

**AIRCRAFT
ACCIDENT INVESTIGATION BOARD
REPORT**

**US ARMY UH-60
BLACK HAWK HELICOPTERS
87-26000 AND 88-26060**

VOLUME 12

TABS V-017 thru V-028

**AIRCRAFT
ACCIDENT INVESTIGATION BOARD
REPORT**

COPY

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OF

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LIST OF WITNESSES
(Arranged in Tab Order)

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MATTHEWS, PERRY J.....	CW2.....	V-001
MURREY, DANIEL P.....	Second Lieutenant.....	V-002
MURREY, DANIEL P.....	Second Lieutenant.....	V-002A
MURREY, DANIEL P.....	Second Lieutenant.....	V-002B
BONG, JAMES I.....	First Lieutenant.....	V-003
BONG, JAMES I.....	First Lieutenant.....	V-003A
BONG, JAMES I.....	First Lieutenant.....	V-003B
DAWSON, KENNETH D.....	Captain.....	V-004
CONTROL WITNESS 02.....	AWACS Co-Pilot.....	V-005
CONTROL WITNESS 03.....	AWACS Flight Engineer.....	V-006
CONTROL WITNESS 04.....	AWACS Instructor Comm Tech.....	V-007
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CONTROL WITNESS 07.....	AWACS Instr Comm Syst Op.....	V-010
CONTROL WITNESS 08.....	AWACS Comm Tech.....	V-011
CONTROL WITNESS 09.....	Mission Crew Commander.....	V-012
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CONTROL WITNESS 23.....		V-026A
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FOSTER, CHRISTOPHER T.....	Captain.....	V-030
SCHULZ, JOSEPH W.....	Captain.....	V-031

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(Arranged in Tab Order)

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>
RICHARDSON, DOUGLAS J.....	Colonel.....	V-032
PILKINGTON, JEFFREY S.....	B-Gen.....	V-033
KULA, JAMES D.....	Colonel.....	V-034
KULA, JAMES D.....	Colonel.....	V-034A
BICKET, JOHN S.....	Major.....	V-035
WHITE, BARTON W.....	Senior Airman.....	V-036
SCHMITT, MICHAEL N.....	Lt Colonel.....	V-037
ROCHEN, JERRY G., JR.....	Chief Master Sergeant.....	V-038
RIVERS, GLORIA H.....	Civilian.....	V-039
NORMAN, TODD B.....	Airman First Class.....	V-040
THOMAS, BENNIE, JR.....	Sergeant.....	V-041
ZAHRT, JOHN W.....	Lieutenant Colonel.....	V-042
SONNENBERG, DAVID L.....	Colonel.....	V-043
(RESERVED).....		V-044
COGGINS, LYNDON R.....	Sergeant.....	V-045
YOUNG, LAVERM.....	Major.....	V-046
NETHERLAND, SCOTT R.....	Major.....	V-047
MENARD, MICHAEL J.....	Chief Warrant Officer 4.....	V-048
HENRY, WILLIAM E.....	Chief Warrant Officer 3.....	V-049
HOLDEN, KENNETH D.....	Chief Warrant Officer 3.....	V-050
HOLDEN, KENNETH D.....	Chief Warrant Officer 3.....	V-050A
HOLDEN, KENNETH D.....	Chief Warrant Officer 3.....	V-050B
KOCH, KENNETH J.....	Chief Warrant Officer 2.....	V-051
BOULEY, WILLIAM R.....	Staff Sergeant.....	V-052
PATTERSON, SCOTT F.....	Staff Sergeant.....	V-053
BEACHLER, CORY C.....	Sergeant.....	V-054
BOWEN, DEON M.....	Sergeant.....	V-055
MCCARTHY, JOHN A.....	Specialist.....	V-056
MONSULICK, CHRISTINA M.....	Specialist.....	V-057
MCCARTHY, RUSSELL P.....	Specialist.....	V-058
INGRAM, JOHN.....	Civilian.....	V-059
PAGE, GILMAN WILLIAM.....	Civilian.....	V-060
STREET, TERRY W.....	Civilian.....	V-061
NEUSER, STEVEN T.....	Captain.....	V-062
JOLY, MICHELE.....	Captain.....	V-063
TAHSIN, MOWFIK.....	Civilian.....	V-064
AMIN, HADI MOHAMMED.....	Civilian.....	V-065
AMIN, AZIZ MOHAMMED.....	Civilian.....	V-066
AMIN, MOHAMMED.....	Civilian.....	V-067
CARLSON, MICHAEL A.....	Chief Warrant Officer 2.....	V-068
SANDERS, DONALD L.....	Major.....	V-069

LIST OF WITNESSES
(Arranged in Tab Order)

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>
SANDERS, DONALD L.	Major	V-069A
SANDERS, DONALD L.	Major	V-069B
FRASER, GEORGE M.	Captain	V-070
GANZE, ELIZABETH	Captain	V-071
SHORT, JOHN E.	Staff Sergeant	V-072
LARREAU, ROD P.	Staff Sergeant	V-073
DAIGLE, CONNIE S.	PFC	V-074
DEWITT, TERRY A.	Staff Sergeant	V-075
CONTROL WITNESS 34.....	CFAC Mission Dir (Mad Dog)	V-076
CONTROL WITNESS 34.....		V-076A
DONOVAN, JOHN C.	Staff Sergeant	V-077
WALKER, ROBERT HUGHES	Captain	V-078
WALKER, ROBERT HUGHES	Captain	V-078A
KENT, JEFFREY L.	Captain	V-079
DOUGHERTY, MARK E.	Lieutenant Colonel	V-080
CATLETT, CHARLES E., JR.	Technical Sergeant	V-081
NOLAN, WILLIAM C. III	First Lieutenant	V-082
MANION, KEVIN J.	Captain	V-083
NILSEN, CARL R., JR.	Staff Sergeant	V-084
SCHNEIDMULLER, GEORGE C., JR	Staff Sergeant	V-085
LINDAMOOD, DONNA G.	Technical Sergeant	V-086
GODIN, ROBERT A.	Technical Sergeant	V-087
MARCIK, ROBERT J. II.....	Master Sergeant	V-088
ZIMMERMAN, GARY R.	Captain	V-089
FEMENELLA, JAMES C.	Senior Airman	V-090
HUNT, JOSEPH F.	Colonel	V-091
EMERY, CURTIS H. II.....	Colonel	V-092
FELS, JAMES D.	Lieutenant Colonel	V-093
FRECHTLING, ANDREW C.	Major	V-094
MALBROUGH, RODNEY L. JR.	First Lieutenant	V-095
PINTER, MICHAEL W.	Lieutenant Colonel	V-096
O'BRIEN, JAMES R.	Colonel	V-097
O'BRIEN, JAMES R.	Colonel	V-097A
WIGGINS, BURTON D.	Major	V-098
MUSTAFA, ALI.....	Civilian	V-099
THOMPSON, GERALD B.	Colonel	V-100
THOMPSON, GERALD B.	Colonel	V-100A
ATKINS, BRIAN MICHAEL.....	Lieutenant Colonel	V-101
BALL, TERRY G.	Chief Warrant Officer 2	V-102
BROWNE, JAMES S.	Captain	V-103

LIST OF WITNESSES
(Arranged in Tab Order)

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>
BROWNE, JAMES S.	Captain.....	V-103A
NYE, MICHAEL A.	1st Lieutenant.....	V-104
NYE, MICHAEL A.	1st Lieutenant.....	V-104A
THOMAS, SCOTT ALLEN	Captain.....	V-105
PINGEL, STEPHEN R.	Colonel.....	V-106
HENSON, ALLEN T.	Chief Warrant Officer 2	V-107
HASSELL, LEONARD G.	Colonel.....	V-108
WHITE, LARRY D.	Major	V-109
WITCHER, CARL J.	Lieutenant Colonel	V-110
CUMBEE, MARK K.	Lieutenant	V-111
HALL, WILLIAM E., JR.	Colonel.....	V-112
BETHEL, PAULETTE M.	Major	V-113
STEVENS, PHILIP R.	Captain.....	V-114
FOLEY, JOHN M. II	Civilian	V-115
THOMPSON, ALAN.....	Colonel.....	V-116
MASON, WILLIAM D.	Major	V-117
BERNARD, ANDREW T.	1st Lieutenant.....	V-118
BERNARD, ANDREW T.	1st Lieutenant.....	V-118A
BRONSON, MATTHEW F.	Staff Sergeant.....	V-119
MAHER, ROGER D.	Colonel.....	V-120
ROGERS, JAMES R.	Staff Sergeant.....	V-121

LIST OF WITNESSES
(Arranged in Alphabetical Order)

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>
AMIN, HADI MOHAMMED	Civilian	V-065
AMIN, AZIZ MOHAMMED	Civilian	V-066
AMIN, MOHAMMED	Civilian	V-067
ATKINS, BRIAN MICHAEL	Lieutenant Colonel	V-101
BALL, TERRY G.	Chief Warrant Officer 2	V-102
BEACHLER, CORY C.	Sergeant	V-054
BERNARD, ANDREW T.	1st Lieutenant	V-118
BERNARD, ANDREW T.	1st Lieutenant	V-118A
BETHEL, PAULETTE M.	Major	V-113
BICKET, JOHN S.	Major	V-035
BONG, JAMES I.	First Lieutenant	V-003
BONG, JAMES I.	First Lieutenant	V-003A
BONG, JAMES I.	First Lieutenant	V-003B
BOULEY, WILLIAM R.	Staff Sergeant	V-052
BOWEN, DEON M.	Sergeant	V-055
BRONSON, MATTHEW F.	Staff Sergeant	V-119
BROWNE, JAMES S.	Captain	V-103
BROWNE, JAMES S.	Captain	V-103A
CARLSON, MICHAEL A.	Chief Warrant Officer 2	V-068
CATLETT, CHARLES E., JR.	Technical Sergeant	V-081
COGGINS, LYNDON R.	Sergeant	V-045
CONTROL WITNESS 02	AWACS Co-Pilot	V-005
CONTROL WITNESS 03	AWACS Flight Engineer	V-006
CONTROL WITNESS 04	AWACS Instructor Comm Tech	V-007
CONTROL WITNESS 05	AWACS Instructor Navigator	V-008
CONTROL WITNESS 06	AWACS Aircraft Commander	V-009
CONTROL WITNESS 07	AWACS Instr Comm Syst Op	V-010
CONTROL WITNESS 08	AWACS Communication Tech	V-011
CONTROL WITNESS 09	AWACS Mission Crew Commander	V-012
CONTROL WITNESS 10	AWACS Instr Mission Crew Cmdr	V-013
CONTROL WITNESS 10		V-013A
CONTROL WITNESS 11	AWACS Senior Director	V-014
CONTROL WITNESS 11		V-014A
CONTROL WITNESS 12	AWACS Instr Weapons Director	V-015
CONTROL WITNESS 13	AWACS Enroute Weapons Director	V-016
CONTROL WITNESS 13		V-016A
CONTROL WITNESS 14	AWACS Tanker Weapons Director	V-017
CONTROL WITNESS 14		V-017A
CONTROL WITNESS 15	AWACS Air Surveillance Officer	V-018
CONTROL WITNESS 16	AWACS Advanced Air Surv Tech	V-019

LIST OF WITNESSES
(Arranged in Alphabetical Order)

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>
CONTROL WITNESS 17.....	AWACS Air Surveillance Tech.....	V-020
CONTROL WITNESS 18.....	AWACS Air Surveillance Tech.....	V-021
CONTROL WITNESS 19.....	AWACS Air Surveillance Tech.....	V-022
CONTROL WITNESS 20.....	AWACS Instr Comp/Display Tech ...	V-023
CONTROL WITNESS 21.....	AWACS Airborne Radar Tech.....	V-024
CONTROL WITNESS 22.....	AWACS Airborne Radar Operator ...	V-025
CONTROL WITNESS 23.....	ACE/DUKE	V-026
CONTROL WITNESS 23.....		V-026A
CONTROL WITNESS 24.....	AWACS TAOR Weapons Director...	V-027
CONTROL WITNESS 25.....	F-15 Wingman.....	V-028
CONTROL WITNESS 25.....		V-028A
CONTROL WITNESS 26.....	F-15 Lead.....	V-029
CONTROL WITNESS 34.....	CFACC Mission Dir (Mad Dog).....	V-076
CONTROL WITNESS 34.....		V-076A
CUMBEE, MARK K.	Lieutenant	V-111
DAIGLE, CONNIE S.	PFC.....	V-074
DAWSON, KENNETH D.....	Captain.....	V-004
DEWITT, TERRY A.	Staff Sergeant.....	V-075
DONOVAN, JOHN C.	Staff Sergeant.....	V-077
DOUGHERTY, MARK E.....	Lieutenant Colonel	V-080
EMERY, CURTIS H. II.....	Colonel.....	V-092
FELS, JAMES D.	Lieutenant Colonel	V-093
FEMENELLA, JAMES C.....	Senior Airman	V-090
FOLEY, JOHN M.....	Civilian.....	V-115
FOSTER, CHRISTOPHER T.....	Captain.....	V-030
FRASER, GEORGE M.	Captain.....	V-070
FRECHTLING, ANDREW C.	Major	V-094
GANZE, ELIZABETH	Captain.....	V-071
GODIN, ROBERT A.	Technical Sergeant	V-087
HALL, WILLIAM E., JR.	Colonel.....	V-112
HASSELL, LEONARD G.....	Colonel.....	V-108
HENRY, WILLIAM E.....	Chief Warrant Officer 3	V-049
HENSON, ALLEN T.....	Chief Warrant Officer 2	V-107
HOLDEN, KENNETH D.....	Chief Warrant Officer 3	V-050
HOLDEN, KENNETH D.....	Chief Warrant Officer 3	V-050A
HOLDEN, KENNETH D.....	Chief Warrant Officer 3	V-050B
HUNT, JOSEPH F.	Colonel.....	V-091
INGRAM, JOHN.....	Civilian.....	V-059
JOLY, MICHELE	Captain.....	V-063
KENT, JEFFREY L.....	Captain.....	V-079
KOCH, KENNETH J.....	Chief Warrant Officer 2	V-051

LIST OF WITNESSES
(Arranged in Alphabetical Order)

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>
KULA, JAMES D.	Colonel	V-034
KULA, JAMES D.	Colonel	V-034A
LARREAU, ROD P.	Staff Sergeant	V-073
LINDAMOOD, DONNA G.	Technical Sergeant	V-086
MAHER, ROGER D.	Colonel	V-120
MALBROUGH, RODNEY L. JR.	First Lieutenant	V-095
MANION, KEVIN J.	Captain	V-083
MARCIK, ROBERT J. II	Master Sergeant	V-088
MASON, WILLIAM D.	Major	V-117
MATTHEWS, PERRY J.	CW2	V-001
MCCARTHY, RUSSELL P.	Specialist	V-058
MCCARTHY, JOHN A.	Specialist	V-056
MENARD, MICHAEL J.	Chief Warrant Officer 4	V-048
MONSULICK, CHRISTINA M.	Specialist	V-057
MURREY, DANIEL P.	Second Lieutenant	V-002
MURREY, DANIEL P.	Second Lieutenant	V-002A
MURREY, DANIEL P.	Second Lieutenant	V-002B
MUSTAFA, ALI	Civilian	V-099
NETHERLAND, SCOTT R.	Major	V-047
NEUSER, STEVEN T.	Captain	V-062
NILSEN, CARL R., JR.	Staff Sergeant	V-084
NOLAN, WILLIAM C., III	First Lieutenant	V-082
NORMAN, TODD B.	Airman First Class	V-040
NYE, MICHAEL A.	1st Lieutenant	V-104
NYE, MICHAEL A.	1st Lieutenant	V-104A
O'BRIEN, JAMES R.	Colonel	V-097
O'BRIEN, JAMES R.	Colonel	V-097A
PAGE, GILMAN WILLIAM	Civilian	V-060
PATTERSON, SCOTT F.	Staff Sergeant	V-053
PILKINGTON, JEFFREY S.	B-Gen	V-033
PINGEL, STEPHEN R.	Colonel	V-106
PINTER, MICHAEL W.	Lieutenant Colonel	V-096
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RICHARDSON, DOUGLAS J.	Colonel	V-032
RIVERS, GLORIA H.	Civilian	V-039
ROCHEN, JERRY G., JR.	Chief Master Sergeant	V-038
ROGERS, JAMES R.	Staff Sergeant	V-121
SANDERS, DONALD L.	Major	V-069
SANDERS, DONALD L.	Major	V-069A

LIST OF WITNESSES
(Arranged in Alphabetical Order)

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>
SANDERS, DONALD L.	Major	V-069B
SCHMITT, MICHAEL N.	Lt Colonel	V-037
SCHNEIDMULLER, GEORGE C.	Staff Sergeant	V-085
SCHULZ, JOSEPH W.	Captain	V-031
SHORT, JOHN E.	Staff Sergeant	V-072
SONNENBERG, DAVID L.	Colonel	V-043
STEVENS, PHILIP R.	Captain	V-114
STREET, TERRY W.	Civilian	V-061
TAHSIN, MOWFIK	Civilian	V-064
THOMAS, BENNIE, JR.	Sergeant	V-041
THOMAS, SCOTT ALLEN	Captain	V-105
THOMPSON, GERALD B.	Colonel	V-100
THOMPSON, GERALD B.	Colonel	V-100A
THOMPSON, ALAN	Colonel	V-116
WALKER, ROBERT HUGHES	Captain	V-078
WALKER, ROBERT HUGHES	Captain	V-078A
WHITE, BARTON W.	Senior Airman	V-036
WHITE, LARRY D.	Major	V-109
WIGGINS, BURTON D.	Major	V-098
WITCHER, CARL J.	Lieutenant Colonel	V-110
YOUNG, LAVERM	Major	V-046
ZAHRT, JOHN W.	Lieutenant Colonel	V-042
ZIMMERMAN, GARY R.	Captain	V-089

**CLASSIFIED ADDENDUM WITNESSES
(Arranged in Tab Order)**

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>	<u>CLASSIFIED ADDENDUM</u>
MATTHEWS, PERRY J.....	CW2	V-001	
MURREY, DANIEL P.....	Second Lieutenant.....	V-002	
MURREY, DANIEL P.....	Second Lieutenant.....	V-002A	
MURREY, DANIEL P.....	Second Lieutenant.....	V-002B	
BONG, JAMES I.....	First Lieutenant	V-003	
BONG, JAMES I.....	First Lieutenant	V-003A	
BONG, JAMES I.....	First Lieutenant	V-003B	
DAWSON, KENNETH D.....	Captain.....	V-004	
CONTROL WITNESS 02.....	AWACS Co-Pilot.....	V-005	
CONTROL WITNESS 03.....	AWACS Flight Engineer ...	V-006	
CONTROL WITNESS 04.....	AWACS Instr Comm Tech	V-007	
CONTROL WITNESS 05.....	AWACS Instr Navigator ...	V-008	
CONTROL WITNESS 06.....	AWACS Aircraft CC.....	V-009	
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CONTROL WITNESS 11.....	AWACS Senior Director ...	V-014	
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CONTROL WITNESS 17.....	AWACS Air Surv Tech....	V-020	
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CONTROL WITNESS 19.....	AWACS Air Surv Tech....	V-022	
CONTROL WITNESS 20.....	AWACS Comp/Disp Tech.	V-023	
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CLASSIFIED ADDENDUM WITNESSES
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<u>NAME</u>	<u>RANK</u>	<u>TAB</u>	<u>CLASSIFIED ADDENDUM</u>
SCHULZ, JOSEPH W.	Captain	V-031	pgs 4,5,10
RICHARDSON, DOUGLAS J.	Colonel	V-032	pgs 21-24
PILKINGTON, JEFFREY S.	B-Gen	V-033	
KULA, JAMES D.	Colonel	V-034	
KULA, JAMES D.	Colonel	V-034A	
BICKET, JOHN S.	Major	V-035	
WHITE, BARTON W.	Senior Airman	V-036	
SCHMITT, MICHAEL N.	Lt Colonel	V-037	
ROCHEN, JERRY G., JR.	Chief Master Sergeant	V-038	
RIVERS, GLORIA H.	Civilian	V-039	
NORMAN, TODD B.	Airman First Class	V-040	
THOMAS, BENNIE, JR.	Sergeant	V-041	
ZAHRT, JOHN W.	Lieutenant Colonel	V-042	
SONNENBERG, DAVID L.	Colonel	V-043	
(RESERVED)		V-044	
COGGINS, LYNDON R.	Sergeant	V-045	
YOUNG, LAVERM	Major	V-046	
NETHERLAND, SCOTT R.	Major	V-047	
MENARD, MICHAEL J.	Chief Warrant Officer 4	V-048	
HENRY, WILLIAM E.	Chief Warrant Officer 3	V-049	
HOLDEN, KENNETH D.	Chief Warrant Officer 3	V-050	
HOLDEN, KENNETH D.	Chief Warrant Officer 3	V-050A	
HOLDEN, KENNETH D.	Chief Warrant Officer 3	V-050B	
KOCH, KENNETH J.	Chief Warrant Officer 2	V-051	
BOULEY, WILLIAM R.	Staff Sergeant	V-052	
PATTERSON, SCOTT F.	Staff Sergeant	V-053	
BEACHLER, CORY C.	Sergeant	V-054	
BOWEN, DEON M.	Sergeant	V-055	
MCCARTHY, JOHN A.	Specialist	V-056	
MONSULICK, CHRISTINA M.	Specialist	V-057	
MCCARTHY, RUSSELL P.	Specialist	V-058	
INGRAM, JOHN	Civilian	V-059	
PAGE, GILMAN WILLIAM	Civilian	V-060	
STREET, TERRY W.	Civilian	V-061	
NEUSER, STEVEN T.	Captain	V-062	pgs 19-22,24,26,30,37,51
JOLY, MICHELE	Captain	V-063	
TAHSIN, MOWFIK	Civilian	V-064	
AMIN, HADI MOHAMMED	Civilian	V-065	
AMIN, AZIZ MOHAMMED	Civilian	V-066	

CLASSIFIED ADDENDUM WITNESSES
(Arranged in Tab Order)

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>	<u>CLASSIFIED ADDENDUM</u>
AMIN, MOHAMMED.....	Civilian.....	V-067	
CARLSON, MICHAEL A.	Chief Warrant Officer 2	V-068	
SANDERS, DONALD L.	Major.....	V-069	
SANDERS, DONALD L.	Major.....	V-069A	
SANDERS, DONALD L.	Major.....	V-069B	
FRASER, GEORGE M.	Captain.....	V-070	
GANZE, ELIZABETH	Captain.....	V-071	
SHORT, JOHN E.	Staff Sergeant.....	V-072	
LARREAU, ROD P.	Staff Sergeant.....	V-073	
DAIGLE, CONNIE S.	PFC.....	V-074	
DEWITT, TERRY A.	Staff Sergeant.....	V-075	
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CONTROL WITNESS 34.....		V-076A	
DONOVAN, JOHN C.	Staff Sergeant.....	V-077	
WALKER, ROBERT HUGHES	Captain.....	V-078	
WALKER, ROBERT HUGHES	Captain.....	V-078A	
KENT, JEFFREY L.	Captain.....	V-079	
DOUGHERTY, MARK E.....	Lieutenant Colonel	V-080.....	pgs 39-41
CATLETT, CHARLES E., JR.	Technical Sergeant	V-081	
NOLAN, WILLIAM C. III	First Lieutenant	V-082.....	pgs 4,6,7
MANION, KEVIN J.....	Captain.....	V-083.....	pgs 5,7
NILSEN, CARL R., JR.	Staff Sergeant.....	V-084	
SCHNEIDMULLER, GEORGE C.,JR	Staff Sergeant.....	V-085	
LINDAMOOD, DONNA G.....	Technical Sergeant	V-086	
GODIN, ROBERT A.	Technical Sergeant	V-087	
MARCIK, ROBERT J. II.....	Master Sergeant	V-088	
ZIMMERMAN, GARY R.....	Captain.....	V-089	
FEMENELLA, JAMES C.....	Senior Airman	V-090	
HUNT, JOSEPH F.	Colonel.....	V-091	
EMERY, CURTIS H. II.....	Colonel.....	V-092.....	pgs 4, 21, 24, 30, 31
FELS, JAMES D.	Lieutenant Colonel	V-093.....	pgs 5,12
FRECHTLING, ANDREW C.	Major	V-094.....	pgs 6-8,14
MALBROUGH, RODNEY L. JR.....	First Lieutenant	V-095	
PINTER, MICHAEL W.	Lieutenant Colonel	V-096	
O'BRIEN, JAMES R.	Colonel.....	V-097	
O'BRIEN, JAMES R.....	Colonel.....	V-097A	
WIGGINS, BURTON D.....	Major	V-098	
MUSTAFA, ALI.....	Civilian.....	V-099	
THOMPSON, GERALD B.....	Colonel.....	V-100	

CLASSIFIED ADDENDUM WITNESSES
(Arranged in Tab Order)

<u>NAME</u>	<u>RANK</u>	<u>TAB</u>	<u>CLASSIFIED ADDENDUM</u>
THOMPSON, GERALD B.	Colonel.....	V-100A	
ATKINS, BRIAN MICHAEL.....	Lieutenant Colonel.....	V-101	
BALL, TERRY G.	Chief Warrant Officer 2	V-102	
BROWNE, JAMES S.	Captain.....	V-103	pg 2
BROWNE, JAMES S.	Captain.....	V-103A	
NYE, MICHAEL A.	1st Lieutenant.....	V-104	
NYE, MICHAEL A.	1st Lieutenant.....	V-104A	
THOMAS, SCOTT ALLEN.....	Captain.....	V-105	
PINGEL, STEPHEN R.	Colonel.....	V-106	
HENSON, ALLEN T.	Chief Warrant Officer 2	V-107	
HASSELL, LEONARD G.	Colonel.....	V-108	
WHITE, LARRY D.	Major.....	V-109	
WITCHER, CARL J.	Lieutenant Colonel.....	V-110	
CUMBEE, MARK K.	Lieutenant.....	V-111	
HALL, WILLIAM E., JR.	Colonel.....	V-112	
BETHEL, PAULETTE M.	Major.....	V-113	
STEVENS, PHILIP R.	Captain.....	V-114	
FOLEY, JOHN M. II.....	Civilian.....	V-115	
THOMPSON, ALAN.....	Colonel.....	V-116	
MASON, WILLIAM D.	Major.....	V-117	
BERNARD, ANDREW T.	1st Lieutenant.....	V-118	
BERNARD, ANDREW T.	1st Lieutenant.....	V-118A	
BRONSON, MATTHEW F.....	Staff Sergeant.....	V-119	
MAHER, ROGER D.	Colonel.....	V-120	
ROGERS, JAMES R.	Staff Sergeant.....	V-121	

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**VERBATIM TESTIMONY
OF
CONTROL WITNESS #14
963D AIRBORNE WARNING AND CONTROL SQUADRON**

COL WILCOX: The time is now 0910 on 20 April 1994. The persons present are the following: Major General Andrus, the Board President, Colonel Pat Bennett, the Deputy Board President, Group Captain Doggett, Major Byas, Major Lasanti, Sergeant Moore, and I'm Colonel Wilcox.

This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of those helicopters in the northern No-Fly-Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINCUSAFE.

This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. This is an Aircraft Accident Investigation convened under Air Force Regulation 110-14. The purpose of this Accident Investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings, and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes, and all witnesses are advised that the testimony will be treated in confidence. However, testimony given in this Accident Investigation may be used for any purpose deemed appropriate by competent authority, and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

WITNESS: Yes, sir.

COL WILCOX: Do you understand the purpose of this investigation?

WITNESS: Yes, sir.

COL WILCOX: Do you have any questions?

WITNESS: No, sir.

COL WILCOX: Your testimony will be recorded and transcribed verbatim so that a written

CONTROL WITNESS #14

record can be made available to the appointing or higher authority. For the benefit of the reporter, please avoid the use of acronyms or jargon. Please speak slowly, loudly, and remember to explain the technical aspects of your job or your testimony so that others who do not have your training can understand.

As this is an official investigation you are required to answer questions put to you by the Board. You are further advised not to discuss classified information unless necessary to develop your testimony. If it is necessary for you to discuss classified information, you need to identify it as such.

If you will stand I will swear you in.

(The witness is sworn.)

Please be seated.

EXAMINATION

Questions by Maj Byas:

- 1.Q. Please state your full name and rank.
- 1.A. Control Witness #14

- 2.Q. Your organization and station.
- 2.A. 963d AWACS, Tinker Air Force Base, Oklahoma

- 3.Q. And your current temporary duty assignment.
- 3.A. I don't understand the question, sir. Current temporary duty assignment?

- 4.Q. Yes, TDY.
- 4.A. Okay. I am TDY with Operation Provide Comfort.

- 5.Q. Where?
- 5.A. At Incirlik Air Base.

- 6.Q. What is your AWACS crew position?
- 6.A. Weapons director.

- 7.Q. As the weapons director, what are your duties and responsibilities on the AWACS?
- 7.A. To provide control to aircraft, in a very general sense.

- 8.Q. Can you get a little bit more specific as to what control. How you go about establishing

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control, and what are some of the things involved in controlling the aircraft?

8.A. We talk to friendly aircraft, pointing out the bad guys, once again, in a very general sense. Control, there is a whole continuum of control, from a very broad control to a very close control. We give control throughout this whole continuum.

9.Q. Could you briefly describe how you determine which are friendly guys and which are bad guys?

9.A. The circumstance will usually dictate. Friendly guys are -- will come and talk to us. In this particular instance, we know who the friendly guys are. They come and talk to us. We generally know where the bad guys are, they're coming from beyond a line.

