

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,

Case No. C06-5195-RBL

v.

DECLARATION OF JUDITH A. KRILL

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

Defendants.

I, JUDITH A. KRILL, 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.
2. I joined the United States Army Reserve in 1989 and served six years as an Army nurse. I then transferred to the United States Air Force Reserve in March 1995 and

DECLARATION OF JUDITH KRILL -- 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 served fourteen years as a flight nurse in the 40th/446th AES at McChord AFB. I served the
2 squadron as the Infection Control Officer, the Officer-in-Charge of Mission Clinical
3 Coordination, the Assistant Officer-in-Charge of Weight Management, a flight nurse
4 instructor, a certified-trainer and the Unit Deployment Manager. I retired on May 1, 2009.

5 3. I met Major Witt in 1996 when she joined the squadron. She became the
6 Officer-in-Charge of Weight Management, hence my supervisor. She was an immensely
7 helpful resource for me, then a lieutenant. Since Major Witt came in off active duty, she had
8 a very good sense of the AirEvac unit and what was important. She was generous with her
9 time and expertise, and I viewed her as a true mentor who gave thoughtful, valued
10 performance reviews.
11

12 4. At the time I left the 446th AES in 2009, I suspected that there were 5-10 gay
13 and lesbian members serving in the unit. My suspicions are based on my personal
14 observations of demeanor as well as on my experience with seeing servicemembers off for
15 deployment. As Unit Deployment Manager during my last five years of service, I worked
16 full time in the unit. When members were being deployed, and had to take a commercial
17 flight out of Sea-Tac airport, they came on base in the early morning around 3:00am to pick
18 up weapons. I then drove them to Sea-Tac to catch their flight. Family members were
19 required to drive separately, and I sometimes saw a same-sex partner show up at McChord
20 or at the airport to see a member off. It was readily apparent to me that the same-sex
21 individual was not just a roommate or friend by the fact that he or she had made the effort to
22 drive separately at such an early hour for an extra goodbye embrace and moment with the
23 servicemember. The same-sex partner showed a level of commitment for the member that a
24 traditional roommate would not.
25
26

1 5. My personal opinion is that a member's sexual orientation is irrelevant to her
2 ability to perform the job, so long as the sexual orientation does not interfere with the
3 member's professionalism. The general unit attitude regarding gay and lesbian members
4 was also that sexual orientation is a nonissue, so long as it did not interfere with
5 professionalism.

6 6. I never saw any conduct that would indicate that Major Witt is a lesbian
7 however I had my own suspicions. I never heard any member vocalize a negative opinion
8 about Major Witt, nor did I ever hear anyone in the unit express negative sentiment towards
9 working with gay or lesbian members.

10 7. In 2001 I flew a three to four day mission to Germany with Major Witt.
11 Major Witt displayed professionalism and leadership overseas, just as she always did on
12 base. I do not recall any instance of anyone ever expressing a problem with Major Witt
13 overseas.

14 8. From November 2004 to January 2005, I was deployed to Washington DC.
15 When I returned to the unit, Major Witt was gone. I was confused and only learned of her
16 suspension through talk in the unit. The unit felt very subdued and morale was low.

17 9. My understanding of Major Witt's discharge is that the decision came down
18 from higher up in the chain of command. I heard from one of the squadron members that
19 somebody higher up had put pressure on Colonel Walker to get Major Witt out. This
20 general understanding of how Major Witt came to be investigated, suspended and
21 subsequently discharged seems unethical to me. The way in which it happened was
22 detrimental to unit morale and to the little respect that unit members had left for command.

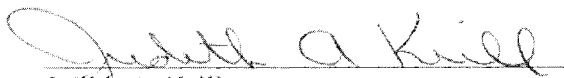
23 10. In 2008, I heard from some enlisted members in the 446th about an officer
24 who was running a pornographic website with risqué photos of women. I reported the
25
26

1 website to Lieutenant Colonel JZ Zmaeff as conduct unbecoming of an officer, and Lt. Col.
2 Zmaeff informed Commander Colonel Moore-Harbert. Colonel Moore-Harbert had
3 previously seen the website in the fall of 2007, however at that point it had not yet evolved
4 into a pornographic pay-site. In late summer of 2008, the officer was called in to speak with
5 Colonel Moore-Harbert. Afterwards, I no longer saw the officer at weekend duty nor did I
6 ever see him on base during the week. The officer had been promoted in the fall of 2006,
7 and even though he had not been participating for a year, he was allowed to retire in the fall
8 of 2009 at his promoted rank. I have spoken with several members about this situation and
9 they confirm that the officer's poor participation, coupled with the lack of discipline for his
10 website, caused morale problems in the unit due to the appearance of favoritism.
11

12 11. I never heard anyone express approval of Major Witt's suspension or
13 subsequent discharge. In fact, I only heard the opposite—that members were upset and
14 angry over the decision to suspend Major Witt. In my opinion, Major Witt is the epitome of
15 a good service member.

16 12. I have always known Major Witt to display the leadership qualities that an
17 officer of the United States Armed Forces should have. She showed Loyalty, Dedication to
18 Duty, Honor, and Service to her fellow soldiers and citizens that she came in contact with in
19 the performance of her duties. She was instrumental in continuing the excellence and skill
20 that have always been a hallmark of the 446th AES.
21

22 DATED this 4th day of April, 2010.
23
24

25 
26 Judith A. Krill

DECLARATION OF JUDITH KRILL -- 4
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