

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

**SUPPLEMENTAL DECLARATION OF  
FAITH MUELLER**

I, FAITH MUELLER, 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 retired from the Air Force in September 2008. At that time, I suspected that there were at least ten gay and lesbian members serving in the 446<sup>th</sup> AES. My suspicions are based on my perceptions and on conversations I have had with members who have

SUPPLEMENTAL DECLARATION OF  
FAITH MUELLER -- 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 mentioned a partner. I believe the general unit attitude towards gay and lesbian members is  
2 acceptance. It is commonplace nowadays to work alongside gays and lesbians.

3 2. Even though Major Witt never spoke of her sexual orientation to me, I  
4 suspected that she is a lesbian. I never saw any conduct that would indicate that Major Witt  
5 is a lesbian. I never heard any member vocalize a negative opinion about Major Witt, nor  
6 did I ever hear anyone in the unit express negative sentiment towards working with gay or  
7 lesbian members.

8 3. I was surprised when I learned of Major Witt's suspension because of my  
9 suspicion that there were many gay and lesbian personnel in the unit, and that it was never an  
10 issue. I was surprised that action was being taken against Major Witt when she had been a  
11 great officer and flight nurse. I was also troubled because I heard that an outside third party  
12 source had informed the Air Force of her sexual orientation. This is alarming to me because  
13 I thought that so long as a servicemember followed the rule of "don't tell," she would be  
14 protected from any possible ramifications. Since Major Witt was outed by a third party  
15 civilian, the law seems a sham to me, because "anybody can tell." I know that Major Witt is  
16 currently in a long-term relationship with a woman who was technically married when her  
17 relationship with Major Witt began and that does not change my opinion of Major Witt.  
18

19 4. I have deployed overseas for Operation Enduring Freedom. As the medical  
20 crew director in charge of other crews, I interacted a lot with other AeroEvac crews and  
21 hospital receiving centers. On deployment, I never heard anyone make a negative comment  
22 regarding gay or lesbian servicemembers or say that they did not want to work with gay or  
23 lesbian servicemembers.  
24

25 5. When Colonel Carneal was commander of the unit, I observed that she spent  
26 a lot of time with an officer, Major Kevin Windsor. I engaged in conversations with roughly

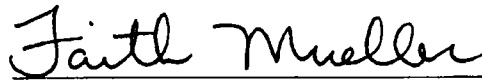
SUPPLEMENTAL DECLARATION OF  
FAITH MUELLER -- 2  
Case No. C06-5195-RBL

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

1 20 members about the perceived favoritism that she displayed towards Major Windsor. We  
2 all felt that the perceived favoritism affected unit morale negatively.

3 6. I believe that Major Witt's reinstatement would have no negative effect on  
4 the unit, but rather only positively impact unit morale. If I were still serving, I would have  
5 no hesitation serving with Major Witt today.  
6  
7

8 DATED this 16 day of April, 2010, at Tacoma, Washington.  
9

10   
11 Faith Mueller  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

SUPPLEMENTAL DECLARATION OF  
FAITH MUELLER -- 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