10.Q. What is your background from the time you finished college to your point now?

10.A. I finished college in late 89, went to undergraduate pilot training in early 90, graduated from undergraduate pilot training in -- a year later, that would be late 91. I was a bench pilot out of undergraduate pilot training. In March -- In March of 92, I went to undergraduate controller training, graduated in the June time frame.

11.Q. Could you define what a bench pilot is.

11.A. A bench pilot. Somewhere along the way the Air Force ended up with too many pilots or too few planes, I'm not sure which, and so they decided to continue bringing pilots through pilot training and giving us different jobs with the understanding they would bring us back in to be pilots three years, something like that, down the road.

12.Q. Could you continue with your training.

12.A. I think I left off with a late June graduation at undergraduate controller training. Went to controller training Tinker for their controller training. I finished that up in late February of 93, and became MR, mission ready controller, in early March of 93.

13.Q. How long did your controller training last at Tinker Air Force Base?

13.A. I started there early September, finished late February. So, is that 6 months?

14.Q. That includes academic and flight training?

14.A. That's affirmative.

15.Q. Is that the standard amount of time that it takes for a weapons controller to complete the training?

15.A. Yes, sir.

16.Q. Your current qualification is as a weapons director?

16.A. That's correct.

17.Q. What specific briefings or training did you receive prior to coming to PROVIDE

CONTROL WITNESS #14

COMFORT?

17.A. This time?

18.Q. This time.

18.A. I worked in the tactics shop of our squadron. We have what we call a spin-up brief, and I gave this spin-up brief to my crew. I had also given this spin-up brief to two other crews. We have simulators that we run as a mission crew. I was in numerous, probably three or more, of these simulators.

19.Q. Upon your arrival here at PROVIDE COMFORT, did you receive any training on the PROVIDE COMFORT II operation?

19.A. Yes, sir, the first day that we are here our AWACS component here gives us an in-briefing, and then we also go over to the CTAF and they give us a PROVIDE COMFORT briefing.

20.Q. Did you receive any weapons director's specialized briefings?

20.A. Yes, sir.

21.Q. Could you briefly tell us what type of training was that, and was it adequate?

21.A. Yes, it was adequate, to answer your question that way. We talked about the comm setup. We talked about the ROE. We talked about what's changed from this time from the previous time I've been here. We talked about what are hot topics or what's new.

Questions by General Andrus:

22.Q. If I could ask you a question reference the ROE, who provided the briefing on the ROE?

22.A. Control Witness #12. We had an ROE briefing on our spin-up day. Then also Control Witness #12 -- not necessary a briefing, General, but we all looked and read through the ROE. We have it in a folder and the whole crew passed it -- the whole weapons team, passed it around and we read it.

23.Q. What position does Control Witness #12 hold?

23.A. Control Witness #12 is the staff weapons director at the -- at our component, our AWACS component here.

24.Q. Reference the ROE itself, do you understand from the ROE that there are certain procedures to be followed for identifying unknown airborne objects?

24.A. Yes -- Yes, General.

25.Q. Can you describe what these procedures are, according to your understanding.

25.A. My job as a weapons director is not to identify any unknown aircraft. I control the friendly. So, identification is not a procedure that I undertake. Concerning the ROE, the rules of

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engagement, I know what aircraft can and cannot be engaged, what are the rules to engage or not engage an aircraft, in our area of responsibility.

26.Q. I would like to ask you about your understanding of those, even though that may not have been your primary responsibility. First, could you explain the procedures, as you understand them, for identifying an airborne object as being friendly or nonfriendly, or any other category?

26.A. Okay, well, I would have to somewhat speculate here as to what our airborne surveillance technicians do. That's their primary job. They have a matrix that they run through, using identification friend or foe, point of origin, speed, direction -- there's many different things that can lead one to determine hostile or friendly.

27.Q. In your understanding, are they required to do that as part of their duty?

27.A. As far as I know, yes, they are.

28.Q. In your understanding of the ROE as you have read it, what would constitute a hostile aircraft?

28.A. An aircraft that is not squawking the proper identification friend or foe. Primarily, in this scenario, we look for point of origin, an aircraft coming from below the 36th line to above, north of the 36th line. That is our threat axis in this scenario.

29.Q. What aircraft, again, based on your understanding of the rules of engagement, what aircraft could or should be engaged?

29.A. Any Iraqi military aircraft north of the 36th line can be engaged, with the exception of those with hospital or medical type markings.

30.Q. And how would you determine that it was an Iraqi aircraft -- let me rephrase that. How would, based on your understanding of the rules of engagement, how would an aircraft be determined to be an Iraqi aircraft?

30.A. On our aircraft we have limited means of identifying an Iraqi aircraft from an Iranian aircraft from any other non-American or non-coalition partner aircraft. Simply, in this scenario, point of origin - coming from below the 36th line -- above the 36th line, point of origin being in Iraq, below the 36th line, that's what we would use.

Questions by Maj Byas:

31.Q. Have you flown in this area before?

31.A. Yes, sir.

32.Q. How was the weapons team organized on the 14th of April? Who was basically in charge? How were you guys organized? How were you organized as far as your general duties and responsibilities?

32.A. I was the tanker controller. Would you like me to give you the names of the other controllers?

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33.Q. Please.

33.A. Control Witness #13.

34.Q. I really don't need the names. Could you just give me the positions?

34.A. Okay. We run with three controllers. The positions are enroute, AOR, area of responsibility, and tanker controller.

35.Q. And you said your duty was tanker controller?

35.A. That's correct, sir.

36.Q. As tanker controller, what are some of your duties and responsibilities?

36.A. I own the tankers that are in the area of responsibility, and my primary duty is just to make sure that the aircraft get to and from their respective tankers without any problems.

37.Q. Are you qualified to perform those other duties, enroute and AOR?

37.A. Yes, sir.

38.Q. What are the duties of the enroute controller?

38.A. Enroute controller is responsible for checking in the aircraft when they come up out of Incirlik, and watching them drive all the way to the AOR. Primarily, altitude de-confliction is what we're worried about at this point. Then once again as they leave the AOR and return back to Incirlik, he is responsible for talking to them. He does the Mode checks, the IFF checks on those aircraft when they come out and, once again, altitude de-confliction on the way back to Incirlik.

39.Q. So all the aircraft originating outside the AOR entering the AOR, are there Mode IV checks made on those aircraft? Is that part of your procedure?

39.A. I won't say all aircraft entering outside the AOR, no.

40.Q. Is that part of your procedure to check all aircraft Mode IV?

40.A. All aircraft that we're talking to we will check their Mode IV.

41.Q. If you're communicating with an aircraft, it's part of your procedures to check their Mode IV?

41.A. That's correct.

42.Q. You indicated that the enroute controller checks with, I assume, controlled aircraft coming into the AOR from Incirlik?

42.A. That's correct.

43.Q. Is he responsible for checking or controlling aircraft coming into the AOR from other points in Turkey?

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43.A. If aircraft called him on the frequency, he will talk to them. He's not responsible for controlling anybody that doesn't call in and talk to him.

44.Q. So the responsibility is on the entering aircraft to contact the AWACS, as opposed to AWACS contacting aircraft coming in?

44.A. That's correct.

45.Q. What are the duties and responsibilities of the controller that controls the tactical area of operation?

45.A. The primary duty is to provide the picture south of the 36th line, and to keep track of the planes in the AOR.

46.Q. Does that individual have commit authority?

46.A. (Hesitating.)

47.Q. Does anyone on the airplane have commit authority?

47.A. I have trouble with that commit authority. That individual will point out threats, hostile threats. He does not have commit authority. That's up to the tactical planes, you know.

48.Q. So he delegates authority -- So does the weapons director on the airplane have the authority to tell a fighter aircraft he is cleared to fire on a hostile aircraft?

48.A. No, never.

49.Q. Or an assumed hostile aircraft?

49.A. No, negative.

Questions by General Andrus:

50.Q. Does he have the authority to direct a fighter to not engage a hostile aircraft?

50.A. I've never come across that situation, General; I wouldn't know.

51.Q. Does he have the authority to direct the fighter to not engage an aircraft?

51.A. Yes.

52.Q. What would those circumstances be?

52.A. If that controller perhaps knew some information that the fighter aircraft didn't know, then he would tell that fighter aircraft to disregard, or if there was a threat perhaps more threatening to the package or to another asset that the fighter pilot wasn't aware.

53.Q. And if that fighter pilot had a visual sighting on an Iraqi aircraft, but he was directed to not engage that aircraft by the controller, would the fighter pilot be required to follow the guidance of the controller and not engage, based on the additional information you indicated

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that the controller might have that the fighter pilot might not have?

53.A. I don't think a controller can answer that question. Air Force Reg 55-79 talks about a controller can tell a fighter to skip it or to leave that commit alone, but the fighter pilot makes that determination based on what he sees where he's at. The verbage is something like, "If the fighter pilot feels threatened or has more knowledge -- he thinks he has more knowledge than someone else, then he alone is responsible for what he is doing at that point."

54.Q. Understanding that we are all responsible for our own actions, is it your understanding then that the fighter pilot in a situation other than one of self-defense, which is a different category, it's your understanding that the fighter pilot makes the final determination as to whether or not he engages, regardless of what guidance may be passed to him from the AWACS aircraft; is that correct?

54.A. Yes, General, that would have to be correct.

55.Q. You indicated earlier, going back to one of your other answers, that aircraft entering the area, if they made radio contact with the AWACS, would interrogate -- their Mode IV would be interrogated, but if they did not make contact that their Mode IV would not be interrogated; is that correct?

55.A. That's not always cut and dried. There may be cases when a controller forgets for one reason or another to interrogate a Mode IV that he's talking to. There may be cases when he interrogates one that he's not talking. So, I won't say that it is cut and dry.

56.Q. There is no procedure requiring a controller to interrogate aircraft unless those aircraft talk to him. Is that what you're telling me?

56.A. As far as I understand, General, yes.

57.Q. If an aircraft entered the area from a friendly location, in this case Turkey, which then by point of origin would certainly be classified as something other than hostile, or something other than an Iraqi aircraft, if the controller did not interrogate his Mode IV, what impact would that have on that aircraft's radar return for the rest of the sortie?

57.A. The radar return would not be affected.

58.Q. Would that aircraft still be classified in some manner?

58.A. I don't understand what you mean by classified.

59.Q. Would there be a designation or a tag placed on the radar scope for that particular aircraft?

59.A. I think the word you're looking for is symbology, and, yes, we would put symbology on that data.

60.Q. Even though you had not interrogated his Mode IV?

60.A. That's correct.

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61.Q. And that would not be required -- that interrogation would not be required because you would already have a positive identification; is that correct?

61.A. What do you mean by positive identification?

62.Q. You would already know, because of point of origin and perhaps flight plans and the Air Tasking Order and other items, that this -- who this particular aircraft was. That would allow you to place the appropriate symbology over the aircraft; is that correct?

62.A. That's correct, General. I think we may be confusing -- We get people entering the area of responsibility that are friendly by origin, but that are not -- that are host nation aircraft that aren't capable, that do not have Mode IV.

63.Q. I understand. Those people still are tagged on the symbology on the radar scope for flight following safety purposes, whatever?

63.A. They're tagged out, but they receive none of that, flight following, safety, other than the safety of keeping our aircraft away from that.

64.Q. By flight following, you mean you monitor their positions for safety reasons, if nothing else; is that correct?

64.A. For safety of our aircraft, that's correct.

65.Q. I understand. When you first take off and go to the AOR, how do you determine the aircraft that are in the area to build your initial data base of who is out there?

65.A. I'm not sure I understand your question. When we take off to go out to the area, the weapons team is not tagging up. Can I use the term "tagging up?" It's not looking at or responsible for the aircraft that are out there in the area.

66.Q. When you take off, if there happen to be three fast movers flying around the AOR, are you required to identify who they are or to see who they are and identify them on your screen?

66.A. They would be identified by surveillance, and they would go through their matrix, however they identify aircraft. Sure they would.

67.Q. So, is that the first thing you do after you take off, is identify radar returns in the area so that you know who is whom in the area?

67.A. Yes, we do. If we see radar in the area we will try to identify who's in there. But the part of the ROE here is, because we can't see into that area very well, that there has to be a radar missile shooter with the radar go into that area before we even go into our area.

68.Q. Do you then guide the radar missile shooter to identify any radar returns you may have?

68.A. Sure, if we had something there that we couldn't identify, that would be a primary thing that we had to do.

69.Q. So can you say then that you, therefore, either know or have identified all radar

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returns, or you have sent a radar shooter to identify it for you?

69.A. That's a correct statement.

Questions by Maj Byas:

70.Q. Some of these questions that they're asking, I'll be re-addressing later in my questions.

70.A. That's fine, sir.

71.Q. Who is responsible for tracking the F-15s and other fighters that are tasked on the Air Tasking Order?

71.A. There is a hand-off of responsibility. The enroute controller will track. Is that the word you asked? Who's responsible to track them?

72.Q. Well, basically, is it the weapons team or is it the surveillance team?

72.A. The weapons team.

73.Q. Okay, we'll keep it at that point right now. Who is responsible for tracking helicopters that are tasked, according to the ATO, Air Tasking Order?

73.A. No one is responsible, for a number of reasons.

74.Q. Okay. So prior to the mission neither the surveillance section nor the weapons section is responsible for tracking the helicopters for that mission?

74.A. That's correct. The surveillance section would definitely not be responsible because they don't track anything within our area of responsibility, Iraq north of the 36th line.

75.Q. So who is responsible for tracking the helicopters? Well, if the surveillance section is not responsible, then it must be the weapons section.

75.A. Except that helicopter, we can neither see nor hear them for the majority of time they're in the AOR. So we can't track anything we can't see or can't hear.

76.Q. That is correct. But when you see them and when they contact you, --

76.A. -- the weapons team will track them.

77.Q. Okay. Were you aware of any helicopters operating in the No-Fly-Zone on the 14th of April?

77.A. No, I wasn't.

Questions by General Andrus:

78.Q. For clarification on the previous question, when you were asked who is responsible for tracking helicopters, at one point you said no one, for a number of reasons. Could you clarify what those reasons might be?

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78.A. Now, in the -- I'm going to go back to my experience when I was here last August. This was our -- the flight that they were talking about was my first flight here this time. So most of my experience is from my last trip in August. When the helicopters come out, they will not always contact us. They will fly right into the AOR. If they don't contact us, then we're not responsible. We can't provide any control for them. Once they get into the AOR, because of the terrain within the AOR and the altitude that they fly at, we can't see or hear them. Once again, we can't provide any control to them if we can neither see nor hear them.

79.Q. Are you required to monitor their positions?

79.A. No, sir.

80.Q. Do you have their flight plans?

80.A. No, General, we don't.

81.Q. Is anyone on the AWACS crew provided the proposed flight plans for the helicopters?

81.A. Not to my knowledge.

Questions by Maj Byas:

82.Q. Who has tracking responsibility to the helicopters if they originate outside of the No-Fly-Zone and you have a positive IFF printout? According to the Air Tasking Order, who is responsible for initiating symbology on those aircraft?

82.A. The weapons team will initiate symbology on that aircraft if, in fact, they come up and talk to us. If they don't come and talk to us, I'm not sure who puts symbology on them.

83.Q. If they don't come up and talk to you, are you saying that there will be symbology -- a radar indication and an IFF indication on your presentation that is not identified?

83.A. No, someone will put symbology on it. I don't know if there's a procedure or if there is responsibility given to anyone. Someone on that plane will find and put symbology on there.

84.Q. In your mission preparation, are you aware of the tasked helicopters that are in the Air Tasking Order?

84.A. Do I know that there are helicopters in the ATO? Is that the question?

85.Q. That is correct.

85.A. Yes, I do.

86.Q. As a procedure, do you maintain those squawks, or does the weapons team maintain those Mode III IFF codes for those helicopters for identification purposes if you see them?

86.A. Well, we primary look at Mode II because Mode II is the primary mode that we look at in the AOR. And, yes, we know what the helicopter's Mode II is.

87. Q. Are you looking for those particular aircraft on any given mission?

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87.A. We're not looking for them anymore than we're looking for anybody else in particular. There is no extra emphasis for the helicopters.

88.Q. But when you have a group of fast moving fighter type aircraft, are you, as a weapons controller or the weapons team, aware of the Mode III, II or I, of those aircraft?

88.A. Yes, we are.

89.Q. Was your crew, in the crew briefing or through any other means, advised of the helicopter activity on the day of the incident?

89.A. No, sir.

Questions by General Andrus:

90.Q. This was a fairly high level crew with senior personnel on board, and you are indicating, if I understand you correctly, that in spite of that situation that to the best of your knowledge, your crew was not advised of the flight or of their intended route or, in fact, of any of their activity; is that correct?

90.A. That's correct, General.

91.Q. Your crew was not given then any responsibility for monitoring their location or their activity; is that correct?

91.A. No responsibility other than what we normally have if the helicopter came and talked to us, and as long as we could see them we would talk to them and provide some kind of threat warning. No extra emphasis was given to this helicopter flight.

Questions by Maj Byas:

92.Q. During the course of your take-off from Incirlik until you reached the AOR, would you describe what that flight profile looks like?

92.A. I'm not sure what -- do you want to know what we're doing on the plane, sir, or do you want to know where the plane's going?

93.Q. Yes.

93.A. You want to know both?

94.Q. Yes.

94.A. The plane takes off from Incirlik. I'm not sure how much of this is classified.

95.Q. Don't tell us the classified portion.

95.A. Okay. We go to a pre-determined location and orbit until we get our systems up. We wake up our systems, we call it. We bring the radar up. We bring our links up. We bring our comm section up.

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96.Q. And I assume you check them to see if they're working properly?

96.A. That's affirmative. I don't personally. There are people on the plane that do that.

97.Q. Yes.

97.A. And then we radio down here to Incirlik, say that we're ready to go, and they launch the fleet. Then all the planes take off, and we all drive out to the AOR together.

98.Q. At some point after you initially take off, your systems are not up, or they haven't been awakened?

98.A. That's correct.

99.Q. And some time later they are awakened?

99.A. That's correct.

100.Q. And then at a third point in time, you reach the AOR?

100.A. That's correct.

101.Q. When is it that you have responsibility for tracking aircraft? For sure that can't be before your systems are awake.

101.A. That's correct.

102.Q. When do you cross that line when the AWACS has the responsibility for tracking and controlling?

102.A. Well, we don't take any control until we call down here to Incirlik to say that we're ready to go. Then once the first plane comes up out of Incirlik and they make contact with us ---- This is a unique situation because we don't own that air space. The Turkish still own ---- the ---- air space to use. So we're -- Because of the nature of the beast, we're controlling, but we don't own the air space that we're controlling, which is unusual for a controller.

103.Q. I'm trying to establish the point in time in which the responsibility for at least tracking and controlling our own aircraft falls on the AWACS, and, as I understand it, it's when you make the call down to Incirlik and say we're ready to go, launch the fleet?

103.A. Sir, once they come up and we have that first contact, we're talking, we're controlling them then, but we don't have the full measure of control we might in the States, because like I said, we don't own this air space. Once they get in the AOR then we generally own that air space.

104.Q. But your responsibility attaches sometime well before you reach the AOR?

104.A. That's correct.

Questions by General Andrus:

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105.Q. To piggyback on this question and to further clarify some things that you stated there, you said in control you have a block of altitudes in which you control aircraft. Is that advisory control or do you have control to change altitudes of these fighters enroute, up and down, within that block that you're working with?

105.A. We can't control -- we can change their altitudes. Yes, we can.

106.Q. Is that more advisory or is that control?

106.A. Well, you're controlling but we can't -- we can't really move them laterally. We can move them up and down, but that's the problem, we can't move them laterally. We're primarily worried about something else coming and hitting one of our planes, not so much our planes hitting each other.

107.Q. Let's go back to the helicopters, specifically the helicopters that originate outside of the No-Fly-Zone and that, for some reason, may or may not check with you. But, in essence, you know that these aircraft are there because you have identified them by putting symbology on them. How is the transfer of control, for instance, if that helicopter checked in on the check-in freq, how is that transfer, control transferred over to the tactical controller once the helicopter enters the No-Fly-Zone?

107.A. When I was here the last time we never made that transfer. We left the helicopters on the enroute freq. I don't know if the helicopters are capable or if they have the radios to talk to us on the other -- on the tactical freq.

108.Q. Who is responsible for tracking helicopter flights that originate inside -- friendly helicopters that may originate inside the No-Fly-Zone?

108.A. I don't believe I've ever seen a friendly helicopter originate inside the No-Fly-Zone.

109.Q. Based on your past experience, have you not seen a helicopter enter the No-Fly-Zone land at some given location north of the 36th parallel, then take off at a later time and be observed on your radar picture?

109.A. Yes, and at that point whoever saw it would just put symbology on that helicopter.

110.Q. And whoever saw it would be the person that is monitoring activity north of the 36th?

110.A. If you are referring to a specific controller on the team, that's not necessarily true.

111.Q. Well, would it be the weapons team's responsibility?

111.A. That's correct.

112.Q. So identification of a helicopter originating in the No-Fly-Zone north of the 36th would be weapons' responsibility, whether it's friendly or hostile?

112.A. That's a big question. I don't know. Identification? We were talking about who would put symbology on it.

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113.Q. Who would put symbology on that whether he's friendly or hostile?

113.A. The weapons team. Someone from the weapons team will put symbology on that.

Questions by Maj Byas:

114.Q. Once that symbology is there, then the identification process starts; is that correct?

114.A. That's correct.

115.Q. We've probably already covered this question, what are the IFF checks required to be completed for aircraft entering the No-Fly-Zone?"

115.A. Well, we have aircraft entering the No-Fly-Zone that don't get any checks. We have aircraft entering the No-Fly-Zone that will get -- we'll check Modes I, II, III, and IV.

116.Q. Would you clarify why there would be aircraft coming into the No-Fly-Zone that do not get any checks?

116.A. We have host country aircraft that enter the AOR and the weapons team doesn't check all their modes. The surveillance team might, but I don't know about that.

117.Q. Would there be any PROVIDE COMFORT aircraft entering the AOR that would not have their Mode IVs checked?

117.A. If a PROVIDE COMFORT aircraft came into the AOR and wasn't talking to us, there could easily be a possibility that he wouldn't get his Mode IV checked.

118.Q. But it's the enroute controller's duty to check those Mode IVs?

118.A. That's one of his jobs. That's what he does.

119.Q. Are there any regulations that require you, or are there any procedures that require you to conduct Mode IV checks or IFF checks prior to an aircraft entering the No-Fly-Zone?

119.A. In the local procedures I'm sure there's somewhere where it talks about it. If not, that's standard practice on the AWACS.

120.Q. Were you aware of any helicopter activity in the No-Fly-Zone?

120.A. You already asked me that question, sir, and I said no.

121.Q. In previous missions have you seen the helicopters?

121.A. Yes, sir.

122.Q. Is there a common frequency for the AWACS, the fighter aircraft, and the helicopters in the area?

122.A. All three players on one frequency?

123.Q. Yes, helicopters, fighters and ----

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123.A. There could be a time when all three are on, but no, there's not a dedicated common frequency.

124.Q. Does that include guard frequencies?

124.A. Well, I can't say that -- You're right, General, we all listen to guard, so that would be a common frequency.

125.Q. You listen to -- Are there more than one guard channels that are monitored?

125.A. Yes.

126.Q. What would those channels be?

126.A. We specifically, the weapons area, monitor 243.0, the UHF guard, and our flight deck monitors the VHF guard, which is 121.5 -- 121.5, right.

127.Q. Who is responsible for IFF checks on helicopters inside of the AOR if they originate there - and the weapons team, we've already identified that they would put the symbology on them. Would they then in turn interrogate that IFF to try to find out who he is?

127.A. Yes.

Questions by General Andrus:

128.Q. Do you know if that was accomplished on this flight?

128.A. Are you talking about any specific instance?

MAJ BYAS: Sir, could we hold that question? I want to kind of lead up to that one.

GEN ANDRUS: Yes.

MAJ BYAS: Thank you, sir.

Questions by Major Byas:

129.Q. Can helicopters normally conduct missions without AWACS being there?

129.A. Can they go into the AOR without AWACS being there? I have no idea, sir. I couldn't answer that question.

130.Q. What are your procedures to follow if you lose contact, radio contact, between the AWACS and the helicopter? What procedures do you follow?

130.A. Absolutely nothing. It happens all the time.

131.Q. So the loss of radio contact between you and radar and the IFF and radio contact between you and helicopter is normal?

131.A. That's correct.

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132.Q. Did you have any prior training or simulator training that made the helicopter activities -- that made you aware of the helicopter activities in the No-Fly-Zone prior to coming here?

132.A. Yes, sir.

133.Q. Could you explain some of the activities that those helicopters do in your simulated scenario?

133.A. I think all the helicopter does on our simulator is take off out of Diyarbakir, and I think it flies to Zakhu and lands. I think that's all it does.

134.Q. Getting back to IFF checks, on the 14th of April, were the IFF checks on the helicopter in question, Eagle 01 flight, conducted, to your knowledge?

134.A. I don't know, sir.

135.Q. Is it standard procedure to notify fighter aircraft of friendly helicopter activity in the No-Fly-Zone?

135.A. No, sir.

136.Q. So if there is a helicopter in the No-Fly-Zone, you don't pass that information to a helicopter -- I mean, to the fighter?

136.A. No, sir. There may be helicopters in the No-Fly-Zone we don't see, so, ----

137.Q. The ones that you do see, do you pass ----

137.A. No, we don't tell them that because I wouldn't want to point one out and then have another one not be -- be there and not say anything about it, and that would bring that one into question. So, no, we don't. There's no conflict in altitudes either.

138.Q. Just for the record, I want to clarify, who is responsible for tracking north of the 36th in the No-Fly-Zone?

138.A. Weapons.

139.Q. Are there directing procedures used for tracking aircraft during a loss radar or IFF situation?

139.A. I think you're questioning -- interpolation or ----

140.Q. Specifically, on the 14th of April, the weapons team had a radar IFF and symbology on the Eagle flight in question. At some period, point in time, that radar contact and IFF contact, and radio contact maybe - was lost. What are your procedures once you lost that? As part of your tactics training or simulator training, do you conduct dead reckoning practices to try to keep up with where an aircraft is?

140.A. No. It would be foolish. We don't know where -- How would you track something if you can't see it? There are no procedures; there are techniques. There are no procedures.

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141.Q. So for a slow mover you don't have any training, fighter training, and you do not conduct dead reckoning to anticipate where these aircraft are heading or going?

141.A. No.

142.Q. What type of symbology do you normally put on helicopters?

142.A. Is that unclassified, to say the symbology?

143.Q. Yes, it's okay.

143.A. We use a FHG. It looks like a little green helicopter.

144.Q. To the best of your recollection, was that symbology on the Eagle Flight on the 14th of April, prior to the mishap?

144.A. Like I said, sir, I wasn't even aware of helicopters in the AOR.

Questions by General Andrus:

145.Q. If I could ask a clarifying question. It was indicated that the helicopter had the symbology, that it was displayed on the radar for a period of time, and then the radar contact was lost, and the symbology dropped off the scope. When the radar contact was re-acquired, whose responsibility would it be to re-tag that radar contact?

145.A. I would say the first person who saw it. I don't know if there's any procedure that says one person will. By virtue of default, the AOR controller is looking at that area more than anyone else.

146.Q. If the contact was re-acquired and no symbology was assigned to that new contact, would that indicate that, based on what you just said, that no one had seen the contact and, therefore, did not re-designate?

146.A. Not necessarily, Generally, we kind of use a phrase - safety/intercept/computer - and we go in those three. So the last thing you would drop out -- or the very first thing you would drop out, if you're doing something else, is the computer. Then intercept is the next thing, and then safety is the paramount. So, just because there's no symbology on there doesn't mean that someone is either not looking at it or not thinking about it or ----

147.Q. It would not be normal practice then to re-acquire and re-designate and put symbology on the track; is that what you're saying?

147.A. Well, no, that would be normal practice. But I can't speculate on this particular instance.

Questions by Maj Byas:

148.Q. To go along with the General's question, in reference to the Eagle 0-1 flight, once you establish radar contact with him and once you lose radar contact with him, do you have the capability to zero out your symbology at his last position?

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148.A. Yes.

149.Q. Is that a normal procedure for you to do that type of procedure on a helicopter?

149.A. No, there's no procedure. I would say there's technique involved there.

150.Q. Is that normal technique?

150.A. For some controllers; for other controllers, they'll just drop it.

151.Q. For the record, "zero out" means just take the speed off, show no speed, and the symbology remain at the last known location. What communications were you monitoring?

151.A. I had the enroute frequency low. I had my tanker frequency up high. I had the AOR frequency low. I had the Duke frequency kind of medium. I had guard on. I had all mission nets on. I believe I had the maintenance net on also.

152.Q. So were you monitoring the AOR frequency?

152.A. Yes, I was.

153.Q. On any of those frequencies prior to the mishap, did you hear Eagle Flight, Eagle 0-1, check in with the AWACS?

153.A. No, I didn't, but I didn't put my headsets on till the tankers were just about to enter the AOR.

154.Q. What time were you at your position?

154.A. Oh, I sat at my position the whole time.

155.Q. Well what time did you put your headset on?

155.A. Oh, I can't give you a time, sir. If you replay the tape you can see whenever the tankers started to enter their AOR, that's about when I put my headsets on.

156.Q. Would you estimate that being 30 minutes prior to the mishaps? 15 minutes prior to the mishap?

