of any instance where a member's sexual orientation has
20 interfered with job performance. In my opinion, as long as a member does her job well, her
21 sexuality does not matter.
22

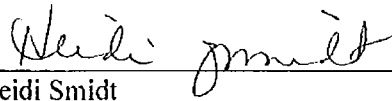
23 7. I deployed overseas in 1991 for Desert Storm. In the five months I spent
24 overseas, I do not recall ever hearing anyone say anything negative on deployment about gay
25 or lesbian members, or not wanting to serve with them.
26

DECLARATION OF HEIDI SMIDT -- 2
Case No. C06-5195-RBL

AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION
705 Second Avenue, Suite 300
Seattle, Washington 98104-1799
(206) 624-2184

1 8. In the summer of 2008, I attended the 50th Anniversary Celebration for the
2 squadron on base at McChord. I saw Major Witt there and talked to her briefly about her
3 case. Most people including myself were happy to see her. I do not recall hearing any
4 negative comments that Major Witt was there.

5
6
7 DATED this 21 day of April, 2010, at Tacoma, Washington.

8
9 
10 Heidi Smidt

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECLARATION OF HEIDI SMIDT -- 3
Case No. C06-5195-RBL

AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION
705 Second Avenue, Suite 300
Seattle, Washington 98104-1799
(206) 624-2184

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

| | |
|-------------------|-------------------------------------|
| Peter J. Phipps | <u>Peter.phipps@usdoj.gov</u> |
| Marion J. Mittet | <u>Jamie.mittet@usdoj.gov</u> |
| Bryan Diederich | <u>bryan.diederich@usdoj.gov</u> |
| Steven Buckingham | <u>Stephen.Buckingham@usdoj.gov</u> |
| Sarah A. Dunne | <u>dunne@aclu-wa.org</u> |
| Aaron H. Caplan | <u>Aaron.caplan@lls.edu</u> |

/s/Lily T. Laemmle
LILY T. LAEMMLE

NO. C06-5195 RBL

**CARNEY
BADLEY
SPELLMAN**

LAW OFFICES
A PROFESSIONAL SERVICE CORPORATION
700 FIFTH AVENUE, #5800
SEATTLE, WA 98104-5017
FAX (206) 467-8215
TEL (206) 622-8020