156.A. Oh, probably -- maybe 30 minutes prior. I guess that would be hard to guess.

157.Q. While you were sitting in your position, were you looking at the scope?

157.A. Oh, I was looking at the scope, I was eating lunch. I wasn't paying any particular attention to anything.

Questions by General Andrus:

158.Q. Could you clarify that a little bit. At that point, was there any activity that you had observed on the scope that your duties would have required you to pay attention to?

158.A. No, sir. No, General, there wasn't.

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159.Q. You are a tanker controller. This is your assignment.

159.A. Yes, sir.

160.Q. There was no tanker activity in progress; is that correct?

160.A. That's correct.

161.Q. And there was no fighter activity or any other aircraft activity at the point where you said you weren't paying any particular attention, and is that the reason then why you were not paying attention?

161.A. That's correct, General. We hadn't assumed on station status, we hadn't -- nobody in the AOR, to my knowledge. So I didn't have my headset on.

162.Q. But once you had people in the AOR, did you have your headset on?

162.A. Yes. Yes, I did.

163.Q. Were you paying, in your words, particular attention to the scope?

163.A. Yes, I was.

Questions by Maj Byas:

164.Q. To go along with what the General was saying, did the AOR, north of the 36th parallel -- was that presentation on your scope along with your tanker, or were you looking at an area north of the Iraqi intercept area?

164.A. I don't think I was looking as far south as the 36th line, but I had the tanker area centered on my scope.

165.Q. Could you define where the tanker area is for purposes of ----

165.A. I'm not sure if I can. I don't know if that's classified or not.

166.Q. Is it north of your orbit area?

166.A. South of our orbit area.

167.Q. Okay. Is it west of your orbit area?

167.A. Almost due south.

168.Q. Due south. From the radios that you were monitoring, which one of those radios were you paying the most attention to?

168.A. Tanker frequency.

169.Q. Were you able to hear all the transmissions that occurred on the tactical frequency that was used in the AOR?

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169.A. I heard some. I heard, I believe, most of the ones involved in the incident.

170.Q. Could you briefly go over the radio calls that you heard on the tactical frequency prior to the mishap?

170.A. I heard Tiger Flight enter the AOR and call long range contacts, contacts being something that they see on their radar. Where he was calling contacts was close to the tanker orbit, so I glanced down there and saw nothing. As I recall, the AOR controller said, AWACS -- or our call sign, "Clean," meaning we don't have any contacts at that point. Tiger Flight proceeded inbound. They called contacts again now at a shorter range. Now my tankers are entering my tanker orbits, so I'm starting to try to pay attention to them, but also listening, you know -- an extra ear there, and to listen to what's going on here.

The AWACS controller calls, "Hits there," meaning that we have -- he saw something, apparently. Once again, I glanced down and saw Tiger Flight and I saw some radar hits, but it's not unusual for our system to give us some erroneous radar information. So I thought maybe it's a, you know, glitter, sparkle - these are words that we use for erroneous information. At some point -- you want to ask a question?

171.Q. Did the weapons controller tell the fighter aircraft that he had hits?

171.A. I believe he did.

172.Q. Did he use that terminology, "Hits?"

172.A. I'm almost sure he used that terminology.

173.Q. In your interpretation, what is a hit?

173.A. A hit is -- our radar gives us a presentation of the present position of an aircraft and the previous seven positions of that aircraft. So you have what we call a "data trail." You see the movement. You see the continuous movement of an aircraft. A hit is one radar presentation, one dot. So, many things will present a hit to our radar, and one hit is not indicative of anything. Usually we look for a whole string of data to be an aircraft.

174.Q. But, a hit, that is not standard military terminology; is that correct?

174.A. As far as I know, it is.

175.Q. Is that a radar contact or IFF contact and -- as far as you know, a hit is part of the standard -- if you told the fighter aircraft that you had a hit there, he would know that you have radar contact or IFF contact?

175.A. I think he would think that we have some kind of intermittent contact there. But we don't have -- we use those two words independently of each other, hits and contact.

176.Q. Could you proceed from once the weapons controller said he had hits and try to continue?

176.A. Tiger Flight said something about he's going to VID, visually ID, the targets or target, the

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contact that he has on his radar. Some time elapses, a short amount of time, seconds, 10 or 15, something like that. He calls a visual ID with a Hip, which is a Russian helicopter. At this point my attention gets a little higher. He calls contact with two, and then he calls them Hinds. I yell over the weapons net, Net two, to turn on our video recorder. I said - turn on the recorder; something's happening down here. Then he calls visual of the two Hinds, and almost immediately he calls, "Engaged."

At this point I start talking to my tankers because they're not too far away from the engagement, and I wanted -- they're at the eastern part of their tanker orbit and I want to work them west. I want to get them away from this engagement. So I tell my tankers, "Hey, let's start working back to the west. Left turn, let's get back to the west." Not in those specific words, but in that kind of language I would talk to the tankers.

Shortly after, "Engage," it's "Splash one/splash two." It all transpires in a matter of a couple minutes. Maybe a minute.

177.Q. Okay. From the point that the F-15 said, "VID contact, two Hinds," were there any other transmissions made by the AWACS controller prior to this splash?

177.A. Not to my knowledge.

178.Q. So there was no confirmation of what he had seen prior to the shoot down, other than, "I have hits there?"

178.A. That is all that I'm aware of that I remember of what the AWACS controller said.

179.Q. Did anyone on the AWACS question the F-15 pilots about their contact, their decision to engage, their identification of the helicopters, for the actions that they were taking at that time?

179.Q. Before or after the shoot down?

180.Q. Before the shoot down.

180.A. No, none of that was asked of the F-15 pilots.

MAJ BYAS: Sir, with your concurrence, I'd like to take about a 2-minute break.

GEN ANDRUS: Sure.

(The Board recessed at 1013 hours, 20 April 1994, and reconvened at 1022 hours, 20 April 1994.)

COL WILCOX: The time is 1022. The parties are present.

You're still under oath.

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WITNESS: Yes, sir.

EXAMINATION (CONT)

181.Q. Were you observing the engagement of the F-15 on the hit? When the weapons director said he had a hit, did he put any symbology on that hit?

181.A. I don't believe he put any symbology on it, but someone did put some symbology on it.

182.Q. So symbology was initiated on that hit?

182.A. Yes, it was. Understand that that's the only way that we can interrogate Modes and codes is with symbology.

183.Q. Was that interrogation process completed prior to the shoot down?

183.A. I don't believe it was. That's not firsthand knowledge, I didn't do it. So I don't know.

184.Q. As you recall the sequence of events, do you recall when the symbology was placed on that track?

184.A. Oh, I sure don't, sir. I can't give the time.

185.Q. But, at the time of the incidental shoot down, was there symbology on the track?

185.A. There was -- Well -- Yes, there was.

186.Q. What type of symbology was it?

186.A. It was the default's symbology. I noticed that. Which is what? A UPG, I think.

187.Q. Unknown pending, which basically means that you don't know what it is?

187.A. That's correct.

188.Q. Did you see any IFF associated with that track?

188.A. No, I didn't, sir.

189.Q. Did you see any radar associated with that track?

189.A. I saw -- Like I said, when the controller called hits I looked down and saw little -- you know, a couple hits. So that's all I saw. After that my attention turned more towards the tankers.

190.Q. Prior to the engagements, if I understand correctly, you indicated that in those few minutes there was no additional radio transmission from the AWACS to the F-15s; is that correct?

190.A. As far as I remember, sir, there was none.

191.Q. There were, other than the items that you've already indicated, no additional transmissions from the F-15s to the AWACS?

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191.A. No, sir. What I've told you is all that I remember.

192.Q. Do you remember any attempt to contact the helicopters or to verify the positions of the Black Hawk helicopters?

192.A. No, sir, I don't remember that.

193.Q. Do you remember at any time, prior to the intercepts, any transmissions to the F-15 pilots advising that there were friendly helicopters in the AOR?

193.A. No, sir.

194.Q. These others are just dealing with questions that we would like to ask. What internal communication nets were you monitoring?

194.A. As I said before, I had all three nets on and I believe the maintenance net.

195.Q. What information did you receive prior to the shoot down on those nets? Was there any direction given to the weapons controllers involved prior to the incidental shoot downs on the internal net?

195.A. No.

196.Q. Is it normally weapons' responsibility to turn the video camera on?

196.A. This is the first time I've seen a video camera on the plane, and this was our first flight. So I think we were going to work that out. But, from where it was sitting, it would most likely be in weapons' area, where we had it situated this flight.

197.Q. You stated earlier that you directed that the video be turned on. What are some situations, just brief situations, that will cause you to have the video tape turned on?

197.A. Anything out of the ordinary we'd want to turn the video camera on. Like I said, this was the first time with a video camera. Normally, I have a tape recorder - and I wish I'd had a tape recorder playing that day, but I didn't. Normally, anything unusual, I'll turn that tape recorder on. So I was using this video recorder as -- and what do I mean by unusual, anything out of the ordinary. This was certainly out of the ordinary.

198.Q. Do you know if anyone else on the AWACS crew had a tape recorder?

198.A. On or with them?

199.Q. Yes.

199.A. Yes. I had mine with me. I don't know who else had theirs with them, but I don't believe any were on.

200.Q. To the best of your knowledge, no one had any of their tape recorders on?

200.A. That's correct.

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201.Q. To clarify, those tape recorders are not standard equipment?

201.A. That's affirmative. Those are tape recorders that we purchase ourselves, not issued. There is no link for them in the plane. The plane is not friendly to recording any of our information on it.

202.Q. They are not required. You only do that in order to gain further ability to record what went on for official logs, is that why you carry them?

202.A. We use them for a couple of reasons, General. We use it for, one, as a safety back-up for ourselves in case something happens that we have a back-up. We use it, two, just to get better. We listen to our -- primarily in the States when we run intercepts we listen to these recordings, and it just makes us better controllers.

Questions by Maj Byas:

203.Q. To your knowledge, was the Duke on position at the time of the incidental shoot down?

203.A. Was the Duke on position?

204.Q. Right. Was he sitting where he was supposed to be sitting?

204.A. To my knowledge he was, but I didn't see him. He was over -- physically located where I couldn't see him.

205.Q. Was he in position prior to the F-15 entering the ROZ one?

205.A. Don't know that.

Questions by General Andrus:

206.Q. Was there any transmission from the Duke between the time of the F-15 contacts and the shoot down? Was there any communication on your internal nets from the Duke or the mission crew commander or the senior director?

206.A. No, sir.

207.Q. Were there any discussions going on in the aircraft at the time or immediately prior to this time about anything internal to the aircraft, such as, aircraft operations or individuals, or anything of that nature?

207.A. Your question is kind of general -- kind of general, General. I'm not exactly sure what you're getting at.

208.Q. Were there any discussions between controllers, for instance, about such things as how their equipment was operating, the status of their equipment, the status of the aircraft itself, the temperatures, unusual maneuvers of the aircraft, anything internal to the aircraft, behavior of the individuals, or so forth? Any discussion at all on the radio net about anything that you can recall that had to do with ----

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208.A. Our aircraft?

209.Q. ---- items within your aircraft?

209.A. Before we assume "on station" the mission crew commander will poll all the sections and ask if they are ready to go on station, are there -- is their equipment ready. We were polled as a weapons team, and we were all ready to go, so that was in the affirmative. You talked about temperature. It was a little warm in the plane. But some days it's warm; some days it's cold. That's not unusual. We probably talked about that, but we wouldn't talk about that on the net. The net is primarily for mission -- vital type information. We just yell back and forth to talk about other things.

210.Q. You don't recall any discussions going on immediately prior to the engagement that could have been distracting in any way; is that correct?

210.A. That's correct, sir.

211.Q. Do you recall any activity external to the aircraft that could have been distracting in any way for any member of the crew?

211.A. Well, just the nature of our business there's a lot that's distracting. There are plane rumbles, the temperature is odd, there's people walking around at any one time, so there is always a distraction. I'm talking on one radio. The guy sitting next to me is listening -- talking on another radio. There is always some level of distraction, but there wasn't anything unusual about this flight that you wouldn't have on any other flight.

212.Q. So there was nothing going on internal or external to the aircraft that you're aware of that would have created a situation to completely draw one's attention away from their primary duties?

212.A. Not as far as I know. That's correct, General.

Questions by Maj Byas:

213.Q. After the mishap were there any weapons directors that were actually removed from their position for any reason other than a normal break?

213.A. No.

214.Q. To go along with one of the questions that the General was asking, were there any distractions prior to the fighters or helicopters entering the No-Fly-Zone? Was there any activity in the No-Fly-Zone prior to the first Tiger Flight entering the area?

214.A. Was there any distraction prior to the helicopters entering? I didn't know that helicopters were there. So I wouldn't know what distraction was going when they entered. Tiger Flight is supposed to be the first aircraft into the AOR.

215.Q. So was the area clear, as you stated earlier, prior to the F-15s entering?

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215.A. As far as I know, but I wasn't looking because that wasn't my job that day.

216.Q. Prior to the mishap were there any other distractions that you may have had that came up?

216.A. Nothing out of the ordinary.

217.Q. In relation to you -- Do you recall the console you were sitting at so we can get an idea exactly where you were on the airplane?

217.A. I was sitting at seat, I believe, 11 on the aisle there, console -- I'll take a guess. Do you have --

218.Q. I have the comm plan here.

218.A. Okay. Where is that? Seat 11?

219.Q. Seat 11. The front row is 10, 25 and 21.

219.A. Think I was at 21, not on the bulkhead, on the aisle.

220.Q. Where was the tanker control? Where was the enroute controller in relation to you?

220.A. The enroute controller was in the pit, was in the next row of consoles. I believe he was in seat 15, against the bulkhead facing the same direction I was facing.

221.Q. Where was the tactical AOR controller?

221.A. He was in my row against the bulkhead, sitting at seat 9.

222.Q. According to your comm plan there was a spare weapons console. Would that be a location of the enroute controller?

222.A. That's probably where he would have been. Was that in the middle of that row then?

223.Q. Right.

223.A. I think the recorder was in the seat that I mentioned, and I think he was in the middle there, because the console next to me was down, and that's where he normally would have been.

224.Q. Do you recall the aircraft call sign of FA11, goes in symbology. I think he may have been your first set of receivers? Do you recall his call sign? Symbology was -- I think it was FA11.

224.A. No, if I saw the frag or the break-out or something I could probably tell you, but not off the top of my head.

Questions by General Andrus:

225.Q. Reference the video camera that was mentioned, you indicated that you had recommended that the video camera be turned on. The video tape appears at some point after that to have a portion that was taped over. Do you know anything about that?

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225.A. Yes, General, that was probably at my direction. One of the weapons directors that wasn't on console, he was in the back, came up, and we told him what had happened. We said, "It should be on the video tape and you can probably watch it." I gathered that he was over there watching this video, and I was working, you know, listening to my tankers doing their thing. All of a sudden listening on the AOR frequency again I started to get lit up by radars, search radars, height finder radars. At this point I think that we just shot down two helicopters and I think, "You know, maybe the Iraqis are going to come for our guys." So I hear the radar starting to light these guys up. They're telling us that, and I yell across the console once again, "Helicopter net, Turn on the recorder, something else is happening here."

226.Q. So in turning on the recorder at that particular moment, what was the result?

226.A. I think he taped right over it. I haven't seen the tape. I don't know. But from what I've heard, it's that he taped right over the engagement.

227.Q. Taped over the engagement.

227.A. Yes, General.

228.Q. Would that have been standard procedure for you to direct that the recorder be turned back on to tape the unusual activity that you were observing on the scope?

228.A. That wasn't a procedure. That wasn't my particular duty. But I'm kind of proactive like that, and if I hear something I will -- if I don't hear someone else say it I'll say it.

229.Q. Was there any intention at all, in any way, to in any way mask or cover over the information pertaining to the intercept?

229.A. None whatsoever. I'm positive the opposite is true because what's on that tape and what's probably on the F-15 HUD video will clear AWACS of any wrongdoing in this thing and, of course, now that tape is gone.

Questions by Maj Byas:

230.Q. Do you drink alcohol?

230.A. Yes, sir, I do.

231.Q. In the 24 hours prior to the accident would you characterize your drinking as light, moderate, or heavy?

231.A. Light. I had two beers the afternoon prior to the flight.

232.Q. Could you describe the circumstances at the time?

232.A. That I ----

233.Q. Who were you with? Where were you at?

233.A. Just out in front of my room, and probably in the span of a couple of hours I had a couple

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of beers, and then we went to play frisbee and started eating dinner and went off to do other things.

234.Q. When would you say that the last time was that you had anything alcoholic to drink prior to the flight the next day?

234.A. This is the time that I'm talking about?

235.Q. Yes.

235.A. The day before.

236.Q. Approximately what time?

236.A. Oh, what time was it? It was in the afternoon, maybe 3, 4 o'clock.

Questions by General Andrus:

237.Q. You had nothing to drink after 4 o'clock then?

237.A. Yes, as far as I remember, General.

238.Q. Are you aware of any other activity along those lines, any other crew members that may have been drinking in the 24 hours prior to the incident?

238.A. I don't recall. I'm sure I wasn't drinking alone, but I can't remember if anybody was out there drinking with me. I'm sure there was. I don't remember who.

Questions by Colonel Wilcox:

239.Q. During your testimony you indicated that symbology was placed on the helicopters just before -- if I understood correctly, just before the incident occurred; is that correct?

239.A. As far as I remember.

240.Q. When you say symbology was placed on it, tell me what that means.

240.A. We take a switch action -- I probably don't need to describe a switch. We take a switch action on our console that puts a piece of symbology on the data that we receive, realizing that the data is from the radar, brought through a computer, computer generated data. The symbology goes on there. Then we can interrogate the data with the symbology, and that's where we get all our information, heading, altitude, speed, modes, a variety of information.

241.Q. What was the symbology that was placed on it?

241.A. I think it was the default symbology. It was either UEG or EPG, and I'm not sure which default. I don't remember which one the default is.

242.Q. What does that mean?

242.A. That means that it's the quickest one you can get on there.

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243.Q. Does it indicate that you don't know what type of aircraft it is, where it's going or much about it? It's an unknown quantity?

243.A. That's correct.

244.Q. If I heard correctly you also indicated that an interrogation had been initiated, but not completed?

244.A. I believe an interrogation was started, and I'm not sure if it was completed.

245.Q. What does that mean?

245.A. That means that once you put the symbology on there, bringing up another type of display to look at the Modes and codes of that particular data. If it is, in fact, a plane or something that's going to have Modes and codes, it takes the radar a certain amount of time to sweep through it a couple of times and read that information.

246.Q. How long does that usually take?

246.A. It varies. There are variables -- everything from, you know, air, density, et cetera, I don't know much about radar, 15, 20 seconds, something like that.

247.Q. Can you tell me where you learned this information?

247.A. From school. From talking with ----

248.Q. On this specific instance -- regarding this specific day and this specific incident, you indicated that you learned it second-hand. Where did you get this?

248.A. From talking with our senior director.

249.Q. Who is your senior director?

249.A. Control Witness #11.

250.Q. You referred to people on the aircraft, one individual as Duke?

250.A. Duke?

251.Q. Yes, who's Duke?

251.A. Duke is our command element, the ACE on board. Kind of ties our hands, I think, when we fly in this AOR, because we fly with this Duke, and he takes over kind of control of the operation, and where we are trained as a crew and go and fight in these wars or, you know, to go as a crew and do something, we get this Duke that comes on board and, he kind of takes over the head honcho role.

Does that answer your question who the Duke is?

252.Q. Not exactly. Apparently, this Duke person is not a normal member of your AWACS crew?

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252.A. That's affirmative.

253.Q. Is he assigned to the AWACS squadron?

253.A. No, he isn't.

254.Q. What squadron is he assigned to?

254.A. They're assigned to different squadrons. They belong to the CTF force here, the Combined Task Force here. I don't know where exactly they do come from.

255.Q. Does he take over the entire AWACS -- responsibility for the entire AWACS mission or the execution of the mission?

255.A. He -- I think what he primarily takes over is the big decisions. He makes the decisions on maybe the slip -- have the fighters delay taking off before having a problem. He makes the decisions on -- that the tankers can't give all the gas that maybe they're supposed to give. They'll make a decision on who goes home early, who stays to get the gas--he makes these kind of decisions.

256.Q. Does he make any decisions about how the AWACS crew executes its portion of the mission, for example, where you point your scopes, how you interrogate?

256.A. No.

257.Q. Who is the Mission Crew Commander?

257.A. You want a name?

258.Q. Actually I'd like to know what his function is.

258.A. He is the overall in charge of the AWACS plane. His primary duty on board is to make sure that we are doing our jobs. He is not trained in all of our jobs, he just needs to know that all our jobs are okay. When we have problems, he's the interface that we go between and he decides maybe who's going to get some resources or not, where we need to focus our emphasis to get something done. Kind of the boss of our plane, I guess.

259.Q. Have you discussed the circumstances on this particular incident with other people?

259.A. Sure, on the plane we talked about it a lot.

260.Q. With whom did you discuss?

260.A. Probably every crew member on our plane.

Questions by General Andrus:

261.Q. At what point in the flight after the incident did it -- was concern raised that the two helicopters may not have been Iraqi helicopters?

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261.A. About a half hour after the incident, General, is when I became aware that there was some concern that -- I think the concern was at first that Eagle Flight was late, and then probably shortly thereafter, we realized that maybe the two bandits and Eagle Flight were one and the same.

262.Q. There was no question in anybody's mind immediately following the engagement that the fighters engaged hostile aircraft; is that correct?

262.A. That's correct, General. When we're dealing with a weapons system like the F-15 that has all the interrogation that they have, two pilots calling a visual ID, there's no question in my mind. You have to assume they're doing their jobs.

263.Q. When did you ---- first suspect that the Black Hawks had been shot down?

263.A. I think the first I became aware of that was Duke was voicing concern that he was being called that the Eagles were late, and he was voicing that concern to the crew over the nets.

264.Q. How long after the incident was that?

264.A. Like I said, I think it was about a half hour.

265.Q. There was a report in one of the logs that the Duke had transmitted back to the ground controllers that there had been a positive IFF return on the Eagle Flight after the time of the shoot down. Are you aware of that comment?

265.A. Yes, General, and I think that probably came from me. I saw a helicopter squawk up near the border, the Turkish/Iraqi border, and probably in a -- maybe hoping or wishing that that was Eagle Flight, I said, "Hey, look, I see a helicopter; maybe that's the Eagles," or something to that effect, and it turned out to be host nation helicopters. I think that was just a misidentification on my part.

266.Q. Do you normally take notes during your flights?

266.A. I don't -- I write down a lot of things, but I don't normally take notes on what's transpiring.

267.Q. What do you write down?

267.A. Oh, I write down -- if somebody is giving me the weather I write that down. Tanker fuel loads, I write things like that down. I suppose you could call those notes, but I'm not, you know, writing down what I'm doing.

268.Q. Did you take notes during this particular flight?

268.A. Concerning this incident?

269.Q. Yes.

269.A. Yes, I did.

CONTROL WITNESS #14

270.Q. Why did you do that?

270.A. Because we all decided before we got off that -- let's write down what we remember, what's fresh in our minds.

(The Board recessed at 1047 hours, 20 April 1994, and reconvened at 1104 hours, 20 April 1994.)

COL WILCOX: The time is 1104. The witness is present. Colonel Wilcox is present. Major Byas is present. The other parties left.

EXAMINATION (CONT))

271.Q. Do you have any further information, statements or evidence which you wish to present?

271.A. Not any information. It's a good AWACS crew. I don't think there's any problem with the crew. I don't know what you'll find with the F-15 crew. I imagine they're probably a good crew too. The problem was probably within the procedures and the way that they're perceived. That's probably where you're going to find the problems.

272.Q. Anything else?

272.A. That's all I have.

COL WILCOX: You are reminded that this is an official investigation. You are ordered not to divulge the nature of this investigation, or the questions, answers, or discussions included in this interview with anyone unless authorized to do so by the Board President, Major General Andrus, CINCUSAFE, or higher authority. If anyone other than a member of this Board should approach you regarding your testimony or the matters discussed here, you must report it immediately.

Do you have any questions?

WITNESS: No, sir.

COL WILCOX: The time is 1105. The interview is concluded.

(The interview concluded at 1105 hours, 20 April 1994.)

CONTROL WITNESS #14

REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by CONTROL WITNESS #14 to the Aircraft Accident Investigation Board was recorded during an open microphone interview session monitored by SSgt Beverly Y. Moore. The tape from that session was reviewed and transcribed by me and the foregoing transcript is a true, accurate, and verbatim account of that recorded interview statement.

Erma Brundage-Clark
ERMA BRUNDAGE-CLARK, DAFC
Court Reporter
Incirlik Air Base, Turkey

CONTROL WITNESS #14

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V-012

TAB V-017A

V-013

CONTROL WITNESS 14

V-013A

V-014

V-014A

V-015

V-016

V-016A

V-017

V-017A

**SUMMARIZED TESTIMONY
OF
CONTROL WITNESS #14
963D AIRBORNE WARNING AND CONTROL SQUADRON**

The interview was conducted by Major Aaron Byas at Incirlik Air Base, Turkey beginning at 1626 hours, 6 May 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

EXAMINATION

I do not remember anything unique concerning the weapons briefing on 14 April. I know there was a slide up there, and I'm sure that the senior director addressed something, but I don't remember what it was. From my experience the briefing was adequate.

I do not remember when I received my specific assignment as the tanker controller, but I think it was either the day before or the morning of 14 April.

I do not remember when the senior director gave the weapons briefing. It could have been the day before or the morning of the flight. It is standard procedure to have a weapons briefing the day of the flight, but I do not remember if the weapons briefing took place that day.

I would say that I was at my console the majority of the time on 14 April between 0700 and 0730 Zulu.

I assume that the senior director was at his console, because we had the aircraft under control. From where I sit, I could not see him. I did not hear him on any of the radios.

I would assume that the mission crew commander was at his console also, but I could not see him from where I was sitting. I did not hear the mission crew commander on any of the radios.

I do not know where the Duke was. However, I did hear the Duke at some time on the radio with the normal aircraft check-in.

I probably had not started my duties at 0700 to 0730 day of the incident. My on duty time started when the tankers checked in. I was going to the back for food or to use the restroom. Although I do not specifically recall seeing the Duke, the senior director or the mission crew commander when I went towards the back of the aircraft. Nothing stands out in my mind as unusual, and so I assume that they were at their normal duty positions.

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It would have been unusual for them not to have been at their duty position for any length of time.

I do not have any further information, statements or evidence to present.

(The standard witness caution was given and the witness had no questions.)

I certify that the foregoing is a true and accurate summary of the testimony of CONTROL WITNESS 14, as given to the Aircraft Accident Investigation board.



CHARLES H. WILCOX, II, Colonel, USAF
Legal Advisor

CONTROL WITNESS #14

V-01

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TAB V-018

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CONTROL WITNESS 15

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V-01

**VERBATIM TESTIMONY
OF
CONTROL WITNESS #15
963d Airborne Warning and Control Squadron
(Air Surveillance Officer)**

COL WILCOX: The time is now 1441 on 19 April 1994. The persons present are the following: General Andrus, Colonel Wilcox, Major Byas, the court reporter, Staff Sergeant Moore and the witness.

COL WILCOX: The interview is being conducted at Incirlik Air Base, Turkey. This is an official Air Force Regulation 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINC USAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary actions, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

WITNESS: Yes sir.

COL WILCOX: Do you understand the purpose of this investigation?

WITNESS: Yes sir.

COL WILCOX: Do you have any questions?

WITNESS: No sir.

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COL WILCOX: Your testimony will be recorded and transcribed verbatim or we may choose to make a summary of your testimony and have you come in and sign it so that the record can be made available to the appointing or higher authority. For the benefit of the reporter, please avoid the use of acronyms or jargon.

As this is an official investigation, you are required to answer questions put to you by the board. You are further advised not to discuss classified information unless necessary to develop your testimony. If it is necessary for you to discuss classified information, you need to identify it as such.

Would you please rise so that I can swear you in.

(The witness was sworn)

EXAMINATION

1Q: Could you state your full name please?

1A: Control Witness #15

2Q: Grade?

2A: [Redacted.]

3Q: Organization?

3A: 963d AWACS.

4Q: And your TDY location?

4A: Incirlik Air Base, Turkey.

5Q: What is your AWACS crew position?

5A: Air Surveillance Officer.

6Q: Would you restate your AWACS crew position, please?

6A: Air Surveillance Officer.

7Q: What are your specific duties and responsibilities as an Air Surveillance Officer?

7A: I'm responsible for the sensor management, supervising my surveillance team, data link operation and management.

8Q: When you talk about supervising your surveillance team, generally how many people do you have in your surveillance team -- as part of your surveillance team?

8A: It can vary but here we have a total of five of us.

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9Q: What are some of the specific duties of the surveillance section as it relates to the mission?

9A: Okay. The Advanced Air Surveillance Technician generally brings up the data link -- the two data links we have, JTIDS and LINK 11, and he supervises -- he directly supervises the air surveillance technicians who are responsible for tracking aircraft in the area of responsibility.

10Q: What is your background and experience?

10A: I was a weapons controller at Eglin Air Force Base for four years and I was also an Air Surveillance Officer in that ground action -- ground radar unit. And then I went from there to Osan Air Base, Korea where I was a defensive duty officer with the Tactical Air Coordination Center.

11Q: How long was your training at Tinker Air Force Base?

11A: My total training was about six months.

12Q: How long have you been mission ready?

12A: Since -- I couldn't give you the exact date. It was late October or early November of '92.

13Q: And your current crew qualification?

13A: I'm an Instructor ASO, Air Surveillance Officer.

14Q: Did you receive any local area briefings on PROVIDE COMFORT operation prior to -- once you arrived here?

14A: Yes sir. I'm in a little different situation than the rest. I've been here five weeks -- five and a half weeks now, so I already had six missions under my belt before I flew.

15Q: But when you did arrive here you did receive that.

15A: Yes sir, and we also receive training before we leave Tinker.

16Q: Did you receive any specialized crew training for your specific position?

16A: The intelligence NCO briefed us on surveillance procedures and what he needed from us.

17Q: Was this tour your first time flying in this area of operation or had you been here before?

17A: This is my third trip.

18Q: Were you sitting at your position between the hours of 0640 and 0735?

18A: Yes sir.

19Q: Without going into some classified information, could you briefly tell me what radar setting you were using?

19A: Sir, I believe we had "L scan passes" at the time. Do you want my -- anything more than that? Elevation?

CONTROL WITNESS #15

20Q: If you can . . .
20A: I remember the whole T-D.

21Q: Okay, if you could speak of it without going into any classified information.
21A: The settings themselves are unclassified.

22Q: Okay, why don't you go ahead and go through them.
22A: Okay. My Doppler I had a dual scan in, minus one-four and minus two-eight.

23Q: Speak a little louder.
23A: Minus one-four and minus two-eight and my threshold was at four. My terrain setting was mountainland and my LVD limited velocity detection was set at seven filters blinked.

24Q: Thank you very much. I . . .
24A: The frequency was Bravo Two.

25Q: What was your IFF setting?
25A: It was Three Charlie Alpha.

26Q: And you did have the LVD set.
26A: Just a little bit.

27Q: Low Velocity Detection?
27A: Yes sir.

28Q: Was there any requirement for you to track using Mode II setting?
28A: Not surveillance. The Senior Director requested Three Charlie Alpha so that's what I gave him.

29Q: Okay. Who was responsible for tracking the helicopters?
29A: Since I've been here, we have never tracked helicopters in surveillance. The Weapons Team talks to them so they are responsible for tracking. We will help them if we see them and their track is off, but we generally don't track them.

30Q: On -- on the 14th of April between the hours of 0640 and 0735, who was responsible for tracking the helicopters?
30A: I do not know, sir. Weapons -- somebody in weapons but I couldn't tell you who.

31Q: Was it the Weapons Section or the Surveillance Section?
31A: The Weapons Section, sir.

32Q: Thank you. Does surveillance initiate a track on the helicopter?

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32A: I believe weapons initiated the track as soon as they checked up.

33Q: Who's responsible for tracking the F15s?

33A: The Weapons Team.

34Q: Were you initiating tracks in the air surveillance area prior to the F15s entering the No-Fly- Zone.

34A: Yes sir. We had quite a bit of activity. We had some special missions in northern Iraq and they had just departed the area and we also had some Iraqi air activity.

35Q: Did you have any responsibility associated with those special missions?

35A: Yes sir. We are -- our intelligence collects data on those and it's a very high interest item up the chain from what I understand, so we're directed to get very good Intel on those.

36Q: It's part of your procedures to conduct Mode Four checks prior to going on station?

36A: The weapons -- I will do -- I will check out the IFF. That's my job.

37Q: Yes.

37A: One of my jobs, and weapons generally does their own Mode Four checks on their fighters.

38Q: But you make sure that the Mode Four is working?

38A: Yes sir.

39Q: Okay. Was the Mode Four working properly that day?

39A: Yes sir.

40Q: Do you conduct Mode Four checks on unknown or assumed hostile aircraft in the No-Fly Zone?

40A: I have never seen an unknown or hostile aircraft in the No-Fly Zone, so I've never -- we -- we will do other checks south of the thirty-six.

41Q: Were you aware of the helicopters operating in the No-Fly Zone?

41A: Yes sir, I saw them come into the area and I didn't exactly see when they were going to be lost then because I was looking at those other tracks.

42Q: Did the Weapons Team have any responsibilities with the special mission or would that be a surveillance call?

42A: That was surveillance.

43Q: Surveillance was primarily tasked -- your mission was to do that special mission.

43A: We tracked the special missions in and out and we mapped them and we

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logged them and we also were doing the same with the Iraqi activity.

44Q: Did you monitor any of the weapons check in frequencies -- control frequencies?

44A: No sir, this particular day the radios I had were AICC, 364.2 because sometimes we get a pop up E-3 checking on that. I had -- I had the Martin Radar Freq, I believe, to monitor the JTIDS to make sure that the Turkish Controller was working on getting that up. I had Saudi SATCOM which actually wasn't operating in Turkish SATCOM so that we can get a TADIL A link down to Saudi.

45Q: Sorry, to get a what link?

45A: A link eleven, TADIL A.

46Q: Could you kind of define what TADIL A is?

46A: It's a way we can send our picture to the ground -- our data picture.

47Q: On your communication frequencies were you using -- that you were using, did you hear any calls for an Eagle Flight?

47A: No sir.

48Q: After the F15s entered the No-Fly Zone and prior to the mishap, do you recall hearing any radio transmissions on Guard or anything like that?

48A: No sir.

49Q: Were there any internal communications on your net? Were you monitoring any net?

49A: Yes sir, I had all three nets on.

50Q: Okay. Was there any internal communication between the Senior Director, the Mission Crew Commander, the Duke relevant to an engagement . . .

50A: The first words I heard was -- I believe I heard that the F15s had hit and I looked up there, I didn't have a bearing or range, obviously, because I didn't have the Have Quick, but my job, I looked up there to see if I saw anything and I didn't. The next thing I heard was "engaged," and the next thing I heard was "Spash Two." That's all I heard.

51Q: Okay, you say you looked up there. You looked the F15 . . .

51A: Yes sir.

52Q: . . . position and about what scope setting were you at -- how many miles around that F15 were you able to thoroughly look at to determine there was nothing there?

52A: I believe I went to a sixteen scope expansion. I couldn't be sure of that though. I generally, you know, when I look, I look, and I didn't see anything.

53Q: And you didn't see any IFF -- intermittent IFF . . .

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53A: No sir.

54Q: . . . on radar or anything . . .

54A: In fact I did, I requested switch action to find out if there was anything there and when it came up it was all Eagles -- all -- not the Eagle Flight, the Tiger flight, the F15. That's all I got. And, in fact, by the time I got that, they were already gone. They had already been shot.

55Q: So five minutes prior to that you were -- were you looking at that area?

55A: No sir. I got -- I heard a call at seven-twenty-seven and they were splashed at seven-thirty. I remember that. I wrote it in my log.

56Q: Okay. So at zero-twenty -- seven-twenty-seven, where -- what was your focus prior to that?

56A: Down with the Iraqis and I was also tracking the special missions [Classified portion deleted (9 words)] and they landed at 0730, so . . .

57Q: So were you looking south of the thirty-six?

57A: Yes sir, and I was also popping up into Turkey.

58Q: Okay. I'd like you to return back to the special mission that you were assigned to -- to do.

58A: Okay.

59Q: How are those special missions assigned to you and when do you -- are notified of those special missions?

59A: I can go into great detail but it would be classified NOFORN -- Secret.

MAJ BYAS: Okay, let's take a break right now.

(The interview was recessed)

CONTROL WITNESS #15

COL WILCOX: The time is 1504. The same parties are present.

60Q: We'll start off with the special mission. Could you define what a special mission is?

60A: Is this the -- am I allowed to give classified now?

61Q: If you're going to be giving information that's classified, you need to tell us that you're going to give classified information.

61A: The background I could give you would be SECRET - NOFORN as directed by . . .

COL WILCOX: We're interested in information that has relevancy to the incident concerning the Black Hawks.

WITNESS: The special missions?

62Q: What time did you conclude the special missions?

62A: I cannot tell you exactly what time they left the area but I know that the last one landed at 0730.

63Q: Do you know what time they left out of the northern Iraq area?

63A: No sir, that would be in our -- our log.

MALE: Excuse me, sir. I need to interrupt again for a second and talk to you and Colonel Wilcox.

(The interview was recessed)

CONTROL WITNESS #15

COL WILCOX: I remind you that you're still under oath.

WITNESS: Yes sir.

64Q: Special mission. Okay, you had mentioned that earlier. Who directs you to do the special mission?

64A: To track it?

65Q: Yes.

65A: Intelligence.

66Q: Your Intelligence Officer briefs you on the special mission?

66A: The Intelligence NCO, the master sergeant.

67Q: Yes.

67A: He's -- he told me exactly what he wanted, including maps, logs, hard copies, and videotape of this activity for forwarding to higher headquarters.

68Q: Okay. So you were required to videotape this activity?

68A: Yes sir.

69Q: Okay. Were you required to track these aircraft with symbology?

69A: Yes sir.

70Q: Was anyone on the airplane talking to those aircraft?

70A: No sir, not to the best of my knowledge.

71Q: So you had no control responsibility.

71A: No sir.

72Q: Was the weapons team involved in any way with this special mission?

72A: No sir, that is surveillance activity.

73Q: Are they aware of the special mission?

73A: Yes sir, they are aware of it and when it becomes a problem, if it's going to conflict with our aircraft in the AOR, then we will work with an individual on board to correct that. But they exited prior to our entry.

74Q: They exited prior to . . .

74A: To the fighters coming in.

75Q: The fighters entering that -- the area.

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75A: They were done and they left.

76Q: Will you clarify. When you say "our aircraft," what do you mean by our aircraft?

76A: The fighters, tankers, etcetera under our control that enter the AOR.

77Q: The aircraft assigned to PROVIDE COMFORT.

77A: Yes sir.

78Q: Is that correct?

78A: Yes sir.

79Q: You said earlier that "We never track helicopters." Could you clarify that? Does the AWACS plane ever track helicopters?

79A: No sir. It is -- surveillance does not normally track targets that weapons is talking to. As I said before, we will help them but we do not maintain primary responsibility because we don't know where they're going. The same thing with the fighters. They know -- they get the call when they're turning or descending or whatever they're doing, so they have a little more situational awareness as to where the track is going to go than we ever would. We're responsible for the special missions and the -- actually three hundred and sixty degree coverage.

80Q: Do any regulations or procedures require you, the AWACS, to track helicopters?

80A: We're responsible for what we detect. We track what we can detect.

81Q: If I could ask you a question. Clarifying. When you say track, in one instance you said, "We track the special mission aircraft," meaning you track the aircraft that are not PROVIDE COMFORT or not part of the operation in any way.

81A: Yes sir.

82Q: You said you did not track the helicopters using the same terminology.

82A: Okay. The aircraft not assigned to PROVIDE COMFORT surveillance is responsible for. The aircraft assigned to PROVIDE COMFORT weapons is responsible for.

83Q: I see.

83A: Does that . . .

84Q: You stated earlier that the F15 had hit. Could you define what a hit is?

84A: Okay. I believe I heard that. I cannot be certain.

85Q: With that . . .

85A: A hit would be a contact on his radar.

86Q: Did you hear that on the radio or on . . .

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86A: The net.

87Q: . . . on the net.

87A: And I may not have heard it. I remember that engaged call and I remember the splash call. I thought I heard the MCC say, "We've got hits," or "the F15 has hits in," and I didn't hear bearing or range when I looked up there, but that would be a radar contact he had that we did not.

88Q: Okay. During the flight, were you ever directed to take any notes?

88A: No sir. I just kept a good log so that I could recall what happened afterwards.

89Q: Do you recall anyone else directed to take any notes?

89A: No sir, not during the flight.

90Q: Who was responsible for operating the video camera?

90A: Well, it sits in the weapons area where the MCC and SD sit. It's -- it's on one of the spare consoles there, and normally -- we had extra people on board this time so one of them turned it on when -- when I asked them to or when the MCC asked them to or the SD.

91Q: So you -- in this particular mission, you asked them to turn it on to record your special mission.

91A: Yes sir.

92Q: Did you tell them to turn it off?

92A: I did about -- before I heard anything about an engagement or anything, I said, "We're done with our special mission. You can turn it off now."

93Q: Is that -- those were the exact words you used or can you recall?

93A: I -- I kind of said -- I looked up and I saw that the video camera was still on because it's right over my console and I said, "Oh, hey, we're done -- we're done with the video camera, you can turn it off," or something like that. I can't remember exactly. And it was right after that when they turned it back on.

94Q: Why did they turn it back on?

94A: Because that's when we had the engaged call and they wanted to get it on tape.

95Q: And who directed this; do you recall?

95A: It was either the Senior Director or the MCC. I can't remember.

96Q: To go back over, once you become -- once you arrived to Incirlik, Turkey, let's talk about the training that you received before you got here and while you got here. Could you tell me the training you received before you deployed over?

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96A: Sir, we had tactics -- our weapons tactics shop briefs us on current procedures at Operation PROVIDE COMFORT before we deploy and we also ran -- well one simulation I ran. The rest of the crew ran two, but I was on call at home, crew rest, when the second one was run so I couldn't participate.

97Q: Is your simulator training an accurate reflection of what you -- the type of mission you run here?

97A: Yes sir, it is pretty good. There's a couple of flaws in the ID -- identification that they just haven't updated the simulation scenario yet.

98Q: Are there any helicopter . . .

98A: I couldn't answer that.

99Q: . . . scenarios on there?

99A: I couldn't tell you that.

100Q: The type of training you received once you got here. Was -- what all happened once you arrived here in country?

100A: When we arrived we got an overall briefing from the staff on Operation PROVIDE COMFORT and general responsibilities for each position, and the -- including an intelligence update on locations of things, and then the weapons team split up and they went over -- they talked with the staff weapons guy. I talked with the staff MCC because there's no staff surveillance here right now, and I also chatted with Intel [Classified portion deleted (7 words)] and so it's important we get what they need from us so that when we fly, we have all the information.

101Q: Do you receive a buddy ride on your first flight here?

101A: Surveillance does not because we are so short manned in the surveillance section back home and can't afford to send a staff person here. However, having been here twice before, I was thoroughly familiar with the procedures.

MAJ BYAS: Sir, I don't have any more questions. Do you?

102Q: I'm interested in the assignment of responsibilities between the surveillance crew . . .

102A: Okay.

103Q: . . . and the weapons crew.

103A: I couldn't tell you about the weapons crew.

104Q: Well, what you told us was that the surveillance crew was not responsible for tracking helicopters.

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104A: Well, if the helicopters are Iraqi then we would be. If they're radar only, generally south of the thirty-six.

105Q: How is the -- how is the division made between the surveillance team and the weapons team? What I mean by that is who has made the determination that the weapons team will track helicopters and the surveillance team won't?

105A: I can tell you that normally it's a handshake between the SD and the ASO, weapons will track their own . . .

106Q: What -- what's the SD?

106A: Senior Director. The Senior Director and the Air Surveillance Officer will normally do a handshake and say, "You track yours; I'll track mine."

107Q: How was that done for this particular mission?

107A: It's so standard, I don't even believe it was briefed. Weapons tracks who they talk to, generally. And like I said before, if we see something, we'll help them.

108Q: If there is a -- an aircraft in the AOR that you don't have voice contact with -- when you said talks to, I assume you mean voice contact? Voice contact hasn't been established, who's responsible for tracking?

108A: We will -- we will hit up a track like . . .

109Q: Pick up a track?

109A: We will put symbology . . .

110Q: On radar?

110A: Radar, or radar and IFF, whatever we see, and generally what will happen is as soon as an aircraft checks in with the weapons team, whoever has responsibility will drop our track out and put their own line, because their tracks are different than ours, and they'll . . .

111Q: They'll . . .

111A: . . . put an identification on it.

112Q: If there's no contact, though, does the tracking responsibility remain with surveillance or with weapons?

112A: If it's an unknown, it would remain with us.

113Q: If it is a known track that you have identified with symbology or marked with symbology, does that mean that the responsibility for the track automatically switches to weapons section?

113A: No sir. Only if it's a PROVIDE COMFORT aircraft do they track.

114Q: Did the AWACS crew consider the Eagle Flights, that is the Black Hawk helicopters, to

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fall in that category?

114A: To the best of my knowledge, yes sir. They talked to them, they're in the ATO somewhat.

115Q: So, to clarify again, in that situation, once you had tagged, that is put the symbology over the helicopters, then the standard procedure was for that to now be the responsibility of the weapons section for tracking or any other purpose.

115A: Yes sir, and I'm not even sure that we detected it first. The weapons team may have detected it first. I couldn't -- I'd have to look at the track to see who lit it up.

116Q: It had to be Echo Echo Zero One symbology on it.

116A: Yes sir.

117Q: Why is that significant?

117A: That's a call sign.

118Q: The fact that you put -- that someone put Echo Echo Zero One symbology on it, does that tell you . . .

118A: That tells you it's Eagle Zero One.

119Q: And therefore, that would be an aircraft that would be tracked by the weapons section.

119A: Yes -- yes sir. We track, -- we were real busy in two other areas at the time -- or almost up until the time.

120Q: You say you were busy in two other areas. Previously you said that one of those was monitoring the special mission activity . . .

120A: Yes sir.

121Q: What was the other?

121A: We had Iraqi activity south of thirty-six.

122Q: Iraqi activity. Would both of those activities, according to guidance that you received, take priority over tracking the two helicopters in question?

122A: I hadn't talked to the helicopters, I had not seen that. All I saw them in the AOR and we lost them shortly thereafter.

123Q: But your guidance would indicate that you should be paying more attention then to monitoring the special activity and the known Iraqi aircraft south of the thirty-sixth parallel.

123A: Yes sir, and that would be my understanding of our procedures.

124Q: Who -- back to the special mission again. Who directed -- or who gave the guidance that special missions were to be tagged? Where did that guidance come from?

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124A: My intelligence NCO told me and before, when we had this special mission activity, we go debrief it in depth with CTF and then, as far as I know, the videotape leaves the base that night.

125Q: Now as far as you know then, the guidance comes from MCC; is that correct? Or who . . .

125A: I don't know where it comes from. I know it's way up there though. I could find out from my Intel guy.

126Q: From 0728 "Z" to 0732 "Z", the video appears to have been taped over. Is that what happened?

126A: I didn't hear about that until after we landed that that had happened.

MAJ BYAS: Do you feel in any way that it may have been -- turn this off so I can ask the question . . .

(The interview was recessed for several minutes)

(The hearing was reconvened)

127Q: In your opinion, could the monitoring of the special mission -- special mission aircraft or the Iraqi aircraft south of the thirty-six parallel have distracted the surveillance crew or could -- do you think it could have distracted the weapons crew from specifically calling the -- and monitoring the helicopters? Could that have been a factor?

127A: The surveillance team, yes sir. They were busy tracking those things we'd been told to track.

128Q: And to clarify, you previously said that that's exactly what your guidance was.

128A: Yes sir. They have -- they have to turn in a -- a lot of data when we land to Intelligence and they have a report they have to send up. As far as weapons, I couldn't speak for them, but it could because the special missions need to be out of the area before our guys come in, so it may have, but I couldn't -- I cannot tell for sure.

129Q: You indicated that you'd heard that the videotape had been taped over after the mission was completed?

129A: I heard that after the mission had been completed, yes sir.

130Q: Where did you hear that information?

130A: I couldn't -- I couldn't even tell you. Somebody was just walking by and said it. I don't remember who.

131Q: Do you remember what they said?

131A: They said -- they said, "The video's gone." I said, "Well, what happened to it?" They

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said, "Somebody taped over it by accident." I guess they were looking at it to make sure the whole video -- that the video was good. We had some activity we had to record and they pushed the record button and it was an accident.

132Q: So they were reviewing it at the time . . .

132A: Yes sir, to see what had actually happened, to see what we could see, and somebody said, "Turn the video camera on," and they just pressed the button and didn't even think. It was an accident. From what I understand. I didn't hear -- I don't even know who did it.

133Q: You don't know who . . .

133A: No.

134Q: Do you receive any flight plans on the helicopters prior to taking off?

134A: No sir, we don't have a takeoff time, no flight plan. To the best of my knowledge -- now I don't listen to the frequency they check in on, but to the best of my -- to the best of my knowledge, they call, they check in and they said, "Eagle Zero One is with you, heading from -- out of the outer Kurd," and then as soon as they enter the AOR, "We're enroute to point whatever." And then, when they takeoff again, they say their next point. That's to the best of my knowledge but I've never listened to an Eagle Flight on the radio before.

135Q: From your past experience, when an Eagle Flight states that he's going from one point to the other, do they go directly from one point to the other?

135A: The only time I've paid much attention to an Eagle Flight was this last time and he did not go direct. I can tell you that from where they got shot down.

136Q: Were you monitoring his track?

136A: No sir.

137Q: When you say you were paying -- the only time you paid attention was this last time, what do you mean by that?

137A: I don't normally track Eagle Flights. If I see an IFF hit or a radar hit up there, then we'll -- we'll -- like I said before, we will put symbology on it but then generally weapons will take their Eagle symbology from wherever they have it and they'll pop it back on and drop ours out.

138Q: My impression is that you didn't track it this time either.

138A: No sir.

139Q: So to clarify, in reviewing what you said before, you mean that that is not your primary responsibility and that is why you do not normally track it; or does it mean you just normally don't do that because it's not of interest?

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139A: No sir, it's not -- not our responsibility.

140Q: How much -- do you track north of the thirty-six and how much controlling -- tracking do you do north of the thirty-six?

140A: If we have a hostile aircraft north, we would track it if we see it, but generally all the activity has been south of the thirty-six.

141Q: So you . . .

141A: Weapons tracks in the area -- unless the special missions are there. Then we track.

142Q: Okay. So when a special mission is not there, your primary focus is south of the thirty-six?

142A: Yes sir.

143Q: Not north of the thirty-six.

143A: No sir, because usually the F15s come out, they're clean, they've swept the area and boom, we've got our mission south of the thirty-six to make sure nobody pops north and we've got our special mission.

144Q: Do you have your scope situated so that you could focus more on the south than the north?

144A: I generally run on a -- and I change it throughout, but I -- when I'm wanting to see what's in Iraq, I will put it on an eight expansion and I'll just look -- do a whole sweep of the whole area and make sure my technicians are providing good tracking on the tracks we have, and then I'll expand up in case there's any special missions coming in.

145Q: For those technicians, what expansion do they generally use? Are you broken down in various areas?

145A: Yes sir. We have one person tracking Iraq and mapping log in, and the other person tracks everything else.

146Q: Okay. And that is -- Iraq, does that mean all of it or just south of the thirty-six?

146A: Generally south of the thirty-six line.

147Q: On an unrelated area, I have some more questions -- or just one more. Do you drink?

147A: Yes sir.

148Q: Prior to the mission on the 14th, were you drinking?

148A: No sir.

149Q: Or were any other crew members that you're aware of drinking that day?

149A: No sir.

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MAJ BYAS: That's all I have.

(Questions by Colonel Wilcox)

150Q: Just for my own clarification, you indicated that the F15s sweep the area. Would you explain that please?

150A: Yes sir. The F15s are the first ones. They are the primary air-to-air players out there. They go out into the area of responsibility before anybody else, including the tankers or any of the non-shooting fighters, and they enter the area and they generally do a thorough radar sweep of the whole area to make sure there's no enemy aircraft.

151Q: If I heard you correctly before, they don't go into the AOR until the special mission is cleared out.

151A: Well, they can, but normally the special missions don't maintain very good altitude. They don't maintain the altitude they -- that they promise to maintain and they will conflict with our, say, refueling track and -- and it's a safety problem, so generally we like them to be out of the airspace before our guys go in.

152Q: Did that happen on the 14th?

152A: No, they were out in time but it has happened in the past and we almost had to cancel a whole day because of it.

153Q: I'm confused by your answer. You said -- were the special missions people out of the AOR before the F15s entered?

153A: Yes sir.

154Q: When the F15s go in, I assume that you're tracking focus at that time is with the F15s looking for the -- looking for hostile aircraft in the AOR.

154A: Yes we do, but I -- I always look there, but I have never seen anything there and their radar is much better than ours, they can fly around things that block our -- our radar, and generally I'll do a quick look, I don't see anything, and we'll focus out.

155Q: Do you focus out before the F15 sweep is completed?

155A: I'm usually on that eight expansion and I have all of Iraq there.

156Q: Well, your focus then is on all of Iraq before the F15s sweep -- that is your focus is not merely limited to the AOR before the F15 sweep is completed. Your focus has expanded to a larger area before the sweep is done.

156A: I would say yes. I'm also checking how good my radar is at that time to make sure I'm painting the -- or my radar picture in the area of responsibility is good.

COL WILCOX: I understand.

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GENERAL ANDRUS: I have just two more questions.

(Questions by General Andrus)

157Q: You said you don't normally listen to the helicopters or the helicopter transmissions. Do you mean that you are on their frequency but don't pay attention or do you mean that your assignment requires you to be on other frequencies, monitoring other activities, and that this would preclude you from listening to the helicopter transmissions?

157A: Yes sir. If I listen to any weapon's frequencies it would be Have Quick but I didn't have it that day and I don't even know what freq the helicopters check up on. I understand it's enroute but I'm not sure. I couldn't confirm that. And I never listened to enroute. I'd rather know what's going on out there with the Have Quick if I can roll it in.

158Q: By special missions, you mean [other missions?]

158A: Yes sir.

GENERAL ANDRUS: That's all I have.

COL WILCOX: Do you have any further information, statements or evidence you wish to present?

WITNESS: No sir.

COL WILCOX: You're reminded that this is an official investigation. You're ordered not to divulge the nature of the investigation or the questions, answers or discussions in this interview with anyone unless authorized to do so by the board president, Major General Andrus, CINCUSAFE, or higher authority. If anyone other than a member of this board should approach you regarding your testimony or the matters discussed here, you must report it immediately.

Do you have any questions?

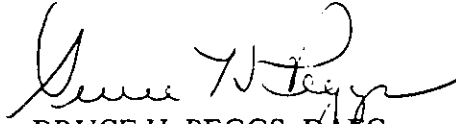
WITNESS: No sir.

COL WILCOX: 1542 and the interview is concluded. Thank you very much.

CONTROL WITNESS #15

REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by Control Witness #15 to the Aircraft Accident Investigation Board was recorded by me by stenomask and that the foregoing transcript is a true, accurate, and verbatim account of that statement.



BRUCE H. PEGGS, DAFC
Court Reporter
Incirlik Air Base, Turkey

CONTROL WITNESS #15

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TAB V-019

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CONTROL WITNESS 16

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SUMMARIZED TESTIMONY

CONTROL WITNESS #16 963d Airborne Warning and Control Squadron

The interview was conducted by Major Aaron D. Byas, at Incirlik AB, Turkey, beginning at 1552 on 19 April 1994. A standard witness advisement was given in accordance with AFR 110-14, and the witness was sworn.

EXAMINATION

My TDY location is Incirlik Air Base, Turkey. My present AWACS position is an Advanced Air Surveillance Technician. My primary duties are to data link with ground units and other airborne players. Also to supervise air surveillance technicians in their tracking duties. I'm also an Air Surveillance Technician Evaluator.

I attended the enlisted undergraduate course at Sheppard AFB, TX, Ground Radar Course at Keesler AFB, MS, thirty four academic days at another base, and approximately 100 simulator hours that lead to my qualifications as an air surveillance technician. Then a two week academic course and approximately thirty simulator hours for advanced air surveillance technician.

I was an air surveillance technician for approximately three and a half years before I became an advanced air surveillance technician. I have been an advanced air surveillance technician since November 1993. I've been a Standardization Evaluation Evaluator since December 1993.

I received a three hour simulator scenario on Provide Comfort before coming TDY. I have approximately 800 simulator hours with multiple scenarios. I received a Provide Comfort mission brief when I arrived here. I also received specialized crew training for my specific position. I feel the training was adequate for me to perform the mission. This was my first mission here at Provide Comfort. This was my first time ever in the area of operation.

On 14 April 1994 I was sitting at my position between the hours of 0640 and 0735 Zulu. In my opinion, the radar was operating effectively for the mission.

I don't recall the IFF settings used that day. They were appropriate for the mission. I believe the required IFF settings for that day were Mode Charlie and Mode II Priority. Other than that, I couldn't tell you exactly what was in the IFF setting, because I didn't review the TD, type of display.

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The Weapons Section was responsible for tracking the helicopters. It is standard procedure for them to track helicopters. As to whether that was briefed, I can't answer that. I don't know. I am not aware of any transmissions to confirm that Weapons Section was tracking Echo Echo Zero One. Weapons Section is responsible for tracking the F-15s. There were other tracks initiated in the air surveillance area prior to the F-15s entering the No-Fly-Zone. I couldn't tell you, off hand, what other tracks were initiated in that area. Weapons handle that tracking north of the 36 line in Iraq. They're fighter assets. I don't recall if there were any tracks in that area prior to the F-15s entering that area.

To my knowledge we were not flying a special mission that day. To my knowledge we were not assigned any other missions to perform other than the one assigned by the Provide Comfort Air Tasking Order.

As a surveillance technician, our job that day was to track everything below the 36 line in Iraq. We were assigned to track Turkish aircraft during that day. I couldn't tell you what time we tracked Turkish aircraft. I believe it was before the F-15s entered the area. Our Iraq tasking area was below the 36 line. Our normal operation was not to initiate tracks north of the 36.

On that particular day I was listening to external radio which happened to be Turkish SATCOM. The internal mission nets that I was listening to were Net 1, and Net 3. Net 3 is used for surveillance, and Net 1 is used by the flight deck and the mission crew commander. I was also listening to VHF guard.

I did not notice any helicopter traffic in the No-Fly-Zone north of the 36. I was not monitoring any weapons control frequencies. I was physically sitting at my position between 0630 and 0735, but I wasn't on duty. I was taking a break, and I happened to be monitoring the radios with my eyes closed. I was not looking at the scope.

I was not directed to take any notes during the mission.

I monitor Net 1, which is monitored by the mission crew commander and flight deck and Net 3, which is a surveillance coordination net. I do not recall any communications on those nets prior to the actual shoot down of the helicopter. I do not recall any communications in regards to that incident. All I recall hearing was, "Splashed two Hind helicopters." I heard a call go out over SATCOM about the splash, and that's all I remember hearing.

I do drink. I was not personally drinking the night before, and I couldn't speak for any of the other crew members. I was not aware of any of them drinking before the mission.

CONTROL WITNESS #16

Any controlled aircraft is usually handled by the Weapons Section. I don't know exactly where it's written, if it is written. But it's just common practice in the AWACS community. Before the mission, there was a mission brief that said we are going to be tracking aircraft south of the 36, including Turkish aircraft. I do not recall if during that particular day's briefing, if it was articulated that all the other aircraft in the AOR that are north of the 36 will be tracked by the Weapons Section. Its common practice that they handle all the green stuff, the friendly fighter aircraft and anything in their area of responsibility. If there are unfriendly aircraft in the area, it would not necessarily be my responsibility to track them. Because once they pair them with fighter aircraft, they maintain all the tracking on those particular tracks of interest.

I would say in this particular case, before the aircraft are paired, it would not be the responsibility of the surveillance section to track them north of the 36 parallel. It is a weapons function to pair the fighter aircraft with the target. You have to have a weapons assigned template to assign that pairing bar. In other situations the surveillance section would be responsible for tracking aircraft that were not paired. This situation was different because of the mission description of what Surveillance was doing and what Weapons was doing. After the assignment given in the pre-mission briefing, Surveillance's function was to track everything below the 36 line in Iraq. Not only in the pre-mission briefing, but in the simulator scenarios as well and that's what we're taught to do. Basically, once the assignment to the Surveillance Sections has been made, everything else left over belongs to the Weapons Section.

This was my first mission. My training here once I arrived at Incirlik consisted of some mission briefings, some specialized briefings with individual crew positions, i.e., Weapons split off and did their little weapons briefing, and surveillance did a surveillance brief, and communications technicians to their specialized briefing. It would be in those initial briefings where the general nature of our missions would be described to us. For example we'll be monitoring south of the 36. It would be appropriate in the Weapons briefing for them to be notified that they would be responsible for monitoring all the aircraft activity inside the No-Fly- Zone.

It would be standard procedure for Weapons to monitor unpaired aircraft north of the 36. I would say that would be standard procedure. That's the procedure that was being followed on the 14th. I can't answer if that procedure is documented anywhere. All of my training has led me to believe that my responsibility is to track south of the 36.


There has been no discussion among the other crew members of this particular mission, either after the shoot down occurred or after our arrival at Incirlik, that I know of.

I don't have any further information, statements or evidence that I wish to present.

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(The standard witness caution was given and the witness had no questions. The interview was concluded at 1622 hours.)

I certify that the foregoing is a true and accurate summary of the testimony of CONTROL WITNESS #16, as given to the Aircraft Accident Investigation Board.



CHARLES H. WILCOX II, Colonel, USAF
Legal Advisor

CONTROL WITNESS #16

TAB V-020

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**SUMMARIZED TESTIMONY
OF
CONTROL WITNESS #17
963D AIRBORNE WARNING AND CONTROL SQUADRON**

The interview was conducted by Maj Aaron D. Byas, at Incirlik AB, Turkey, beginning at 1728 hours, 19 April 1994. A standard witness advisement was given in accordance with AFR 110-14, and the witness was sworn.

EXAMINATION

I am currently assigned to the 963d Airborne Warning and Squadron (AWACS). My temporary duty location is Incirlik Air Base, Turkey. My AWACS crew position is a air surveillance technician, and my duties are to track and monitor the area of responsibility. Yes, it is correct that I initiate tracks in a specific area.

I entered basic training in December 1992. I then attended technical school, enlisted aircrew from January until March 1993. I attended radar school in March and PCS'd in April 1993. I went to school in June and started air surveillance technician (AST) course in July. My first flight was 31 August in the training squadron and I then was reassigned to the 963d in late October of 1993. I have been mission ready since November 1993.

The training received prior to coming to PROVIDE COMFORT consisted of ground classroom. I received specific training of five sims, which were all PROVIDE COMFORT sims, prior to coming to Turkey for the PROVIDE COMFORT II mission. I also received a local area briefing but did not receive any specific surveillance training. The first day we arrived at Incirlik we received a spin up briefing on the AOR.

This was my first PROVIDE COMFORT II mission and flying this area. I was sitting at my assigned position at 0640 and 0735Z on the morning of 14 April 1994. The radar and IFF picture that I was looking at was satisfactory for me to do my job. It is not written down but understood that weapons is responsible for tracking helicopters. The Surveillance Team may also track aircraft that are assigned on the Air Tasking Order. Weapons team is responsible for tracking the fighter aircraft. There were no tracks initiated in the air surveillance area prior to the first fighter aircraft entering the No-Fly-Zone on the 14th of April.

There were no tracks initiated in the No-Fly-Zone prior to the first PROVIDE COMFORT mission going into the area of operation. I was on console at the time of the incident, but I was not during takeoff. I had been at my position approximately less than an hour prior to the accidental shoot down. During that time I was tracking the region

CONTROL WITNESS #17


around the AOR. I was not initiating any tracking on the south or north of the 36 parallel. I am not sure of the frequency nets that were being monitored because I was listening to SATCOM. I don't know exact frequency because I wasn't on console when we first came on station. I was sitting with Control Witness #19, and what she had on her radio is what I listened to. I was monitoring mission Nets One and Three. I do not recall any conversation prior to accidental shoot down on Net One.

The first time I heard any thing about the shooting was, "Splash one Hind," and "Splash two Hind." I thought I heard this from SATCOM. The first voice I heard I can't recall who's it was. The second voice I heard was "Splash two Hinds," from the MCC. I don't recall any big information or anything unusual, but I do remember Mad Dog asking Duke if he has heard from Eagle, saying they were late and Mad Dog wanted to know now. Duke didn't have a reply. That's the only thing that caught my attention. It is correct that Mad Dog is the ground controller and Duke is the airborne controller.

I did not consume any alcohol before my mission nor do I know if any of my crewmembers consumed any.

(The standard witness caution was given, the witness had no questions and the interview concluded at 1728 hours.)

I certify that the foregoing is a true and accurate summary of the testimony of CONTROL WITNESS #17, as given to the Aircraft Accident Investigation Board.


CHARLES H. WILCOX II, Colonel, USAF
Legal Advisor

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CONTROL WITNESS 18

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V-017A

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**VERBATIM TESTIMONY
OF
CONTROL WITNESS #18
963D AIRBORNE WARNING AND CONTROL SQUADRON
(AIR SURVEILLANCE TECHNICIAN)**

COL WILCOX: The time is now on 1630 hours, 19 April 1994. The persons present are the following: Major General Andrus, Major Byas, Sergeant Moore. The witness is Control Witness Number 18. And I'm Colonel Charles Wilcox.

This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly-Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINCUSAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. This is an accident investigation. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings, and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes, and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand this difference between a Safety Mishap Investigation and as an Accident Investigation?

WITNESS: Yes sir.

COL WILCOX: Do you understand the purpose of this investigation?

WITNESS: Yes sir.

COL WILCOX: Do you have any questions?

WITNESS: None yet, sir.

COL WILCOX: Your testimony will be recorded and transcribed verbatim, so that a written record can be made available to the appointing or higher authority. For the benefit of the reporter, please avoid the use of acronyms or jargon. Remember to speak slowly, loudly, and

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explain yourself thoroughly, so others who are unfamiliar with the technical aspects of your duties can understand your testimony.

COL WILCOX: Do you understand?

WITNESS: Yes, sir.

COL WILCOX: Would you please rise, so I can swear you in.

WITNESS: (Complied and was sworn by COL Wilcox.)

COL WILCOX: Thank you. Please be seated.

WITNESS: (Complied.)

EXAMINATION

Questions by Maj Byas:

1Q: State your full name and grade.

1A: Control Witness #18.

2Q: And your duty location.

2A: Incirlik Air Base, Turkey.

3Q: What is your air crew position?

3A: Air Surveillance Technician.

4Q: What are your duties and responsibilities as an Air Surveillance Technician?

4A: I'm responsible for maintaining a clear picture and trying to find the enemy, or whoever we're looking for at the time.

5Q: Could you clarify "clear air picture." What do you mean by "clear"?

5A: Trying to establish who are the good people and who are the bad people, who are threat to us and who are not.

6Q: What are your background and training?

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6A: Okay. Do you want me to go through ----

7Q: Could you start off from the time you came into the Air Force.

7A: Okay. I joined the Air Force on 17 September '91. I left basic training roughly 6 weeks thereafter and went to Sheppard Air Force Base for altitude training, and then the enlisted air crew qualification course. I left there for Keesler Air Force Base, Mississippi, on the end of November. I was -- then the 5th of January at Keesler I started my initial training. It was actually a ground level course for the job that I now do.

I left there on 5 February, arriving at Tinker on 12 February of '92. I went to survival school in March of '92, and in April -- I believe the 7th of '92, I started my training to be an air surveillance technician at the training squadron in Tinker Air Force Base, Oklahoma.

8Q: How long did that training last?.

8A: A little over 2 months, I believe.

9Q: Does that include academic and flight training?

9A: Yes. I arrived at my operational squadron -- Well, I started training in the beginning of April, and I was at my operational squadron in their training department in the middle of July.

10Q: How long did your training last in your operational squadron?

10A: Roughly 25 days, something like that.

11Q: How many flights did you obtain during that period of time?

11A: Three.

12Q: What is your current qualification?

12A: Excuse me?

13Q: What is your current qualification? Are you an air surveillance technician, instructor?

13A: No, I'm only an air surveillance technician, up three level, new rules.

14Q: What specific PROVIDE COMFORT training, PROVIDE COMFORT II training did you receive prior to coming to Turkey?

14A: Well, this is my second trip to Turkey. The first trip to Turkey, we had a spin-up -- a preparatory brief by our tactics department in our squadron. We had several "sims," simulators, where we did practice missions of what we would be doing here. When we arrived here, we were given a full briefing by our unit, as well as at the CTF, Combined Task Force Headquarters. They gave us an overview of what was happening here and what our part was in that. And our first flight, we flew with our staff who were familiar with the area, so they flew with us to make sure we had everything understood. And the same thing happened when I returned this time, with the

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exception of a mission plan that was added the day before our first flight, that I don't remember doing the last time.

15Q: So you received the same type of training this -- on this deployment, a simulator training, and the academic training, prior to your deployment here?

15A: Yes, sir.

16Q: Once you arrived here, what type of training did you receive on this deployment?

16A: There were the initial briefs that -- at our ops center here, where they explained to us what the current way of going about things was; how they wanted certain things done, what was the usual methods, things were being done; and then there was the brief by a Lieutenant Colonel at the CTF, again; again, giving us the overview of what was happening here, and what they wanted from us.

17Q: Did you receive any specialized crew training for your specific area of responsibility?

17A: Yes, I sat down. Our air surveillance officer we joined her, she had been extended here. When we arrived here, she pulled us aside for about an hour, and she went over the books. She explained to us what we needed to be doing here.

18Q: Were you sitting on your position between the hours of 0640 and 0735Z on the 14th of April? I'll remind you that is about -- say 40 minutes prior to the accidental shoot down of the helicopters?

18A: Yes, I was, sir.

19Q: During the shoot down period, were you on position?

19A: Yes, I was, sir.

20Q: What were your duties during that period of time? What were you doing on the position?

20A: I was currently tracking and logging air tracks in and around Iraq.

21Q: "Tracking" means you're initiating some symbology on possible hostile, or ----

21A: --- Yes, or otherwise. And also I had been tracking Turkish tracks that were skirting the border, doing some things that we wanted to take a better look at. And that was one of the things we were briefed, just to maintain an air picture of what they were doing, and I had also been tracking and logging that.

22Q: Did this occur prior to the PROVIDE COMFORT missions entering the area of operation?

22A: Yes.

23Q: Once those aircraft had departed the area, what was your focus, as far as -- what was your tracking, your area assignment responsibilities as far as initiating tracks?

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23A: I was looking for tracks that were in Iraq, trying to -- trying to tell people to trace their patterns, so we would know how -- what kind of training they were doing, where they were moving their various airplanes, and also trying to find possible threats to our aircraft or to the Kurds, which is the main reason we're here.

24Q: Were you initiating any tracks or looking for any possible non-friendly aircraft north of the 36?

24A: I was looking, but not as stringently as I was south of the line.

25Q: So where would your primary focus be, you say south of the 36?

25A: South of the line. Yes, sir.

26Q: Okay. Who is responsible for tracking helicopters?

26A: In what phase? A friendly helicopter that is on a mission and communicating with us would probably be considered a helicopter that would be tracked by our weapons people, and then they would generally deal with that.

27Q: Who is responsible for tracking fighter aircraft?

27A: Our weapons people.

28Q: From your point of view, was the radar and IFF functioning properly, from an operator's point of view?

28A: It was a fairly good picture. We were having a little bit of jitter up the tail of the aircraft with the IFF, an anomaly, that I had noticed. They'd already informed me before I flew that would be there, and I saw it again. I was doing monitor and I was looking specifically for aircraft within a certain radius of our airplane for possible error, traffic that might be coming too close to our aircraft and be causing a problem to our flight pattern.

29Q: Could you clarify what "jitter" is?

29A: Okay. It was a display on the screen that we knew it's -- that would say there was an aircraft there, that we knew there was not an aircraft there, a false display.

30Q: Did that affect any other radius, other than within a 2-3 mile radius of the aircraft?

30A: Not that I noticed, sir.

31Q: Do you conduct any Mode IV checks on unknown or assumed hostile aircraft?

31A: We're capable of doing that, sir, and then I would -- if a situation came up where I thought I needed to do that, I would go to the air surveillance officer and ask her if we could, and then we would initiate that.

32Q: What radio frequency were you monitoring between the hours of 0640 and 0735Z?

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35A: I was listening to the PROVIDE COMFORT SATCOM, Satellite Communications, who has the SATCOM Net where our mission commanders and the airborne command elements we're talking to, the ground command element. And I had an HF surveillance frequency and -- I believe, and those were the two that I was monitoring actively.

36Q: Did the Eagle Flight check in on any of your radios?

36A: No, sir, not that I heard.

37Q: Were you monitoring guard?

37A: Yes, sir.

38Q: Did you hear any transmission concerning Eagle Flight on guard?

38A: No, sir. And I assume this thing is still on the record. The guard that I monitor is 121.5, the backup guard, and not 243.0.

39Q: Were you aware of the flight Echo Echo 01?

39A: Yes, sir. I was. When I was tracking the Turkish traffic that was passing into Iraq, right as the last Turkish traffic was leaving -- I'm not sure of the exact time -- there was a helicopter coming across the border, basically at the corner of Syria, Iraq, and Turkey; and it was marked -- hit up. It had the symbology on the display of the helicopter, and it was squawking. But it was unusual because it was my first mission here, this trip; the last trip, I did not remember ever tracking helicopters. So I called up the air surveillance officer, and I asked who is Echo Echo 01, and our senior director -- senior weapons director said that's Eagle Flight. And I looked down at the frag sheet, the list of the aircraft to expect to be up; and written in the margin was Eagle 1 and 2, and the IFF modes that they were squawking. So I understood that to be weapons track; it was on the weapons flow sheet, and I didn't really pay it any attention after that.

40Q: You mention two phrases we'd like to clarify, and that's "hit up." Could you explain that.

40A: I initiate -- (paused)

41Q: For the record, could you explain what "hit up" means?

41A: "Hit up," to initiate, to start the system actively looking at a piece of data.

42Q: And could you define squawking?

42A: IFF, to be actively using IFF.

43Q: Okay. What mission nets were you monitoring?

43A: Net 1 and Net 3, and the maintenance net.

44Q: Do you recall any radio transmission on any of those nets prior to the mishaps?

44A: No, sir. The first clue I had that anything was going on was I heard the mission crew commander on SATCOM, stating "Splash two Hinds." And that was the first hint I had that anything was happening.

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45Q: Can you control the volume of each one of those nets?

45A: Yes.

45Q: Which net, 1 or 3, did you have the loudest?

46A: Net 3, that would be my primary net as a surveillance upgrader.

46Q: In your duties, do you ever respond on Net 1?

46A: Yes.

47Q: What communications -- After the mishap, were you still monitoring your net, your internal communication?

47A: At that point, after the mishap, I activated all three nets.

48Q: Okay.

48A: I had the weapons net on as well.

49Q: What communication did you hear, to the best of your recollection?

49A: There wasn't a lot that I remember, other than I think I remember someone saying he "vis ID'd," or he visually ID'd, identified the aircraft as two Hinds, and he acted on that. I really -- I don't remember hearing very much about it.

50Q: Do you have anything to do with the video recorder that is in the aircraft?

50A: No, sir. That was handled by our weapons people as well.

51Q: Before the mission -- that's one of the questions have. Do you drink?

51A: Yes, sir, I drink.

52Q: Okay. Were you drinking the day before the mission?

52A: No, sir.

53Q: Do you recall when your crew rest started?

53A: I believe at 6 -- 1820, the evening prior.

54Q: Do you know of any of your fellow crew member that may have been consuming alcohol prior to that time?

54A: No, sir. I do not.

MAJ BYAS: I think that covers all my questions.

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Questions by Maj Gen Andrus:

55Q: Can you describe for me what your impression of the air surveillance was that day?

55A: What our mission was?

56Q: Yes.

56A: Our mission was to try and record an accurate air picture of what we thought the Iraqi aircraft was doing, to develop an intelligence picture of what they're doing, to know their patterns, and also to make sure the aircraft was not over flying the Kurds in the northern No-Fly-Zone.

57Q: You talked in some length about some of the briefings that you received when you arrived here. Can you tell me some of the specifics of the briefings you received in the AWACS Detachment?

57A: Yes, sir. They described the way a standard mission would be expected to go, the timings between our show time and our take off, the kind of aircraft that we'd be expected -- that our weapons people would be expected to control; what times -- if we were to do an aerial refueling, what time would that be, how much will we be taking on.

58Q: When they talked to you -- when they described this standard mission, what did they say? What was their description?

58A: Sir, that's pages and pages of stuff. I mean, this is ----

59Q: Specifically in describing the standard mission and the responsibility for tracking targets north of the 36 parallel in Iraq, did they cover whose responsibility that would be, weapons surveillance?

59A: I don't remember them specifically addressing that. I would assume that would be a surveillance mission; but once the area becomes filled with fighters -- you know, 20 aircraft, or whatever, in an area that small, with their symbology; when we're looking at the greater picture, it becomes very hard to see specifically what's happening there. So you go away and you come back, and you go away and you come back in weapons because there's so many aircraft up, at that time, with their systems working, they're more likely to be able to find something up there before we are because they're actively looking. Whereas, we have a lot -- a vast area that we're responsible for, 360 degree coverage.

60Q: You testified about some communications you had with a senior weapons director, concerning helicopters that come up, I guess, on our comm center.

60A: Yes, sir.

61Q: Would you explain that to me one more time, please.

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61A: Yes, sir. I'd been tracking the Turkish aircraft that was skirting the borders with Iraq. I noticed about the time that the last Turkish aircraft was leaving, I noticed a helicopter coming into the northern No-Fly-Zone. I'm not sure of the coordinates, but it was roughly right at the edge of the Iraq, Turkish, and Syrian borders, where they all joined together.

62Q: What direction was the aircraft flying?

62A: That would be southeast, roughly, south, southeast, I think.

63Q: That would indicate -- Where would that indicate that the helicopter was coming from?

63A: I would assume it was coming from an air base in Turkey, such as Incirlik. I'm not sure. We rarely deal with helicopters, so I'm not sure where they would have been coming from. But it looked like he was coming along the same route that we take when we leave Incirlik.

64Q: From Turkey into Iraq, not from Syria into Iraq?

64A: No, no; it is. The aircraft never crossed into Syria. It was just at that portion of the map where the three countries joined together. It passed from Turkey into Iraq.

65Q: I believe you testified that you've been here before?

65A: Yes, sir.

66Q: In your previous rotation here, your previous TDY here, we -- were there any helicopters in the AOR?

66A: Not that I remember that we maintain a picture on. No, sir.

67Q: You found these helicopters in the AOR to be an unusual event?

67A: That we saw them, yes.

68Q: And what did you do?

68A: At that point, I called the air surveillance officer and asked her who Echo Echo 01 was. At that point, the senior -- the weapons senior director said that it's -- that's Eagle Flight. And then I looked down at the frag sheet, the weapons flow, and I saw in the margin Eagle 01, 02, with some 02's, some 03's, different types of IFF; and so I assume then it was a weapons track. But it was still kind of unusual that we were doing helicopters when we didn't have an exercise of some kind planned.

69Q: What made you assume that it was a weapons track because it was on this flow sheet?

69A: All aircraft on that flow sheet are friendly aircraft that are generally there to work the No-Fly-Zone. It would be the fighters, the tankers, the various other aircraft that go up in a package to fly up there. And so it was worked in with the rest of them. It looked like it was a weapons track.

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70Q: You said it was noted on your console as Echo Echo 01?

70A: Yes.

71Q: How does that symbology get put up on the screen, so you get to see it?

71A: Okay. When a track is initiated, the system automatically assigns it a track number.

72Q: When you say a "track," you mean when your radar first picks it up?

72A: No, no. When someone would see on their screen an IFF display, and a radar display for air track, someone would then initiate -- they would start a track there to where there is a piece of symbology assigned to that piece of data.

73Q: Who is responsible for doing that?

73A: That would depend on where it's at. If it was flying in Iraq, I would be responsible for that. If it was a weapons track, when the weapons track, when the weapon decided -- when it showed the -- when the IFF that it was emitting matched up with what they were looking for, they would know that it was their track; and then they would put their symbology on it, at which point I basically -- I'm very limited with what I'm allowed with that track.

74Q: So the fact that Echo Echo 01 symbology appeared on your scope meant that somebody in the aircraft had identified and put this symbology against it?

74A: Yes, sir. That's correct.

75Q: And then in your conversations over the net, who is the senior weapons director, he said that it was an Eagle 1 and 2 -- Tell me when I get this logic train wrong. And then by looking at the flow sheet, it indicated that it was a friendly in the area which meant that it was a weapons control responsibility.

75A: As far as I know.

76Q: Do you know who would put the symbology sheet on this track?

76A: No, sir.

76Q: This track would indicate it came from Turkey?

76A: Yes, sir.

77Q: And that the symbology would have been placed on the track by someone in the AWACS crew?

77A: Yes, sir.

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78Q: Whose responsibility would that normally be?

78A: I would -- This is getting out of my realm of knowledge. Generally, I see them as one entity, and I'm doing something else. I'm not sure of the exact breakdown, but I would assume something like that would be done by whoever was handling the check in, or the enroute frequencies.

79Q: Would that normally be the surveillance section?

79A: No, sir. That would be a weapons director.

80Q: That would normally be a weapons director, even though the aircraft was in Turkey, proceeding to Iraq. Is that correct?

80A: Yes, sir, because they would be looking for the aircraft coming out of Incirlik, as a package, to come into the AOR.

81Q: How do you know it was the senior weapons director who said it was Eagles 1 and 2?

81A: I recognized his voice, sir.

82Q: Who was it?

82A: [Redacted.]

83Q: After the incident happened, was there any conversation on the aircraft, as you returned to Incirlik Air Base, concerning the incident?

83A: There was a great deal.

84Q: What was said?

84A: It was utter confusion. We didn't know -- some of us didn't know that anything was happening until after it happened, and the people were worrying about -- were kind of in shock that it had happened so fast. We still -- we were, you know -- We were listening to the search and rescue frequencies, and we were hearing what was going on. And then we heard the -- I remember specifically hearing one transmission at the Pentagon confirmed. I believe they said at that time, 20 -- 20 dead, and people were -- we were in shock because I've been on -- I've been on so many missions where stuff almost happened, and then it didn't, that -- At first, it was amazing that something had happened, then it was terrifying what we thought had happened. And that's pretty much what the topics of discussion were.

85Q: Did anyone try to assess responsibility on the aircraft?

85A: Tried to find blame within our aircraft?

86Q: Yes.

86A: No.

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87Q: Have there been discussions concerning the incidents since you arrived back at Incirlik?

87A: With who?

88Q: With members of the crew.

88A: More discussions of what we see on the news.

89Q: You refer to the confusion, and concern, and shock on the airplane; and you said that was mostly with the people involved. What do you mean by the people involved?

89A: The weapons directors.

90Q: The weapons directors?

90A: The weapons section of the aircraft.

91Q: In your mind, were the personnel assigned to the weapons section of the aircraft the ones that would have been responsible for tracking the helicopters and coordinating the activity of the helicopters and the F15's?

91A: As I understand it, sir, we know they're going to be there, if they decide to tell us. But we don't talk to them, we don't see them, unless they decide to do that to us. So as I understand it, we are kind of left out of the loop with them. We're not always sure of what they're doing, and with -- From what I understand, we're given points. They're going from one point to another, but we don't know what time they're going to be there, or which way they're going to get there.

92Q: By "we" do you mean the entire AWACS crew, or do you mean the weapons section of the crew, or do you mean the surveillance crew?

92A: With that, I would -- the entire crew would not know.

93Q: And when you say "they," do you mean the helicopters, or the fighters, or both?

93A: The helicopters, sir.

COL WILCOX: So you have any further information, statements, or evidence that you'd like to present?

WITNESS: No, sir.

COL WILCOX: You're reminded that this is an official investigation, and you're ordered not to divulge the nature of the investigation, or the questions, answers, or discussions included in this interview with anyone unless authorized to do so by the board president, Major General Andrus ----

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WITNESS: Yes, sir.

COL WILCOX: --- CINCUSAFE, or higher authority. If anyone, other than a member of this board, should approach you, regarding your testimony or the matters discussed here, you must report it immediately.

WITNESS: Yes, sir.


COL WILCOX: Do you have any questions?

WITNESS: No sir.

COL WILCOX: It's 1702, and the interview is concluded. Thank you very much.

REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by **CONTROL WITNESS #18** to the Aircraft Accident Investigation Board was recorded during an open microphone interview session monitored by SSgt Beverly Y. Moore. The tape from that session was reviewed and transcribed by me, and the foregoing transcript is a true, accurate, and verbatim account of that recorded interview statement.



JANET R. CHARLES, SSG, U.S. Army
Court Reporter
Incirlik Air Base, Turkey

V-022

TAB V-022

CONTROL WITNESS 19

12-97

SUMMARIZED TESTIMONY

CONTROL WITNESS #19 963d Airborne Warning and Control Squadron

The interview was conducted by Major Aaron D. Byas, at Incirlik AB, Turkey, beginning at 1050 hours, 19 April 1994. A standard witness advisement was given in accordance with AFR 110-14, and the witness was sworn.

EXAMINATION

I am currently TDY to Incirlik AB, Turkey. My crew position is air surveillance technician. My duties are to track and maintaining tracks in our AOR.

My first tech school at Sheppard was a month long. Then I went to Keesler, and that was also a month long. Flight and academic training lasted about three months and my training is also continuing now. I was not in position between the hours of 0630 and 0735 Zulu. I was on my break. My break was 0645 to 0745.

My duties while in position were tracking and maintaining all the tracks in our AOR. I was doing tracking prior to going on break. I don't remember what type of planes we were tracking because when you're tracking the whole AOR, there's quite a few aircraft out there. There was no weapons tracks. The Weapons Control Team had tracking responsibility of the Eagle flights. Weapons had tracking responsibility for tracking the F-15s. Weapons controls weapon's tracks and we track everything out around. We also track things coming into the no-fly area. The weapons team was responsible for controlling and tracking the helicopters. We called up before I went on break and asked who Eagle flight was. That was track Echo Echo Zero One, which was coming into the western part of Iraq. We didn't know who they were. This was our first flight, Control Witness #18 and myself. He called weapons to ask them who was tracking Eagle flight, and that's when they told us who they were and that they had it. I do not recall the Eagle flight check in.

There is coordination between the crew members to determine who is going to track what different kinds of aircraft in the AOR. Before we leave to go TDY, we have what we call Turkey Spin-Up, and everybody kind of goes over what they're going to be doing, the area you're going to be working in. I'm not exactly sure what weapons does because we're not weapons. When we get over here, we go through the same things again. We go over what we're supposed to be tracking. The discussion at home base is not that specific as to what kind of tracking, type of aircraft, who is going to be tracking what aircraft, or what the AOR looks like.

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It wasn't that specific when we got here either, because we had to call weapons to know what we were supposed to be tracking. We got some general training before we got here. Intel went over some stuff with us at Tinker AFB. There's a Turkey Spin-Up Book for surveillance. My Turkey Spin-Up Book is at home.

When we came to Incirlik we had a mission planning day, where we go over stuff with our air surveillance officer. This happened for this particular mission. Control Witness #15, the air surveillance officer was in charge of surveillance for this mission. I believe the air surveillance officer and the weapons officer brief each other on who's going to do what, but I'm not sure. The surveillance officer informs us of ID procedures and what to be looking for. I don't believe I can explain to you how the ID procedures work without discussing classified information.

The air surveillance officer tells us the way we would identify aircraft from various countries in this part of the world. We have a briefing to identify what type of U.S. aircraft are expected to be in the AOR. This did not happen on the 14th because the mission plan was the day before. We expected to see F-15s in the AOR. This was our first flight. Surveillance doesn't usually track weapons stuff, so we're not real familiar with what they do. I don't know their job. We do get a general briefing as to what kind of aircraft were expected to be in the AOR. I was briefed to expect F-15s. I did not know about Eagle flight personally. I don't know if we were briefed. I don't remember.

I had some indication on my scope that there were aircraft, and Control Witness #18 asked what they were. Control Witness #18 asked the senior weapons director. I can't remember who the senior weapons director was. I heard the answer as to who the aircraft were when weapons called. We indicated a symbology on that track. I can't really explain what that means to you. When we get radar or IFF on something out there, we hit up a symbology to display that is an aircraft.

Surveillance originally ID'd the helicopter, the Eagle flight. I did not personally ID the helicopter. I was on position when the symbology was put on the aircraft, not when it was ID'd. Weapons came over net two and said, "We got Eagle flight in the area." I looked up and noticed they had changed the designator. I can't tell if the symbology had been changed. It could of been like that before. The designator had been changed to Echo Echo Zero One. I don't know what the designator had been prior. There are too many tracks out there to remember all of them.

I knew that objects that were identified were helos because of the symbology that was on it. I didn't know particularly if it was Eagles. I was tracking IFF. That particular helicopter did respond to an IFF. I don't recall any multiple checks being conducted on that aircraft. We don't do that surveillance as ASTs. We do not do that. If we ever do that, we have to go through our

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air surveillance officer for permission. Our air surveillance officer and weapons are responsible for conducting multiple checks.

I can't really say, prior to me leaving my position, if the Eagle flight was still on my scope. I believe so. I can't really say because after weapons said we got it, I went on break. It was about 15 till, that would have been about 0645. When I came back up to check the time, it was at 26 after. I knew that I had 20 more minutes on break, and I went to the back. From what I've been told, and what I knew when I was woke up from the back, it happened between the time I came to the console to see what time it was at 26 after and I was woken up at 36 after, and it happened in that period.

I don't know if my air surveillance officer was using low velocity detection. I do not recall the type of radar setting that she had or the IFF setting. Its not my job.

I drink occasionally. I did not drink any alcohol prior to the mishap. I can't speak for the rest of the crew members, but I imagine not.

My scope was working properly throughout the day.

When I returned to my position, SAVVY Ops, AWACS' ground contact, was asking where the Eagle flight was. When I came back on shortly thereafter, somebody had said from the weapons, that we had lost contact with them, that they were within ten miles of the crash site. On their flight plan, they were 37 minutes late.


We did not have a flight plan on Eagle flight aboard the airplane. From what I understand, we do not normally get flight plans on helicopters. We do not receive any briefings on the route of flight for the helicopters. There's an Air Tasking Order given to us in our folder. I believe that's given to weapons. That's in the weapons kit, which I didn't see until after the fact.

Myself, nor any of the crew members were not instructed to take notes prior to landing. No one spoke to me concerning their involvement in the control of that mission. No one talked about anybody's involvement in that mission.

(The standard witness caution was given and the witness had no questions. The interview was concluded at 1113.)

I certify that the foregoing is a true and accurate summary of the testimony of CONTROL WITNESS #19, as given to the Aircraft Accident Investigation Board.

CONTROL WITNESS #19



CHARLES H. WILCOX II, Colonel, USAF
Legal Advisor

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CONTROL WITNESS 20

SUMMARIZED TESTIMONY

CONTROL WITNESS #20 963d Aircraft Warning and Control Squadron

The interview was conducted by Major Bays at Incirlik Air Base, Turkey, beginning at 0940 hours, 19 April 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

EXAMINATION

I am temporarily assigned here at Incirlik Air Base, Turkey. I'm an Instructor, CDMT. That's an Instructor/Computer and Display Maintenance Technician. My responsibilities are to power up the computer and display systems and load the operational computer programs, bring the system, what we call cyclic, and operational and then hand it over to the operators for their use. Likewise, once I do that, then my primary responsibility is to man my station, monitor a series of displays that come up on a screen at my position and respond to any maintenance actions that are necessary.

I've got fifteen years in the service. I've spent three and a half years at Carswell Air Force Base as a computer technician on the ground. Applied and was accepted to the AWACS program back in 1983. I PCS'd in March of '83 and went through training, was officially qualified on flying status as of August 1983, and I've been flying AWACS ever since.

My equipment was working properly with a couple of minor malfunctions. We had probably one of the best computers I've flown in a while. The only malfunction that we had that day that was one magnetic tape transport drive that we use to record the mission data which was not available. One of those was down which subsequently caused three to five minute gaps in our recording capability. So we have virtually all of the mission, with the exception of the times, when the tape was deassigned and rewinding itself. The other malfunction was a console that was down on the front row, seat ten, which is the center console on the front row which effectively gave up eleven's position. They had to move him back to another console, back towards the back.

That was the only console that I had that was completely down. Our mission crew commander's console was periodically, what we call blooming. The display would kind of fade and then get really, really big and blank out and then come back, and that was happening probably once every five to ten minutes. It came back after about twenty seconds or so. It was not

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anything that was serious enough to require him to move from his position. It just happened so quickly.

All the surveillance and weapons team computers were performing correctly.

I was at my crew position between the hours of 0630 and 0735 Zulu on 14 April. I was not monitoring any mission crew frequencies. I have access to GUARD but we don't monitor it there. It's not part of my job or responsibility to monitor any radio frequencies at all. I was monitoring Nets One and Three. During zero-six-thirty and zero-seven-thirty-five Zulu, on the 14th of April, I heard the normal standard chatter that goes on. I guess the first thing I heard directly related to the mishap was a discussion about turning on the video cassette recorder that we use to monitor high interest tracks. I don't know which crew position mentioned turning on the video recorder. I tend to sit there and read books more than anything and kind of ignore the net chatter unless it's actually pointed at me and I hear my crew position called out. Then I perk up and listen to what's going on.

I didn't hear anything on the radio concerning the shutdown of a helicopter. On the nets, I did. Just a few minutes prior to the shutdown, the net chatter picked up, and they started talking about the fighters having something. About that time, I was up and wandering around. I went back to the back to see what all the hoopla was about, and just about the time I got back to the mid-section, I heard them holler, "Splash One, Splash Two," and that was really the first time I realized what was going on. I was off headset because we have rather short cords. So I ran up to the front, grabbed my headset and cord, and plugged into eleven's console after the shutdown and kind of monitored what was going on. But my first realization was when they were talking internal within the cabin, hollering back and forth. The noise was not necessarily calm. They just hollered back and forth that they've got them. They hollered "Splash One, Splash Two." That's all I remember.

After I plugged into the weapons controller's console, essentially all they were covering was confirming kill and then going back and getting visuals on the crash sites and turning them around. The fifteens, they made look backs and looked at the crash site, and then they were back and forth with Mad Dog here at Incirlik. They were just describing what had happened and what was going on. And aside from that, it was just all focused on the shutdown, and at that point, we were really sure that we had just gotten two Iraqi Hinds. There was a lot of excited chatter about it. Nothing really that I can focus on.

At some point within the first hour, people were starting to ask if the Eagles had checked in, and I heard net intercom asking if the Eagles had checked in. They said, "No, we don't have them. We don't know where they're at." And that, I guess, was really the genesis of the question as to whether or not we had shot down the Eagles themselves.

Conversation between the crew members was a lot of general conversation all about

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the shutdown and individual feelings. When we had definitely confirmed that it was friendly fire, we had a lot of guys really feeling upset about it. But it was all primarily focused on the shutdown and how it could have happened and trying to recollect what it was that led up to it.

I did not hear anyone speak of their involvement in the mishap. We didn't have anybody come right out and say, "Yeah, I was involved with it," or "I wasn't involved with it." They weren't analyzing what they did. It was pretty much the focus as a team type thing.

During the flight, no one was instructed to take notes pertaining to the mishap or the events of that mission. After the flight, when we landed, Colonel Fels suggested that it would probably be a good idea, just for our own recollections, to try to keep our memories and everything as clear as possible, to make some notes for ourselves.

I have discussed the details of this flight with my fellow crew members since we landed. My primary concern was the folks that were on board, feelings of sorrow for them and their families. I personally knew one of the helicopter pilots that got shot down. He was a good friend of mine years ago. It's been mostly directed towards that.

I drink alcohol. The crew members were not drinking the night before the mission.

I did not say that the magnetic tape transport drive was malfunctioning. What happens is once I get the system up and running, we have three MTTs. They're magnetic tape transports, MTTs for short. One of them maintains our operational program tape at all times. Then the other two we hang recording tapes on and we'll assign one as a primary recording tape. We'll assign the other one as a backup, a secondary recording tape. When the first one records mission data for approximately thirty minutes and runs out, the computer automatically switches to the other tape drive and immediately, without any loss in recording, starts recording from that point on, and then the system will automatically rewind the drive that just used a tape and I'll take that tape off, put up another blank tape and then assign that as the secondary recording. Once again, when the tape runs out, it switches over. So you have a continuous replay of the mission.

In this particular case, one of my recording tape drives was down, so when we get to the end of the tape, it takes approximately two to three minutes to rewind the tape; about another minute or so, minute and a half, to hang up a new tape and get the vacuum up and get it assigned and start recording again. Therefore the three to five minute gaps.

I indicated that one of the weapons consoles was down on that mission. But that's not the only weapons console on the aircraft. All fourteen of those consoles can be assigned as anything you want them to be. We can put those people anywhere in the airplane. Consequently, the guy that was going to sit at seat ten ended up sitting back somewhere else. I'm not really sure where they put him. But all he has to do is sit down and assign his console as a weapons console and he gets all of any weapons. Seat ten's console being down did not degrade the mission

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capability or performance on that particular mission. Now we have what's commonly referred to as Net IV. We have electronic nets, one through three and then Net IV is a talking back and forth between each other net. We can also face to face talk back and forth rather than clutter up the nets. That might have been the only thing that was inhibited was the ability to talk face to face between all of the weapons folks.

The MCC command display was ballooning. It's much like a balloon. The screen will look normal; then much like a balloon, it will look like it's expanding and blowing up and it'll go completely out of focus and go off. And then it will come back on.

From the general chatter, I heard something or knew that something was happening and then I heard "Splash One" and "Splash Two." Then somebody said "Start recording." It's a sense, like a sub-conscious cue that there's something interesting going on, but I didn't at that point really pay any attention to it because we do it several times for missions. They'll have something that looks, starts to look interesting, they'll tape it. And if it doesn't pan out to anything, then they'll rewind the tape and get ready for the next shot.

The magnetic tape functioned during the entire period of the incident. I have one specific tape that runs from 0702 Zulu to 07 32 40 which covers the entire period, and I've already built a replay tape which is a special mission tape that is built from the recorded raw data on the recording tapes. It's built in such a manner that you can run the computer up in a simulation mode and assign this tape and start it running and you will see essentially the mission all over again. But you'd have to be in the aircraft or a mission simulator to see that.

(The standard witness caution was given and the witness had no questions)

I certify that the foregoing is a true and accurate summary of the testimony of Control Witness #20, as given to the Aircraft Accident Investigation Board.



CHARLES H. WILCOX II, Colonel, USAF
Legal Advisor

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TAB V-024

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CONTROL WITNESS 21

SUMMARIZED TESTIMONY

CONTROL WITNESS #21 963d Airborne Warning and Control Squadron

The interview was conducted by Major Aaron D. Byas, at Incirlik AB, Turkey, beginning at 0907 hours, 19 April 1994. A standard witness advisement was given in accordance with AFR 110-14, and the witness was sworn.

EXAMINATION

I am TDY to Incirlik AFB. My present AWACS position is airborne radar technician. My duties are to bring up the system, monitor it, see if there are faults, and if something was to break, to fix it.

I have only been mission ready for two years. I was almost a year in tech school. It was about three months before getting mission ready, and then to actually begin to fly along was about another year.

The radar was working great, only had a few test failures. The Identification Friend or Foe had one write up, which was sending out ghosts targets within two or three miles of the E-3, because of the false sensors of the transponder; we were answering ourselves basically. I don't know if you've seen that write-up. The write-up on the IFF was a unit in the IFF and the Identification Friend or Foe are suppose to send out impulses and it's suppose to suppress us from answering ourselves. But it wasn't, so we were getting false targets around E-3. It has no effect on mission.

There wasn't any false targets reported outside the E-3 - the area two or three miles outside the E-3. It was expected and maintenance briefed us on it. We were all aware of it and we were briefed on it. There was no other write-ups or problems with IFF or radar during the mission. Throughout the entire mission the equipment worked great.

I was at my crew position between the hours of 0630 and 0730 Zulu on 14 April. I wasn't monitoring any mission crew control frequencies prior to the mishap. I was monitoring Net One, Net Two and maintenance net between 0630 and 0730. I don't recall any internal coordination during that time or crew information in general. I wasn't aware of a shoot-down until one of the air surveillance technicians (AST) told me. I did not hear the mission crew commander make a call on Net One.

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They refer to me on the radio as the ART when they want me to do something. I listen on Net Three to talk to the air surveillance officer mainly. That's where I do most of my communication, because maintenance nets are Net Four. So I use Net Three to talk to all the other techs. I don't recall any conversation on net three, I was barely speaking on the nets at all, except for when I transferred radar at first. I read a lot when I fly. Usually when I hear the word ART, I snap out of it and answer up. I was reading a book during the time I was sitting on the scope. The air surveillance technician came and told me about what happened, that two helicopters were shot down.

I don't specifically recall any communications on Net One and Net Three after the mishap. The only conversation that took place after the mission was that they were saying that two Hind helicopters were splashed and that's about all I heard about it really, until I got the call that the other flight was late and then I heard about that.

I was not advised to take any notes pertaining to this mission. No one else on the aircraft was advised to take notes pertaining to this mission. I was aware that a friendly aircraft had been shot down when the Eagle Flight was thirty-seven minutes late. That's the first sign that something might of went wrong, I guess. I don't know the timing at all. I just heard it through other people. I didn't hear it on the radio or anything.

I was not instructed to take notes after the flight had landed. A couple of days later I was instructed to jot some stuff down so I could remember. No one collected that information. Our mission commander instructed us to jot some notes down. I'm not sure how many days later I was told to jot some notes down. He just said to jot a couple of notes down. It would be a good idea to do that.

After the flight, I did not talk to anyone about the mission except within our crew. We talked about basically what happened. I don't know what happened, I can't say. We didn't talk about the Eagle Flight. Basically we talked about what we saw on the news. For instance, there was a girl on TV the other day accusing our pilot of tracking helicopters or whatever. We were saying our pilot doesn't track, our pilot flies airplanes. We basically talked about what we saw on the news, and what we thought about it. So I guess that's not directly talking about the incident. I had these conversations with my friends, whoever I was watching TV with. These people were on the airplane with me. They weren't my supervisors. They were more my peers.

The main thing I thought the media reported that was inaccurate was about the pilot doing the tracking and stuff like that.

I do not have any further information, statements or evidence that I wish to present.

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(The standard witness caution was given and the witness had no questions. The interview was concluded at 0936 hours.)

I certify that the foregoing is a true and accurate summary of the testimony of CONTROL WITNESS #21, as given to the Aircraft Accident Investigation Board.



CHARLES H. WILCOX II, Colonel, USAF
Legal Advisor

CONTROL WITNESS #21

TAB V-025

CONTROL WITNESS 22

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SUMMARIZED TESTIMONY
OF
CONTROL WITNESS #22
963d Airborne Warning and Control Squadron

The interview was conducted by Major Byas at Incirlik Air Base, Turkey, beginning at 1031 hours, 19 April 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

EXAMINATION

I am currently deployed to Incirlik Air Force Base, Turkey. My AWACS crew position is as an airborne radar operator. My duties are to bring up the radar and the IFF, monitor it and make sure that it works properly. I was not the only one on the airplane in that crew position.

I started my training in tech school at Sheppard Air Force Base and moved on to Keesler Air Force Base for my technical training and then took my airborne course at Tinker Air Force Base in Oklahoma. That lasted approximately a year. I am mission ready and have been so since May of last year. I am an airborne radar operator. I can progress to an airborne radar technician. I can become that through another check ride. Through experience as an airborne radar operator, you learn more about fixing the system. So after about a year of being an airborne radar operator you take another check ride to become an airborne radar technician.

I was not at my designated crew position between the hours of 0630 and 0735 Zulu. There were no specific equipment malfunctions or problems with the radar or IFF prior to take off or during the mission that I was aware of. Between the hours of 0630 and 0735 Zulu I was in the back, asleep on break. I went to the back of the plane after the wake up -- after the systems were up and running fine. I don't recall what time that was. I'm not sure what time I returned to my position. It was about a couple of hours into the mission. The mission was at 0730. The times I don't recall.

Once I returned to my position, I monitored Net One, Net Three and I have SATCOM. I don't recall any conversation related to Eagle Flight on any of those nets except the cyphers that were beginning to come in place on the SATCOM then.

During the flight or after the flight, I do not recall anyone being instructed to take notes pertaining the flight. No one spoke to me directly concerning their involvement in the mission. I did not speak to anyone pertaining to the mission after the flight, except for what's going on as

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far as when we were sitting in the Ops building. My personal -- I really was kind of in shock. I didn't really talk to anybody. I wanted to make sure that it actually was Eagle Flight that went down and, of course, they told us when we were on the ground.

I drink but I wasn't drinking the night before the flight. I am not aware of any crew members who were drinking the night before the flight.

(The interview was concluded at 1041 hours, 19 April 1994)

(The standard witness caution was given and the witness had no questions)

I certify that the foregoing is a true and accurate summary of the testimony of Control Witness #22, as given to the Aircraft Accident Investigation Board.



CHARLES H. WILCOX, II, Colonel, USAF
Legal Advisor

CONTROL WITNESS #22

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CONTROL WITNESS 23

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V-026

**TESTIMONY OF
CONTROL WITNESS #23
AIRBORNE COMMAND ELEMENT, CALL SIGN DUKE**

COL AT LEE: The time is 1426 on the 28th of April 1994. The persons present are the Witness and his Counsel, Major General Andrus, Colonel Bennett, Mr. Brummell, Colonel Velluz, Dr. Lisanti, Dr. Teters, Major Byas, Colonel Wilcox, Group Captain Doggett, Colonel Fain and I am Colonel At Lee.

This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Blackhawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINCUSAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. This is an aircraft accident investigation conducted under AFR 110-14. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given before this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

WITNESS: Yes, Sir.

COL AT LEE: Do you understand the purpose of this investigation?

WITNESS: Yes, Sir.

COL AT LEE: Do you have any questions?

WITNESS: No.

COL AT LEE: Your testimony will be recorded and transcribed so that a written record can be made available to the appointing or higher authority. For the benefit of the

CONTROL WITNESS #23

reporter, please avoid the use of acronyms or jargon. Speak slowly, clearly and loudly. Remember to explain your testimony carefully so that others who do not have your technical background will be able to understand.

As previously stated, this Board is investigating the facts and circumstances surrounding the crash of two U.S. Army Blackhawk helicopters in the Northern No Fly Zone of Iraq on 14 April 94 and the possible involvement of U.S. fighter aircraft.

You are suspected of the following offenses: dereliction in the performance of your duties in violation of Article 92, Uniform Code of Military Justice and involuntary manslaughter in violation of Article 119, Uniform Code of Military Justice. I advise you under Article 31, Uniform Code of Military Justice, you have the right to remain silent; that is, to say nothing at all. Anything you say may be used as evidence against you in a trial by court-martial or other judicial or administrative proceedings.

I also advise you that you have the right to consult with a lawyer if you desire and to have a lawyer present during this interview. You may obtain a civilian lawyer of your own choosing at no expense to the government or, if you wish, the Air Force will appoint a military lawyer for you, free of charge. You may request a lawyer at any time during the interview and if you decide to answer questions without a lawyer present, you may stop the questioning at any time. Do you understand your rights?

WITNESS: Yes, Sir, I do.

COL AT LEE: Do you wish to remain silent or will you answer our questions?

WITNESS: I will answer your questions.

COL AT LEE: Do you want a lawyer?

WITNESS: Yes, Sir, I do.

COL AT LEE: I note that you are represented by Counsel. Would you please name the individual you have chosen to represent you?

WITNESS: Captain Larry Youngner.

COL AT LEE: Would you please stand and raise your right hand and I will put you under oath.

(The Witness was sworn.)

CONTROL WITNESS #23

COL AT LEE: I note that this Witness will be referenced as Control Witness #23.

I also note that, prior to this interview, the Board was provided with a package of information made available to it by the Witness and his Counsel and, with the permission of the President of the Board, I will mark it as 23A, correlating to the control number of the Witness.

The members of the Board have had an opportunity to review 23A. If there is anything in addition to that or by way of explanation that you would like to offer at this time before we question you regarding the particulars of the incident, you are welcome to do so.

CAPT YOUNGNER: Sir, at this time, we would just request that the Board consider that to any extent that it may in reaching its decisions, particularly in regards to my client.

COL AT LEE: Very well. Colonel Fain.

EXAMINATION

Questions by Colonel Fain.

1Q: Would you begin by providing the Board with a brief overview of your educational background, your military education and your military experience?

1A: Sir, I've been in the Air Force for 19 years. I started out as an enlisted weather observer and then I became a forecaster and a combat weather forecaster, jumping out of airplanes at Fort Bragg. That's where I started pursuing my degree. I got my degree and went to Officer Training School and then to Nav School. I graduated at the top of my class in Nav School. I got to pick my assignment, Fighter EWO and then I went to Electronic Warfare Officer school--sorry, EWO. From there, I went to Fighter Lead-In, survival schools and then fighter lead-in, standard track. Then I went to Cannon Air Force Base, New Mexico, and went to RTU, Replacement Training Unit to fly the digital model of the F-111. That's where you learn how to fly it. I flew that for six months. I proceeded from there over to Lakenheath to the replacement training unit there, the 495th Fighter Squadron.

2Q: Excuse me--it's not necessary that you give specific organizations in your description.

2A: Okay, Sir. From there, I went to my MR squadron, mission-ready squadron. I

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became MR. I was assigned there for approximately three years. The only thing of note was that I participated in ELDORADO CANYON there towards the end of my tour. From there, because I went to Electronic Warfare Officer School, I was assigned a billet in the EF-111, back at Mountain Home so I proceeded back there to do that. I became an Instructor, Electronic Warfare Officer, and, obviously, I enjoy dropping bombs a lot more, so I requested a reassignment back to Lakenheath and went back there in 89.

From there, I, obviously, went to an accelerated B course again and went straight to my fighter squadron and became a flight commander. I went to the Gulf War and then Lakenheath converted to the F-15Es and I had too many gate months so I went back to do my staff tour at Langley. Initially, I went to QUAD 4 Operations Training Development Squadron and transferred from there to the Second Aircraft Delivery Group. I've been at the Second Aircraft Delivery Group for approximately a year and I "Won the Lottery" to come over and represent Langley as a Duke/Mad Dog and that's where I'm at right now.

3Q: What is your duty title at your permanent duty station?

3A: I am a Senior Controller.

4Q: And your duty title at Incirlik?

4A: Mission Director, Airborne Command Element.

5Q: How long have you been TDY to Incirlik?

5A: Approximately four months.

6Q: Did you receive overlap or training upon your arrival at Incirlik?

6A: Yes, Sir, I did.

7Q: To whom do you report at Incirlik?

7A: I report directly to the CFAC DO, Colonel Richardson, and then following him, Colonel Dougherty or Lieutenant Colonel Pinter.

8Q: Could you describe the training that you received upon your arrival here for your mission as a Duke controller?

8A: Yes, Sir. It consisted primarily of starting off with the Mission Director Course which is the least complex--a building block approach. You are taken into the Command Post, introduced to the equipment, facilities, the radios, the regulations--you gain the big picture on how the war is conducted, the launch is conducted, you learn how to control problems, et cetera. Let's see, from there--you do that once and the next day or whenever they schedule you for it, you come back to do a follow-on mission director tour and, in this case, you are in charge to see that you can handle it and make the right decisions. You play a lot of "what if" games to keep you up to speed on handling problems that weren't addressed or you did not see during the mission, reread the regulations, review all

CONTROL WITNESS #23

the ROE and ACO and then after the mission director tours, you go up and fly on the AWACS as the Duke, call sign Duke--Airborne Command Element. It's like Mad Dog in that the first flight is more introductory. You learn the equipment. You are introduced to the crew, their responsibilities, how you fit into the flow, where you stand as far as controlling what goes on out in the AOR. Pretty much the first tour is a demonstration tour.

The next flight is when you are placed in control and you demonstrate your ability to conduct operations in the AOR, anywhere outside the 50 nautical mile circle around Incirlik. Like I said in the report there, you can--if you don't feel like the training was enough or you didn't see enough permutations or problem areas on your flights if everything went smoothly and you are just not comfortable with problem areas, you can request additional rides and also, if the instructor Duke who was evaluating you doesn't feel that you are up to speed, then he is going to request you take additional rides.

The final process of the entire checkout program is to talk to the CFAC DO. He gives you his feelings on what the war is about, what you need to do, what your responsibilities are and he discusses ROE, plays "what if" questions, sees how you would react in certain situations. That's basically it.

9Q: Did you ask for or receive additional rides in your checkout?

9A: Negative, Sir.

10Q: Could you describe for me the content of the briefing that you received from the CFAC or Combined Forces Air Component DO?

10A: That's the CFAC DO or his representative. In this case, it was Colonel Dougherty. Myself and another Duke went over there to get the briefing. Once again, he went over the primary reasons why we are here--to protect the Kurdish area, restricted area, and also to operate the No Fly Zone above the 36 parallel. He reviewed the ROE, what we're allowed to do, what we're not allowed to do, talked about some gray areas and then we played some question and answer games--What would you do in a situation like this? He also reviewed some incidents that occurred in the past to give us a little background. That's basically about it.

11Q: Do you recall what the gray areas were that he discussed on that day?

11A: Yes, Sir. Gray areas would be aircraft, friendly aircraft--our aircraft being above the 36 parallel and receiving threat or RHAW radar warning and receiver indications without the clearance to initiate an attack on them since that indicates a potential threat to you--how would you respond to that? That's a gray area that the ROE talks about.

CONTROL WITNESS #23

12Q: Were helicopter operations discussed in any of your training or in your briefing?

12A: Negative, Sir.

13Q: Are there any written publications, regulations or directives that you were provided to govern your operations as a Duke?

13A: Yes, Sir, the ACO, Aircrew Read File. We have an entire Duke book that we use -- open and closing checklist, previous incident's logs. We have, obviously, the ROE. That's the primary documents we refer to.

14Q: How many tours do you estimate you've had as a Duke?

14A: I would say somewhere between 15 and 20. I do not know the exact number.

15Q: Is that considered to be experienced?

15A: Yes, Sir.

16Q: After your training and based on your experiences as a Duke, what do you consider your most important responsibilities?

16A: I think my most important responsibility is to ensure that the CFAC DO policy in the ACO is implemented in the AOR.

17Q: Does that include compliance with the Rules of Engagement?

17A: Of course.

18Q: In your duties as a Duke, have you observed deviations? Prior to the 14th of April, have you observed deviations to the ACO or any of the Rules of Engagement whereupon you had to take action?

(The WIT and his Counsel confer briefly at this point.)

18A: Okay, Sir, I want to back up to when you asked me the question about what is my primary responsibility as a Duke aboard the AWACS. In addition to ensuring that the ACO--the CFAC DO's guidance and the ACO is implemented out there, I also have a day-to-day ATO or the FRAG that needs to be followed and that's where I ensure that aircraft get the right amount of gas, emergency aircraft are sent to correct divert fields--just the day-to-day operations to ensure that everything is done safely and they can perform their job up there.

19Q: Do you have the ACO--ATO, I'm sorry--Air Tasking Order, on board with you during your mission?

CONTROL WITNESS #23

19A: Yes, Sir.

20Q: Do you make reference to that during the mission?

20A: Normally, we have what's called a "flow sheet" and that's what I use primarily because it's a graphic depiction of the ATO. I can, if I need more detail, refer to the ATO; but I use the flow sheet primarily and most of the other Dukes do as well.

21Q: Is the MCC or Military Coordination Center helicopter traffic reflected on the flow sheet?

21A: Yes, Sir, not on the flow sheet, but it is reflected in the ATO, but very generally, not in terms of where they go--no itinerary, I should say.

With reference to your last question--Have I seen deviations in the ATO/ACO? Not, specifically, the ACO, but we also have what's called Aircrew Read Files--depending on the tensions with Iraq at a particular time, aircraft are not allowed to fly within the SAM envelopes or--well, specifically, that's most of the crux of the problems I've seen. I've seen aircraft playing in and around and over top of the SAM envelopes, obviously, above 10,000 feet but they weren't -- it was an established cylinder that went up to infinity. I've had to direct aircraft to work north of that or work the parameter--small stuff like that.

22Q: So, in conclusion, you did take directive action in those cases that you described?

22A: Yes, Sir. I did not, specifically, get on the radio. I worked directly through the senior director or the mission crew commander aboard the AWACS so that I could maintain crew integrity--they can maintain crew integrity and then the information is funneled through a single source so I tell the SD, senior director, what I want the weapons directors to tell the aircraft and then they move them out of the area.

23Q: Let's discuss, for a minute, the working relationship on a normal AWACS crew and your relationship to the other members. Could you briefly describe how that is set up, who you deal with and in what capacity?

23A: Yes, Sir. We have the front in the aircraft--the pilot, the co-pilot, the navigator, all those guys. Their call sign is SAVVY. The back of the aircraft, the mission crew, is overseen by the mission crew commander. He is the number one guy back there. He oversees everyone to make sure they work as a team, to make sure all their jobs are done. He conducts most of the preflight and flight checklist to let the front end know that everyone in the rear is ready, ready to perform their mission. He also coordinates with SAVVY OPS on the ground to let them know about maintenance problems, stuff like that or problems in the area.

Working, what I consider directly below the mission crew commander, is the senior director. The senior director is in charge of three weapons directors and an air

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surveillance officer, a weapons director--control various aircraft and various phases in the operation--one is refueling; one is enroute or check in freq and the other one is the AOR freq. The air surveillance officer works with three air surveillance technicians. The way I see it their primary job is to locate tracks, identify these tracks as friendly or hostile, based on radar and IFF paints.

Like I say, my working relationship with them is not to talk directly to the weapons directors or the air surveillance officer or, basically, I don't talk directly with anybody. I work through the senior director. I work through the senior director to keep his situational awareness up or I work through the mission crew commander to maintain that integrity because he's in control of his people--he or she.

24Q: If you saw a situation that required your action as the Duke, how would you go about taking that action?

(The WIT and his Counsel confer briefly at this point.)

24A: Just to readdress the previous question when we were talking about my responsibility in integration with the crew. My situational awareness, obviously, comes from relying on the professionalism of the crew to identify hostile, friendly targets--that's the air surveillance group. The weapons directors, obviously, are the controllers. They control--talk directly to the aircraft. My picture is built, based primarily on the scope and the nomenclature--the tagged tracks, I should say, of the aircraft, in addition to the radios.

I listen to four frequencies on the AWACS; two of those frequencies are directly mine--one is a Have Quick Net 2 which is a semi-secure voice. One is In the Clear UHF frequency directly to me. Another one is the Turkish SATCOM which is secure radio contact with the Mad Dog back on the ground. That's how I talk to the CFAC DO and the Mad Dog and get information back to him. I also monitor the AOR frequency.

25Q: When you monitor the AOR frequency, is that a clear UHF frequency--is that a clear UHF frequency or a Have Quick frequency?

25A: Have Quick, Sir.

26Q: Do you monitor the clear UHF AOR frequency?

26A: No, Sir. I only have four radios available to me.

27Q: With regards to the equipment on board, you referred to the "Scope" and I assume you are talking about the radar scope?

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34Q: Are takeoff times generally posted or printed on the Air Tasking Order?

34A: Negative.

35Q: When do you normally, as a Duke, first become aware of Eagle Flight's presence?

35A: When the Air Surveillance Officer tags it with a double E and tags their IFF and radar paint with a double E.

36Q: Is there, generally, any onboard communications to you from any of the AWACS crew when that happens?

36A: No, Sir. As a matter of fact, I don't monitor the Eagle check in freq or the enroute frequency so the only time I see it is when it's on the scope.

37Q: Do you consider it your responsibility then to monitor that track after it's presented on the scope?

37A: No, Sir, I do not.

38Q: Who would you consider to be responsible for monitoring the track?

38A: I'm not really sure there is a person responsible. The Army operates, more or less, autonomously in that--in their arena.

39Q: Do the helicopters from the Eagle Flight operate within the confines or at any point in the Tactical Area of Responsibility?

39A: Yes, Sir, they do.

40Q: Are you familiar with the security zone portion of the AOR?

40A: Yes, Sir, I am.

41Q: Are all of their flights in the security zone?

41A: I'm not aware of that.

42Q: Have you observed, ever in the past, Eagle Flight activity outside of the security zone?

42A: No, Sir.

43Q: When operating in the AOR, who is responsible for providing threat information, SAM ring information, as you discussed, that type of information, to the Eagle Flight as they operate?

43A: Obviously, the AWACS is, but the way I understand it, only as a courtesy does the AWACS track Eagle Flight. It's not necessarily a requirement that was levied on AWACS, but they would pick it up anyway as part of the large picture.

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44Q: Do you know if any of the AWACS crew flight follows, with the radios, the Eagle Flights?

44A: No, Sir, they do not.

(The WIT and his Counsel confer briefly at this point.)

Sir, I would like to retract that last statement. I do not know if any, since I do not monitor those frequencies, I do not know if they have radio contact with Eagle Flight.

45Q: Have you had any training in the individual responsibilities of AWACS crew members in the course of their duties?

45A: No, Sir, only what I--the knowledge that I've gleaned from being aboard the AWACS.

46Q: You previously stated that you are familiar with and were trained on the Airspace Control Order or ACO?

46A: Yes, Sir.

47Q: Does the Airspace Control Order require that AWACS coverage be available for flights of aircraft into the AOR?

47A: Would you please repeat the question?

48Q: Does the ACO require that AWACS coverage be available before aircraft are allowed to enter the AOR?

48A: Yes, Sir, it does.

49Q: Is that a normal practice? Are you aware of instances where that has not occurred?

49A: OPC aircraft--Operation PROVIDE COMFORT are not allowed to take off from Incirlik until AWACS has established a--has a full-up system, a Joint Integrated Display System link with at least two sites on the ground, a full-up radar and a full-up Identification Friend or Foe System.

50Q: Does that same restriction apply to the MCC helicopters?

50A: I do not know, Sir.

51Q: In an unclassified sense, is it possible that other aircraft other than OPC aircraft or Operation PROVIDE COMFORT aircraft could be operating in the AOR without AWACS coverage?

51A: Do you mean "hostile" aircraft?

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52Q: No, friendly aircraft.

52A: I'm confused? Say that one more time.

53Q: The question is--Is it possible that other friendly aircraft--I'll give an example, a U.N. flight could be operating in the AOR prior to or after the arrival of AWACS, without your knowledge?

(The WIT and his Counsel confer briefly at this point.)

53A: Yes, Sir, that's possible.

54Q: Are you aware of a requirement in the ACO that fighter aircraft equipment, AI radars, should enter the AOR prior to other aircraft to provide a Sweep?

54A: That's correct--yes, Sir.

55Q: Is that restriction normally followed?

55A: Always followed--as long as I've been flying.

56Q: Does that restriction apply to helicopter traffic?

56A: No, Sir, not that I know of.

COL FAIN: I think this would be a good time for a break.

COL AT LEE: The time is 1501.

(There is a brief recess taken at this point.)

COL AT LEE: The time is 1517. The individuals that were present at the time we recessed are once again present. I amend that--Colonel Armen has also joined the group.

(The questioning continues by Colonel Fain.)

57Q: Were you on duty on the 14th of April at Incirlik?

57A: Yes, Sir, I was.

58Q: And in what capacity?

58A: I was the Duke/ACE.

59Q: Could you describe for me the events that occurred, beginning with your time of arrival at work prior to takeoff of the E-3 AWACS?

59A: Yes, Sir. The AWACS was fragged to take off at, let's see, 0450 Zulu. My

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requirement is to show up at the AWACS OPS Center an hour and 20 minutes prior for the preflight brief and mission crew brief and I did that--standard AWACS briefing which includes EGRESS procedures, goals for the day, plans of action, crew briefing. I get up and explain the flow, tell them when I need the JTIDS link. Of course, there is Intel involved in that as well and then we step towards the aircraft. On this particular day, we got done with the briefing fairly early so we stepped from the squadron early so that we could take off early. That gives us that much more time to get the Joint Integrated Display System operating so that we do not have to, what's called, ROLEX the entire package so that extends the duty day and it's uncomfortable. We stepped to the aircraft early. We took off early. Systems were waking up fine. We departed towards what's called the "Wake-Up Orbit" and I did a couple of turns in the Wake-Up Orbit. The radar was coming up. The IFF was coming up. JTIDS looked like it was fine. We proceeded from the Wake-Up Orbit eastbound towards K-Town and Derik.

60Q: Could I stop you at that point and go back?

60A: Yes, Sir.

61Q: I'd like to hear your perception of the crew briefing with relevant emphasis on adequacy of the briefing, your perception of crew proficiency, anything abnormal or was the briefing normal and, specifically, the mission crew in the back end?

61A: Other than the fact that this was a new crew, Sir, and when I say "new", I mean new in theater this time--rotation around. This was their first sortie up this rotation. Other than that, nothing was out of the ordinary. I find these guys strictly professional.

62Q: Did you have a feeling from that briefing then that the duties of each of the crew members was understood?

62A: Yes, Sir, I did.

63Q: Were you comfortable with their understanding of your participation in their crew and the relationship between you and the crew?

63A: Yes, Sir, I was.

64Q: Would you continue as you approached K-Town and carry the flight to the point of initial contact with Eagle 1 Flight?

64A: Okay, Sir. I proceeded towards K-Town. The radar and the IFF systems came up. Those are normally the first two and then we got a JTIDS link with India and Daddy. From there, the communications with the ground stations start. The mission crew commander calls back to SAVVY OPS and says everything is looking fine. I call back to the Mad Dog, Duke and I say--We have a green light; everything is ready to go--all systems are full up. We're clear to launch as fragged. The Mad Dog then passes that to the aircraft on the ground. It was out of the ordinary in that it occurred extremely early.

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We had--this almost never happens. We got a good JTIDS link almost an hour before aircraft were even supposed to be anywhere close to the AOR. We have to hold between K-Town and Derik in a, obviously, an elliptical or oval orbit, whatever it is, before we can proceed forward. Obviously, the fighters are cleared to take off. They take off. They pass us by and the first to flight--the first flight which would be Tiger Flight in this case proceeds to the AOR, sanitizes the AOR.

Now, you asked me about when Eagle Flight checked in. Obviously, I don't know that since I don't listen to that frequency, but I do happen to know the time was 6:50, around 6:50.

65Q: How early--how long before 6:50 was the AWACS system fully operational, approximately?

65A: I would say a good 30 minutes.

66Q: How did you come to know that Eagle Flight checked in at 6:50?

66A: Recreation of the events after the incident when Eagle Flight was suspected shot down.

(The WIT and his Counsel confer briefly at this point.)

I'm going to explain what I mean by recreation of the events. Obviously, we were concerned--the people on the ground, my boss--the Mad Dog, had some wind that Eagle Flight was late so they were concerned and started asking questions to us and then we started rebuilding the scenario from the ground and that's when I heard the weapon's director for the check-in route freq say that, yes, Eagle Flight did check in about 6:50.

67Q: When did you first become aware of Eagle Flight's presence in the AOR or near the AOR?

67A: When I saw the nomenclature leaving from Zakhu and start moving in and around the ROZ 2 area. I don't have a map or I could show it to you.

68Q: So you did not observe Eagle Flight's track from Diyarbakir down to Zakhu?

68A: No, Sir, I did not.

69Q: Were you physically located at your station during the period 6:50 til, let's say, 7:20?

69A: Yes, Sir, I was.

(The WIT and his Counsel confer briefly at this point.)

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70Q: Can you describe the track as you observed it as it departed Zakhu?

70A: Yes, Sir. They departed Zakhu. I see the nomenclature on there which is EE01-- they use the first letter and the last letter of the call sign and then it started tracking from Zakhu across ROZ 2. Normally, in my experience, they stop at village after village. I had no idea where they were going. Basically, the track stopped somewhere in the middle third of ROZ 2 and then the IFF and the radar were apparently lost because the nomenclature stopped moving.

71Q: Did you observe that as the actual time of occurrence?

71A: Not that I recall, Sir. Once again, I don't--this--I don't pay that much attention--I do not strictly concentrate. I'm more concerned with other matters than--

(The WIT and his Counsel confer briefly at this point.)

Okay, I retract that part about not paying attention. I am--I pay attention to everything that goes on aboard there, but my situational awareness, my radios, do not allow me, nor does the ATO allow me to know where Eagle is going and I have more important matters at hand when that occurs. I've got weather to be concerned about. I've got whether the aircraft are taking off in sequence as fragged, tankers enroute, et cetera.

72Q: My question more pertained to--while you were on board the aircraft at 6:50 when the aircraft took off from Zakhu, did you observe the track start at that point or are your recollections based on a replay?

72A: I don't remember exactly when they took off. I do remember seeing the symbol in ROZ 2 and saying--Well, Eagle's in the air.

Questions by General Andrus:

73Q: You indicated the track dropped off, the symbology dropped off. Do you recall if that was in the security zone where it dropped off?

73A: From my recollection, Sir, the symbology did not drop off until well, well after the actual radar and IFF blips disappeared. Eagle Flight symbology just, basically, hovered in that one-third area of ROZ 2.

74Q: But that one-third area, is that in the security zone?

74A: That is in Iraq in the security zone, correct.

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Questions by Colonel Fain:

75Q: When you discuss the radar and IFF contacts disappearing, what is your knowledge of the physical appearance of those type contacts on the scope?

75A: Sir, my area of expertise doesn't lie in there. I'm like a pig looking at a watch. I have no idea what those little blips mean because they have history blips--they have--there's thousands of them on there. I have no idea--no knowledge of that.

76Q: So you are not trained in that area?

76A: Correct, Sir.

77Q: Based on previous testimony, your reliance, then, to track aircraft in the AOR is dependent on the track being tagged by some of the AWACS crew members?

77A: Yes, Sir, that is their area of expertise.

78Q: Your reference to inability to track the Eagle Flight with respect to radios is based on what?

(The WIT and his Counsel confer briefly at this point.)

78A: Once again, I monitor four frequencies, none of those frequencies Eagle talks to me. Every other OPC aircraft, with the exception of the Turks, have to report in to me. Eagle Flight does not do that and they talk to AWACS enroute or whoever they have to talk to, but I am not familiar with that.

79Q: Can you tell me who decided on the comm plan, the four radios, the frequencies that you use as a Duke?

79A: No, Sir. I do not have any idea who decides on that plan. It makes the most tactical sense to me, however, that I need to talk to the ground; I need to talk to the airplanes checking in; and I need to build my SA in the AOR with the AOR frequency. There's a LIMFAC of having only four radios.

80Q: Based on the knowledge that you have of the scope presentation and understanding your previous testimony, are you aware of the difference between the colors on the scope or presentations of a radar hit as opposed to an IFF contact?

80A: Yes, Sir, I am.

81Q: Could you describe the differences between those please?

81A: Green is a radar hit and yellow is an IFF hit.

82Q: Can you describe your initial contact, whether that be a reciprocated contact, but awareness that the F-15 Flight was entering the AOR?

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82A: Yes, Sir. Like I said, they're required to contact me. To be perfectly honest, I do not recall them doing that. My standard response when they contact me is--Clear to press--if I have nothing important to say to them, which I didn't.

83Q: Did you hear the F-15 flights' initial calls regarding radar contacts in the AOR?

83A: Yes, Sir, I did, on AOR frequency .

84Q: Can you describe those calls please?

84A: As they initially entered the area, I heard them tell Cougar that they had two contacts -- standard, they went down to investigate these contacts. Several minutes later they said -- "We still have two contacts." At that point they gave--I believe they gave a bull's-eye call which is a latitude and a distance from a specific area located around Mosel and they proceeded from the second contact call to go down and get a visual. At this point, I was going to request a visual, but I didn't because they responded with--"We have a tally on two Hind helicopters."

(The WIT and his Counsel confer briefly at this point.)

85Q: At the point of the first and second calls regarding radar contacts, were you aware of the position of the Eagle Flights?

85A: No, Sir, I was not.

86Q: Why were you not aware?

86A: Because the nomenclature was still in ROZ 2.

87Q: Who would you consider to be responsible for monitoring Eagle Flight at that point?

(The WIT and his Counsel confer briefly at this point.)

CAPT YOUNGNER: Sir, I've advised my client not to answer that question at this time.

88Q: At the time of the radar contact calls by the F-15s was there any concern that their calls could be related in any way to Eagle Flight?

88A: No, Sir, that was not even a concern.

89Q: The reason for the lack of concern there?

89A: Because I was not going to let things degrade to the point that they were going to take a BVR shot. I was going to require that they at least got a visual before proceeding with any action. I'm sorry--BVR, Beyond Visual Range.

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90Q: At that point in time, the time that the F-15s called radar contact, were you aware of the flight plan or flight path of Eagle Flight?

90A: Negative, Sir, I was not.

91Q: Did you receive communication from anyone on board the AWACS regarding the intentions or flight plan of Eagle Flight?

91A: No, sir.

92Q: When the F-15s called a visual identification on two Hind helicopters, what was your action in the chain of events?

92A: Initially, Sir, it was a visual call on two Hip helicopters and then shortly thereafter corrected to--We--have a visual on two Hind helicopters. I don't remember the exact words, but that's pretty much what they said. My action in that chain of events--

(The WIT and his Counsel confer briefly at this point.)

My initial reaction was--I said--Wow, this guy is good--he knows his aircraft because not only did he say Hip, but he very shortly thereafter corrected it to Hind helicopters and that meant to me--Well, my initial vis ID may have been a mistake; now I've got them.

My reaction was to see what was going to develop. I did not do anything. In my mind, I was trying to determine exactly what's going on. Obviously, I didn't know if it was an Iraqi trap, a setup. Obviously, with the tensions mounting in the area with the sanctions, we've been briefed several times that, you know--Don't be lured into anything so I was trying to put together a plan so I was just thinking at that point.

93Q: Were you required at that point, by any directives, to intervene in the activities of the F-15 flight?

93A: Negative, Sir. Obviously, they weren't committed to anything at the visual point.

94Q: At that point, were you aware of any radar hits or IFF paints in the vicinity of the F-15 flight?

94A: No, Sir. I know that there was a little confusion because the F-15s were calling out the hits and the AWACS had not identified anything in that area so, other than that, that's all there was.

95Q: Do you recall whether the communications you heard from the F-15 flight were from one or both aircraft?

95A: I believe it was the lead aircraft, but I do not recall, Sir.

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96Q: Do you recall communications from any of the AWACS controllers with Eagle flight at that point?

96A: No, Sir. I do not recall.

COL FAIN: I'd like to take a recess for a minute please.

(The time is 1537 and there is a brief recess taken at this point.)

COL AT LEE: The time is 1539. The individuals who were present when we recessed are once again present.

Questions by Colonel Fain:

97Q: To the best of your knowledge, what events and/or criteria must be met in order to initiate lethal action against a track in the AOR?

97A: [Classified portion deleted (28 words - ROE)]

98Q: How would that aircraft be identified as hostile?

98A: Visually, or--I, would only depend on a visual. [Classified portion deleted (15 words - ROE)] or I would imagine that the F-15s have the ability to interrogate hostile aircraft and determine if they are friend or foe through electronic identification measures.

99Q: Did you have any communications to indicate that the F-15 aircraft had identified the aircraft electronically by any means?

99A: No, Sir, none.

100Q: When the visual identification was made, how did that affect the proceedings toward the use of lethal force?

(The WIT and his Counsel confer briefly at this point.)

100A: Would you repeat the question, Sir?

101Q: With regard to the visual identification of the helicopters as Hinds by the F-15s, what effect did that have on the chain of events that led to lethal action against those aircraft?

101A: To me, Sir, visual ID is the last most critical, important link in an intercept and that is -- that means there is no mistake. There can be no mistake. Electronics --computers can mess up; eyeballs -- when you have a visual ID, [Classified portion deleted (4 words)]

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[Classified portion deleted (7 words)] I will also proceed by saying that I did not know that they were going to react that quickly, but within the ROE [Classified portion deleted (7 words)]

102Q: By "they", you're talking about the F-15 pilots?

102A: Correct, Sir.

103Q: Did they, the F-15 pilots, require your concurrence to initiate that action?

103A: Nowhere in the ACO or the ROE does it require them to get permission to fire from me. Common sense would dictate that if they were unsure at any point that they would ask questions or keep us informed or, you know, slow down. The ACO or ROE did not require concurrence for me to shoot.

(The WIT and his Counsel confer briefly at this point.)

104Q: As published, do the ROE allow a [Classified portion deleted (6 words)]

104A: Yes, Sir, I believe they do.

105Q: Would you, as the Duke, be involved in a chain of events, the clearance procedure, to initiate a BVR shot?

105A: No, Sir.

(The WIT and his Counsel confer briefly at this point.)

CAPT YOUNGER: Sir, I believe we have one additional matter to submit regarding that previous question about due coordination on a BVR shot.

COL FAIN: Certainly.

WITNESS: Sir, [Classified portion deleted (12 words)] The ROE is established by the CFAC DO and above to take that decision out of my hands. It's clear and concise; however, I would expect anyone going to take a BVR shot to coordinate with me to make sure they know exactly what they're doing. For example, aircraft tracked by AWACS from South of the 36 coming across, fast-movers, a group of four and then eagles with their electronic identification getting [Classified portion deleted (19 words)]

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Questions by General Andrus:

106Q: Instead of Eagle, you mean the fighters?

106A: Fighters, correct, Sir.

CAPT YOUNGNER: Thank you, Sir.

Questions by Colonel Fain:

107Q: With regard to a visual identification as a proof of hostile, what are the requirements of the visual identification; in other words, the pilot making the identification has to determine what characteristics of the aircraft he's identifying?

(The WIT and his Counsel confer briefly at this point.)

107A: As you know, Sir, in a fighter squadron, we are training in vis recce-ing in a group, through slides. Intel does that. When a fighter pilot says--a qualified fighter pilot says that he has a visual on a hostile aircraft, I have to trust him, so I don't know what answer you're looking for, but...

108Q: The question is--Does the identification as a Hind make the aircraft hostile or would it have to be an Iraqi Hind?

108A: To my knowledge, the only Hind helicopters are--

(The WIT confers with Counsel briefly at this point.)

WITNESS: Would you repeat the question, Sir, I'm sorry?

109Q: The question is--With regard to the visual identification, is identification as a "Hind" sufficient to declare hostile or would it have to be an "Iraqi Hind" identification?

109A: I don't know the answer to that, Sir.

COL FAIN: I'd like to have a brief recess please.

COL AT LEE: The time is 1550.

(A brief recess is taken at this point.)

COL AT LEE: The time is 1551. The persons who were present when we recessed are once again present.

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Questions by Colonel Fain.

110Q: After the identification and the radio call from the F-15 Flight that they had two Hinds, would you describe the sequence of events that occurred with respect to their flight activity at that point?

110A: Yes, Sir. They called a visual on the two Hind helicopters--I would say--these are all approximate times, but within 60 seconds, they called "Engaged". At that point, I did not know if they were "defensively" engaged or "offensively" engaged. Within 60 seconds of calling "Engaged", there was a Splash 1 call and within another minute, there was a Splash 2 call.

111Q: Could you describe the activity in your vicinity and were you aware of the activity of the AOR controller at that point?

111A: No, Sir, I was not aware of his activity. I know that I was surprised when the Splash 1 call was made. I would--I thought, in my own mind, that they would at least tell the MCC, the weapons director, someone on board Cougar, of their intentions. Obviously, they are not going to switch freqs and talk to me, but I would assume that they were going to declare their intentions or ask for further guidance.

As far as my vision at that point, and my activity goes, I'm sitting at a console right next to the senior director who is right next to the MCC, we are all sitting down intently, looking at the scope and listening to the radios.

112Q: Did you hear radio calls from anyone among the AWACS crew after the initial identification call and prior to the "Splash?"

112A: No, Sir, I did not.

113Q: When did you first become aware that there was a problem associated with this incident?

113A: I do not remember the exact time, but after I had contacted Mad Dog back on the ground it took me approximately 10 minutes to get through to him on the SATCOM because occasionally it gets a little bogged down and they can't hear me or I can't hear them and I remember Mad Dog's call saying--Do you know where Eagle Flight is because they're 38 minutes late for their destination. That's when I said--There may be a problem.

114Q: At the time of the "Splash" call, where did you think Eagle Flight would be?

114A: On ground in a village somewhere.

115Q: Prior to the "Splash" call, after the identification as two Hinds, did you see any radar or IFF indications in the vicinity of the target?

115A: No, Sir, I did not, other than Tiger Flight.

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(The WIT and his Counsel confer briefly at this point.)

Once again, I'd point out the fact that I'm not trained in these dots and I have to depend on the crew to tag or designate these aircraft.

116Q: When the Eagle Flight entered the airspace, was there any consideration given to notifying them that there was friendly helicopter traffic in the AOR ahead of them?

116A: No, Sir, not to my knowledge.

CAPT YOUNGNER: I apologize, Sir, and pardon the interruption. Your question was when Eagle Flight or when Tiger Flight?

COL FAIN: I'm sorry--when the F-15s entered the AOR.

(The WIT and his Counsel confer briefly at this point.)

WITNESS: My answer still stands, Sir.

117Q: Are you aware or have you been briefed on any requirement to pass Eagle Flight, the MCC helicopter flight, information to airborne aircrews?

117A: I am not aware of that requirement, Sir. It would make sense.

(The WIT and his Counsel confer briefly at this point.)

In previous missions, the weapons directors do point out the Eagle Flight helicopters to ingressing aircraft. That is correct.

(The WIT and his Counsel confer briefly at this point.)

Obviously, the previously mentioned Eagle Flights were squawking. Their location was known and that's why it was pointed out to the ingressing fighters.

118Q: In the previous instances you described...

118A: Previous--correct.

119Q: That did not occur on the 14th of April?

119A: Correct. That is correct.

120Q: In the instances where that occurred, do you know what crew position pointed those flights out to the ingressing fighters?

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120A: Yes, Sir, it's the weapons director, AOR weapons director.

COL FAIN: I'd like to request a brief recess.

GEN ANDRUS: Let's take about 5 minutes.

COL AT LEE: The time is 1557.

(A brief recess is taken at this point.)

COL AT LEE: The time is 1615. The individuals who were present when we recessed are once again present.

Questions by Colonel Fain:

121Q: I have a couple of questions to followup. The first question regards the time frame in which the helicopters were actually being engaged. Are you aware of any communications that were heard by any of the AWACS crew from the helicopters in that time frame?

121A: No, Sir, I am not.

122Q: Earlier in your testimony, we discussed the fact that the ACO says that a fighter sweep, fighters with AI radars, will precede the Operation PROVIDE COMFORT forces to sanitize the airspace. You further testified that that did not apply to the helicopter activity, to the best of your knowledge?

122A: Correct.

123Q: Can you explain to me the reasoning and the rationale for that belief on your part?

123A: I believe that is not applicable to the helicopters because their job has so many variables involved--moving people not associated with the military and interacting with the Kurds, delivering people to predesignated areas. It's just kind of an autonomous operation is the way I've always viewed Eagle, above--below and separate of the OPC mission.

Questions by General Andrus:

124Q: In the briefing before takeoff, do you recall by position, not by name but by position, who made the assignments for the weapons section and the surveillance section?

CONTROL WITNESS #23

124A: Who assigned the personnel to those positions?

125Q: Yes, who assigned the responsibilities to the personnel?

125A: The senior director picks which weapon directors are going to control which area, to my knowledge.

126Q: Do you recall if, at any time, there was an assignment given in that briefing as to who would be responsible for monitoring friendly helicopters in the No-Fly-Zone?

126A: No, Sir, I do not recall any of that being made.

127Q: Do you have any knowledge as to whether or not a Mode IV and/or a Mode I IFF system check was done on Eagle Flight at any time?

127A: No, Sir, I do not have any knowledge of that.

128Q: You indicated that the Eagle Flight symbology had dropped off the scope at approximately 7:10, I believe you indicated 7:10, 7:12, do you know who dropped that symbology, who deleted that symbology from the scope, by position?

128A: I don't specifically remember when Eagle Flight symbology dropped off the scope. I'm not even sure that's an accurate time. I know it was some time before Eagle Flight was engaged and no, Sir, I do not recall who dropped that symbology off. I would assume it was the ASO.

129Q: Was there any discussion or other activity going on in the weapons section of AWACS, to the best of your knowledge, at the time of the incident, that could have distracted any of the weapons section crew members?

(The WIT and his Counsel confer briefly at this point.)

129A: Sir, would you repeat the question?

130Q: Were you aware of any discussions going on in the aircraft, internal discussions on intercom, that could have distracted, in any way, any of the members of the weapons section?

130A: No, Sir. Once again, I'm behind the panel. They are sitting across from me. I do not recall anything over there that would distract them from their job or anything on the nets, being said on the nets that would distract them.

COL FAIN: Clarifications please?

CONTROL WITNESS #23

Questions by Colonel At Lee:

131Q: Earlier in your testimony, you referred to RHAW equipment warming up. Can you explain very briefly what that means? Is that radar early warning equipment?

131A: I didn't address that warming up. I said that in reference to a gray area, aircraft-- all fighter aircraft have, to my knowledge, have radar warning receivers which is a small scope that gives azimuth and relative signal strength.

COL AT LEE: That's all I needed was an explanation of "RHAW."

132Q: That's what you just gave me, right?

132A: Correct, Sir.

133Q: You were talking about Eagle Flight and you said you know "their contract" is to go directly from one point to another. Did I understand that correctly?

133A: Yes, Sir, that's correct.

134Q: What did you mean by "their contract"?

134A: I do not recall what it is written in, but it is written down that they will proceed from -- straight line from departure to destination point and that's after the fact. I learned that after the fact.

135Q: You did not know that on the 14th of April?

135A: That's correct, Sir.

(The WIT and his Counsel confer briefly at this point.)

CAPT YOUNGNER: No further input on that, Sir. Thank you.

136Q: What, if any, training did you receive regarding your responsibility or the responsibility of the AWACS, in general, to Eagle Flight?

136A: Nothing specific, Sir, other than Eagle Flight is going to be in the vicinity of any particular action and he would be pointed out to potential players if his whereabouts were known.

137Q: You refer to K-Town. That's just a means of easy reference of a point enroute?

137A: Yes, Sir. There is a--what we call the corridor that extends from approximately the 50 nautical mile circle out to the ROZs in the AOR and K-Town is a point that begins that corridor and Derik is another point along that corridor.

CONTROL WITNESS #23

138Q: When you refer to ROZ 1 and ROZ 2, were you referring to established orbits?
138A: "Restricted Operating Zones" which are boxes in space with specific coordinates that aircraft operate within it.

139Q: You used the word LIMFAC--does that mean limiting factor?
139A: Yes, Sir, it does.

140Q: You said that you don't recall your response to the fighters when they contacted you, but ordinarily, you would say--"Clear to press?"
140A: Yes, Sir.

141Q: What does that mean?
141A: That means that you are clear to proceed as fraggged; sometimes they say--Cleared as fraggged; Clear to press. That means do your mission.

(The WIT and his Counsel confer briefly at this point.)

At initial check in, that's when Tiger Flight would contact me and then they'd proceed to the AOR freq. They do not stay on my freq.

142Q: When you were describing the communications that occurred during the fighter engagement, you referred to one radio call as "Cougar". Who is Cougar--by position?
142A: Cougar, technically, is the mission crew commander.

143Q: Does it have a broader meaning than that in the way it's used?
143A: Yes, Sir, it does. It often implies the mission crew in the back.

144Q: You were asked if you knew where Eagle Flight was, at the time of the F-15 engagement. Did you have any knowledge or awareness of a friendly, by squawk or otherwise, in the area of the F-15 engagement?
144A: No, Sir, there was no indication.

(The WIT and his Counsel conferred briefly at this point.)

Specifically, there was no nomenclature in and around the area of the Tiger Eagle Flight engagement..

145Q: Were you aware of anything on your scope which would have indicated the presence of a friendly in that area?

(The WIT and his Counsel confer briefly at this point.)

CONTROL WITNESS #23

145A: Sir, my situational awareness is based on two things; one is the radios and the other one is the scope in front of me. At the point in time that you are questioning, the scope in front of me did not give me any information that led me to believe that there was a friendly aircraft in the vicinity of the engagement. The radios told me that there was hostile aircraft there and I had to go with the pilot's judgment.

146Q: Is it correct that as far as your situational awareness is concerned, that you had no awareness of the presence of friendlies in the area that the F-15s were engaged?

146A: Say that one more time please, Sir.

147Q: Let me ask it more openly. From any source, did you have any indication that there were friendlies in the area where the F-15s were engaging?

147A: Simply answered, no, Sir, I did not. Obviously, I would not have let the engagement occur if I thought there were friendly aircraft in that area.

COL AT LEE: I'd like to take a brief recess. The time is 1631.

(A brief recess is taken at this point.)

COL AT LEE: The time is 1647 on the 28th of April 1994. The individuals who were present when we recessed are once again present.

Do you have any further information, statements or evidence that may be helpful to this investigation that you wish to present?

CAPT YOUNGNER: Sir, on behalf of my client, we appreciate this opportunity to have presented our perspective on matters and answer your questions and cooperate. I have requested of Colonel Wilcox and Colonel Lawler that we be permitted a 48-hour period to review our notes and consider submitting any additional matters for the board's consideration so within 48 hours, we'd be able to prepare any other written submissions.

COL AT LEE: This Board will be happy to receive anything you have to present.

CAPT YOUNGNER: Having said that, Sir, there's nothing further for us to present unless you have any other questions for us at this time.

COL AT LEE: You are reminded that this is an official investigation.

WITNESS: Yes, Sir.

CONTROL WITNESS #23

COL AT LEE: You are ordered not to divulge the nature of this investigation or the questions, answers or discussions included in this interview with anyone unless authorized to do so by the Board President, Major General Andrus, CINCUSAFE, or higher authority. If anyone other than a member of this board should approach you regarding your testimony or the matters discussed here, you must report it immediately.

Do you have any questions?

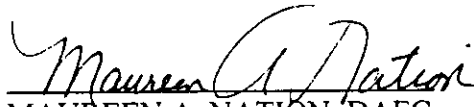
WITNESS: No, Sir, I do not.

COL AT LEE: The time is 1649 and this interview is concluded.

(NOTE: No further matters were submitted by the Witness.)

REPORTER'S CERTIFICATE

I certify that above sworn interview statement, given by CONTROL WITNESS #23 to the Aircraft Accident Investigation Board was recorded by me by stenomask and that the foregoing transcript is a true, accurate, and verbatim account of that statement.


MAUREEN A. NATION, DAFC
Court Reporter
Incirlik Air Base, Turkey

CONTROL WITNESS #23

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE LEGAL SERVICES AGENCY
TRIAL JUDICIARY EASTERN CIRCUIT
BOLLING AFB DC 20332-5106

28 Apr 94

MEMORANDUM FOR: PRESIDENT ACCIDENT INVESTIGATION BOARD

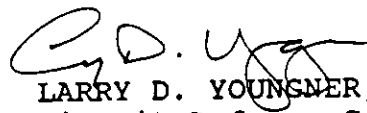
FROM: AFLSA/CDC (DSN 297-4765)
120 Brookley Avenue Suite 1
Bolling AFB DC 20332-5106

SUBJECT: Notice of Representation and Matters for the Accident
Investigation Board's Consideration

1. This is to confirm and put the government on notice of my attorney-client relationship with the Airborne Command Element onboard the AWACS morning mission of 14 April 1994 out of Incirlik, Turkey. I understand my client is suspected of UCMJ violations including Articles 92, 119b(2), and 134 (para. 85), arising out of the misidentification and shooting down of Eagle flight aircraft in the northern Iraq AOR. Although my client desires to cooperate, I instructed him to remain silent. All requests to interview my client must be made through me and only after my consent. Furthermore, all defense approved questioning of my client will only be done in my presence.

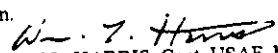
2. I attached four documents I ask you to consider in your investigation of this tragic accident. Specifically, you will find my client's aviation history (Atch 1), the ACE/MD training program (Atch 2), recall of events on 14 Apr 94 (Atch 3), and relevant facts (Atch 4).

3. If you have any additional questions or would like to request an interview of my client, please contact me at my duty phone at Bolling or in Incirlik at the ADC office, 6-6962. Thank you.


LARRY D. YOUNGNER, Capt, USAF
Circuit Defense Counsel

4 Attachments

1. Client Aviation History
2. MD/ACE Training Program
3. Events on 14 Apr 94
4. Relevant Facts (proximate and contributing causes)

CERTIFICATE	
I certify that I am the Records Custodian for the Accident Investigation Board convened to investigate the crash of two U.S. Army Black Hawk helicopters in the no fly zone in northern Iraq on 14 April 1994, and that this is a true and accurate copy of the record which is kept in my records system.	
<u>12 May 94</u> Date	 WILLIAM L. HARRIS, Capt, USAF, MSC Evidence Custodian, Incirlik Air Base, Turkey

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE LEGAL SERVICES AGENCY
TRIAL JUDICIARY, EASTERN CIRCUIT
BOLLING AFB DC 20332-5106

28 Apr 94

MEMORANDUM FOR: PRESIDENT AIRCRAFT INVESTIGATION BOARD

FROM: AFLSA/CDC (DSN 297-4765)
120 Brookley Avenue Suite 1
Bolling AFB DC 20332-5106

SUBJECT: Client Aviation History

What follows is the aviation history of my client, the Airborne Command Element, prior to 14 April 1994:

1. I began my aviation career in 1981. Previous to that I was an enlisted "Combat Weather Forecaster" stationed at Fort Bragg, North Carolina. After six years in the Air Force I saw more opportunity for advancement if I completed my college education. I began working on my degree at night and on weekends, with the goal of applying to Officer Training School (OTS). After completing my degree I was accepted into OTS with a follow-on assignment to Undergraduate Navigator Training (UNT) at Mather AFB, California.

a. I excelled at UNT, graduating #2 in my class. Because of my class standing, I was allowed to choose the type of aircraft I would like to fly. I chose the F-111 and was also allowed to continue training at the Electronic Warfare Officer (EWO) school. After graduating EWO school, I went through the standard survival schools and reported to Holloman AFB, New Mexico for Fighter Lead-in Training.

b. After graduating from Fighter Lead-in training, I left for F-111 flight training at Cannon AFB, New Mexico. From initial F-111 flight training at Cannon, I reported to RAF Lakenheath, England in May 1993 to complete my training in the F-111F.

c. At my assigned fighter squadron, the 492 TFS, I completed my upgrade training to combat ready status. After gaining Mission Ready (MR) status in the squadron, my experience/flight hours began to grow, and along with that experience my ability to tactically aviate. Towards the end of my three year assignment at Lakenheath, I was considered one of the best in the squadron/wing. I was one of the few hand-picked crews to participate in the Lybian Raid (Eldorado Canyon).

Arch 1

12 13

2. After the Lybian Raid, I received orders to report to EF-111A Replacement Training Unit (RTU) at Mountain Home AFB, Idaho. While stationed at Mountain Home AFB with the 390th Electronic Combat Squadron, I became an Instructor Electronic Warfare Officer (IEWO). After three and a half years I was reassigned to RAF Lakenheath to drop bombs in the F-111F again.

3. Because of my in-theater expertise and aviation experience, at Lakenheath I was almost immediately upgraded to Instructor Weapons Systems Officer (IWSO). While deployed in support of Operation Desert Shield, I was selected to become one of four Flight Commanders in the 494th Tactical Fighter Squadron. During Operation Desert Shield/Storm I flew 27 combat missions and received a Distinguished Flying Cross and two Air Medals for heroism during these missions.

4. After approximately three years at Lakenheath, I received orders to report to Langley AFB, Virginia to begin my "Staff" (Non-flying) tour. After about a year and a half in this capacity, I was chosen to go TDY in support of Operation Provide Comfort (OPC) II. I am currently working as a Mission Director and ACE, supporting OPC II combat operations.

5. I have approximately 2,000 total hours flight time. Most of that time is in the F-111, 100 hours or so is in miscellaneous training aircraft. I have approximately 500 hours of Instructor time and 125 hours of combat time.

6. My checkride history is solid, having received all Q's with no busts and no outstandings.

7. My OPR's are outstanding in every category, with repeated mentioning of excellent aviation and leadership skills.

8. I was selected for the job of Mission Director/ACE because of my familiarity with tactical fighter operations. Although not intimately familiar with each individual fighter aircraft's capabilities, I do possess the fundamental knowledge of employment tactics to make informed decisions on tactical execution.

If you have any other questions concerning my client's aviation history please call me at the number above or at the Incirlik ADC office, 6-6962.


LARRY D. YOUNGNER, Capt, USAF
Circuit Defense Counsel

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE LEGAL SERVICES AGENCY
TRIAL JUDICIARY EASTERN CIRCUIT
BOLLING AFB DC 20332-5106

28 Apr 94

MEMORANDUM FOR: PRESIDENT ACCIDENT INVESTIGATION BOARD

FROM: AFLSA/CDC (DSN 297-4765)
120 Brookley Avenue Suite 1
Bolling AFB DC 20332-5106

SUBJECT: Mission Director (MD)/Airborne Command Element (ACE)
Training Program

1. The primary job of both MD and ACE is to ensure the CFAC/DO's guidance is being followed during all Operation Provide Comfort (OPC) operations. This guidance comes from several sources:

- The Aerospace Control Order;
- Standing Rules of Engagement;
- Weekly meetings with the CFAC/DO or his representative; and,
- Directly from CFAC/DO or his representative during a mission via radio or telephone.

2. Our training program starts off with a Mission Director or MAD DOG tour, so that the trainee can become familiar with day to day OPC operations. This is where we learn the general overview of what occurs on a standard OPC launch. We are introduced to the various radios, weather information, flow sheets, and miscellaneous information that allows us to ensure the smooth, safe, effective launch of OPC packages. We are also introduced to the numerous players and coordinating agencies that we use to correct problems that occur during the launch.

3. After gaining the "big picture" of the launch, we review opening/closing checklists, the ACO, rules of engagement, CFAC/DO meeting notes, flight schedules, Aircrew Read Files and the ATO (FRAG).

4. Our second MAD DOG tour places us in the directors seat under the direct supervision of a qualified MD. We are responsible for conducting a safe launch, and solving the numerous problems that can be associated with getting 30+ aircraft off the ground.

5. There is time after the launch to discuss problem solving techniques, previous glitches in the flow and "what if" scenarios.

Arch 2

6. Most of the MD checkout program is a review of OPC procedures and a "common sense" application of problem solving. All MDs have been exposed to similar problems in previous squadron supervisor and Supervisor of Flying (SOF) tours.

7. The third phase of training involves flying on the AWACS as an ACE/Duke. Our first sortie is like a MD tour in that it primarily involves learning about radios, basic AWACS capabilities, mission crew duties, and the general flow of OPC missions. The "Instructor" Duke demonstrates effective procedures which ensure aircraft are performing their assigned missions within the limits of the ACE/ROE/ARF. Tanker re-flow procedures, emergency procedures, and AWACS equipment operations (SCOPE Operation) is also discussed and demonstrated.

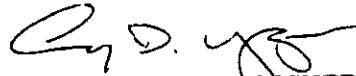
8. In addition to equipment operation (radios, nets, scope), the trainee also learns about the relationships and responsibilities of the AWACS mission crew. Obviously everyone has a specific job. The person in charge is the Mission Crew Commander (MCC or callsign Cougar). He runs the entire show. He makes sure that the crew is doing their job and operating effectively as a team. Directly under the MCC is the Senior Director (SD). The SD oversees 3 Weapons Directors (WD's) and the Air Surveillance Officer (ASO). The WD's control aircraft in the various phases of the OPC mission: enroute, refueling, and the Area of Responsibility (AOR). The ASO and his/her team of Air Surveillance Technicians (AST's) track and designate friendly and hostile aircraft. As Duke's, we work directly through the MCC or SD to ensure that the CFAC/DO's guidance is observed. Working through the MCC/SD allows us to control events while keeping the integrity of the AWACS weapon's team.

9. We (Duke's) depend on the specific abilities of each AWACS crew member to effectively perform his/her job. The Duke is not trained to perform designating, tracking and controlling functions.

10. The second AWACS flight is considered a check-ride. The Duke trainee is in control of conducting OPC operations from outside of the Incirlik 50 mile circle into and including all ROZ's and the AOR. If problems are noted, the Instructor Duke corrects them on the spot or recommends additional rides. Each Duke trainee has the option of requesting additional rides if he doesn't feel prepared enough.

11. The final phase of training consists of the CFAC/DO interview. This is mostly a "big picture" briefing where the DO explains what he expects of you; i.e., make your decisions smart and conservative and if you don't know, call me. The DO normally reviews the ROE with particular attention to "gray areas". The remainder of the briefing consists of "what if" scenarios and any changes to policy. He then signs off the check-out sheet and you become a qualified MAD DOG/DUKE.

If you have any additional questions about the Mission Director/
Airborne Command Element's training, please contact me at my duty
phone at Bolling or in Incirlik at the ADC office, 6-6962.
Respectfully submitted.



LARRY D. YOUNGNER, Capt, USAF
Circuit Defense Counsel

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE LEGAL SERVICES AGENCY
TRIAL JUDICIARY EASTERN CIRCUIT
BOLLING AFB DC 20332-5106

28 Apr 94

MEMORANDUM FOR: PRESIDENT ACCIDENT INVESTIGATION BOARD

FROM: AFLSA/CDC (DSN 297-4765)
120 Brookley Avenue Suite 1
Bolling AFB DC 20332-5106

SUBJECT: Airborne Command Element's Recall of Events on 14 April
1994

The following account is from my client's perspective as the Airborne Command Element (ACE), callsign Duke. The remaining acronyms are from the E-3 Operating Procedures regulation, MCR 55-33, published 3 May 1993. Please note all times are the best approximation my client can recall; accordingly, please consider these times as "on or about" the time specified.

1. AWACS take-off was scheduled for 0450Z. I reported to AWACS OPS at 0330Z for the mission briefing. The briefing was standard with emphasis placed on crew responsibilities and goals as this was a new crew in theater; but, the AWACS crew had been here before on a previous rotation.
2. We stepped early so that we could take-off early, this allows an additional few minutes to get a JTID's link. Take off was at 0435Z and uneventful. We departed north en-route to the wake-up orbit. After taking a couple of turns in the wake-up orbit we proceeded east (down track) because all equipment was coming up normally. The radar and IFF systems came on line shortly thereafter followed by a good JTID's link with INDIA and DADDY. I passed a "green" light to the Mad Dog who authorized all Operation Provide Comfort missions to take-off as fragged. We were well ahead of the power curve with approximately one hour until the first launch would require Duke supervision.
3. The only activity previous to the arrival of Operation Provide Comfort aircraft was a Turkish "Special Mission," since they departed the AOR before the arrival of our aircraft, no action was taken. At 0650Z, Eagle flight checked in with AWACS and called departing Zakhu for point "L." We do not have Eagle flight's itinerary in the Frag Order or their flight plan on board the AWACS. Typically Eagle flight disappears off the AWACS scope several minutes after take-off because of their low altitude and radar line-of-sight problems (terrain interference).
4. At 0710Z, Tiger flight checked in with AWACS. Tiger flight's first mission is to sanitize the AOR and provide a PIREP of significant weather. They were cleared into the AOR and shortly after called "contact" with bogies south east of ROZ 2. I don't

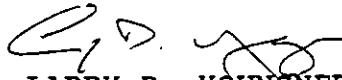
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Arch 3

remember the exact words. Tiger flight then proceeded to investigate. After 10 minutes, they called "contact" again, followed shortly thereafter by a "visual on 2 HIP helicopters." They then corrected the call to "2 HIND helicopters." Within the next 60 seconds they called "engaged." At this point, I did not know if they were defensively engaged or offensively engaged. After 60 more seconds, Tiger flight called "Splash 1," followed shortly thereafter by a "Splash 2" call. Even though the ROE specifically states that all enemy aircraft above the 36th parallel can be shot down, I was surprised that Tiger Flight committed to the kill so quickly. Although it is not required by the ROE, I expected Tiger flight to contact me or AWACS' MCC or AOR WD with their intentions. They did not. They acted autonomously within the Rules of Engagement.

5. I assumed Tiger flight electronically identified in addition to their visual identification of these aircraft as hostile prior to firing on the aircraft. At this point I directed the MCC to have his crew keep a close eye on the 36th parallel and the boarder areas. We were looking for additional hostile aircraft and a potential enemy offensive.

6. I contacted Mad Dog at 0740Z and reported two downed enemy helicopters. He in turn reported this to the CFAC/DO. It was not until 45 minutes later, because Eagle flight was late to their destination, that command nets became concerned about a possible miss-ID and inadvertent shoot down of Eagle.

If you have any additional questions about the Airborne Command Element's role or duties on 14 Apr 94, please contact me at my duty phone at Bolling or in Incirlik at the ADC office, 6-6962.
Respectfully submitted.



LARRY D. YOUNGNER, Capt, USAF
Circuit Defense Counsel

SUBJECT: Relevant Facts (proximate and contributing causes)

1. The inability of either Tiger flight pilot to identify the UH-60 as a friendly aircraft by electronic identification (EID) means. Possible contributors to IFF interference or inoperation are:

a. If the line of sight to the IFF antenna masked by the fuel pods attached to Eagle flight UH-60

b. If the IFF was turned off by Eagle flight UH-60 pilot at some point after the AWACS lost the tracking.

2. The inability of either Tiger flight pilot to identify the UH-60 as a friendly aircraft by visual identification means.

a. Command's failure to completely train in visual identification (friend or foe training) of Eagle flight UH-60 Blackhawk helicopters with fuel pods or stanchions attached.

b. Command's failure to pre-brief fighter crews that UH-60 aircraft within the AOR are operating with these pods attached, thus creating a similar appearance to Iraqi Hind helicopters.

3. AWACS Systems Limitations. Low level flight (below 500 ft and NOE) limitations of AWACS IFF and JTIDS radar - including time delay inherent in IFF modes on low level or terrain masked flight.

4. The AWACS mission crew's decision to drop the Eagle flight helicopter from the radar screen when it's tracking signal was lost by the WD or ASO that identified the Eagle flight leaving Zakhu.

5. Deviation of Eagle flight UH-60 helicopters from the 28 Dec 92 Army memorandum directing the UH-60 Eagle Flight "routes of flight will be straight line from point to point...."

a. Eagle flight's flight plan:

- Was there one?

- Was it followed?

- Was it filed with AWACS mission crew or Mad Dog or ACE/Duke or Tiger flight?

- Was it detailed in the daily frag order of missions for 14 APR 94?

b. Did the Eagle flight pilots advise anyone of a flight plan deviation off course between Zakhu and Irbil?

Arch 4

6. What was the activity of Turkish aircraft in the area and did any such activity affect morning operations in the AOR on 14 Apr 94?

a. Were the AWACS crew or Tiger flight pilots distracted by Turkish Special Missions before, during, and after the shooting of the mistakenly identified Eagle flight helicopters?

b. Was the AWACS crew told to videotape Turkish special missions in the AOR? If so, did this distract the AWACS mission crew from their tracking and identification tasks?

7. Airborne Command Element (ACE), callsign "Duke."

* a. Was the ACE/Duke's role to ensure that the Air Tasking Order was adhered to, to include sanitizing the AOR prior to sending out the air fleet into their respective CAPS and ROZ within the AOR?

* b. If a situation clearly within the ROE arises, is the ACE/Duke required to coordinate with Mad Dog or the 39 OG/DO prior to directing aircraft to defend or attack hostile aircraft north of the 36th parallel?

8. What is the meaning of "I'm engaged."

* 9. Whether there was an operational climate that contributed to aviation discipline being unreined?

10. How appropriate is/was the ROE for enemy fixed wing and rotary wing aircraft, especially flying in small numbers at low altitude?

a. Would it be more appropriate to follow such aircraft and coordinate an interception of such aircraft by either Turkish or U.S. Army assets?

b. Would it be more appropriate, especially for rotary wing aircraft, to attempt a warning communication prior to engaging or prior to firing?

c. Should the ROE have been more restrictive?

TAB V-026A

CONTROL WITNESS 23

V-02

V-02

V-024

V-02

V-02

V-026A

VERBATIM TESTIMONY

OF

**CONTROL WITNESS #23
AIRBORNE COMMAND ELEMENT, CALL SIGN DUKE)
(PART 2)**

COL WILCOX: The time is now 1556 on 6 May 1994. The persons present are the following: Major Aaron Byas, Lieutenant Colonel Bert Pryor and Major Chris Lisanti. I'm Colonel Wilcox. This is an interview with Control Witness #23, he is here with his counsel, Captain Larry Younger.

(Barbara Brigman was present as the court reporter.)

COL WILCOX: Sir, we have asked you to come back to clarify a few additional matters for us. The time when you testified before, you were advised of your rights under Article 31 and that you were suspected of the offenses of dereliction of duty under Article 92 of the Uniform Code of Military Justice and involuntary manslaughter under Article 119 of the Uniform Code of Military Justice. Do you recall that advisement of rights?

WITNESS: Yes, sir, I do.

COL WILCOX: At that time, you indicated that you would answer questions that we posed to you. Do you still agree to answer questions that we pose to you?

WITNESS: Yes, sir, I do.

COL WILCOX: I see that you are here with your counsel, I would assume that you want counsel present during that questioning.

WITNESS: That's true.

COL WILCOX: I would like to remind you that you are still under oath. Do you recall the basic instructions that were given to you during your first interview?

WITNESS: Yes, sir, I do.

COL WILCOX: Do you have any questions concerning those instructions?

WITNESS: None.

CONTROL WITNESS #23

EXAMINATION

QUESTIONS BY MAJOR BYAS.

1Q: On the 14th of April in the pre-mission planning or during the prebrief, do you recall the senior director providing a weapons briefing on that day?

1A: No sir, I don't recall.

2Q: Did you provide a briefing as the Duke?

2A: No sir, I don't recall.

3Q: Was the briefing adequate or was it the same as previous briefings that you had before?

3A: It was more than adequate. It was standard; everybody knew their positions, knew their jobs. I knew when JTIDS link needed to be up, and I was going to direct to that fashion.

4Q: Did the weapons team understand their duties as far as enroute controller, tanker controller, etcetera?

WITNESS: May we have just a moment?

MAJ BYAS: Sure.

(Control Witness #23 consulted with his defense attorney.)

4A: Okay. Just to digress just a little bit. As far as my briefing and their briefing, my briefing normally consists of getting up and saying, "This is the standard gambit of players." I normally say, "We need a JTIDS link by this time." I do not specifically recall saying that. Addressing your last question about -- "Did they appear to be prepared enough?" Could you restate that one more time?

5Q: Did the weapons team know their duties, as far as who was going to be the tanker controller? Who was going to be the enroute controller? Was that briefed on the ground or was it briefed on the airplane?

5A: I do not specifically recall. Although based on my previous experience, most of the time the senior director assigns those duties while doing -- the mission -- a portion of the mission brief on the AWACS. I don't remember exactly when that occurred on this particular day.

CONTROL WITNESS #23

Questions by Colonel Wilcox.

6Q: I would like to focus your attention on the time on the 14th of April from 0700 to 0730 Zulu. Were you at your console during that time?

6A: Yes, sir, I was.

7Q: Were you there the entire time?

7A: Yes, sir, I was.

8Q: What interaction did you have with any, if any, with Tiger Flight when they first entered the AOR?

8A: It is a normal requirement for Tiger Flight, once they hit the jump point, to contact me and check-in for guidance. I do not specifically remember them checking in with me, because, as I recall, they had contact previous to doing that. Consequently, they were cleared into the AOR. I was going to tell them to press as standard anyway, but it is standard for them to call me up. I don't remember that occurring though specifically.

(Control Witness #23 consulted with his defense attorney.)

(Witness continuing with "8A.")

8A. Okay. I do remember them checking in with the AOR WD, -- I just -- what I don't really recall is them talking to me. I remember him entering the area.

9Q: Do you know what information was passed to Tiger Flight by anyone?

(Control Witness #23 consulted with his defense attorney.)

9A: Once again, I monitor four frequencies. Whatever information they passed to them on the check-in freq, I would not be privy to. I monitor the AOR freq, two Duke freqs, -- one is a Half Quick and one is a clear uniform UHF frequency -- and the other one is a Turkish SATCOM. I already told you exactly what I heard or what I remember hearing on the AOR frequency. But, I'm not privy to -- the conversations -- any other conversations.

10Q: Other than what you have already disclosed, did you hear any other information passed to the Tiger Flight when they entered the AOR?

10A: Not that I recall, sir.

11Q: Did you pass information to them?

11A: I do not recall if I did or not.

CONTROL WITNESS #23

12Q: Who was seated next to you on the AWACS aircraft from 7 to 7:30?

12A: Directly to my left was the senior director -- do you need a name?

13Q: No. What was the senior director doing? Was the senior director in his place on the aircraft; at his console between 7 and 7:30?

13A: Yes, sir; he was.

14Q: What was he doing during that period of time?

14A: The standard senior director duties --

(Control Witness #23 consulted with his defense attorney.)

(Control Witness #23 continued with "14A".)

14A: He was doing his duties.

15Q: What were those duties as far as you know?

15A: As far as I know, they are to control and watch over the three weapons directors and the air surveillance officer to make sure that they are operating as a team, and correctly tracking aircraft and controlling aircraft.

16Q: How do you know that he was performing those duties on the 14th of April?

(Control Witness #23 consulted with his defense attorney.)

16A: Could you repeat the question, sir?

17Q: How do you know that he was performing those duties on the 14th of April between 7 and 7:30?

17A: He is sitting directly to my left, looking at the scope, I presumed that he was doing his duties; I do not know that for sure.

(Control Witness #23 consulted with his defense attorney.)

(Control Witness #23 continued with "17A".)

17A: Okay. Just to clear up something. I sit here on the far right, senior director sits directly to my left, and directly to his left is the mission crew commander.

CONTROL WITNESS #23

18Q: Did you see or hear any physical manifestations that would lead you to believe that the senior director was performing his duties?

18A: Sir, I don't recall.

19Q: Did you see him move or speak?

19A: I do not specifically recall.

(Control Witness #23 consulted with his defense attorney.)

(Control Witness #23 continued with "19A".)

19A: Okay. Sir, to clarify this, I was sitting at my scope with my headset on. He was, as I recall --he was sitting at his scope with his headset on, and he sometimes speaks over the nets. There are separate nets on the AWACS, and sometimes he just yells over the console. As I recall, he was talking and looking at his scope, which would indicate to me that he was doing his job.

20Q: Where was the mission crew commander during this period of time?

20A: He was directly to the senior director's left?

21Q: Was he at his console during this entire period of time?

21A: Yes, sir, he was, as I recall.

22Q: Did you hear or see any physical manifestations that he was performing his duties?

22A: Yes, sir.

23Q: Would you please tell me what those were?

23A: Same things as the senior director.

24Q: They both appeared animated and alert to you?

24A: Yes, sir, they did.

25Q: Do you have any further information, statements or evidence that you wish to present?

CAPT YOUNGER: Sir, if I may speak on behalf of my client. We discussed this. We would, again, just request an opportunity to consider the next 24 hours whether in light of these questioning there are any additional written matters that we would like to submit for the Board's consideration; if we could have that 24 hour period?

CONTROL WITNESS #23

COL WILCOX: Of course.

CAPT YOUNGER: Thank you, sir. Other than that we have nothing further.

COL WILCOX: You're reminded that this is an official investigation. You're ordered not to divulge the nature of this investigation or the questions, answers or discussions included in this interview with anyone unless authorized to do so by the board president, Major General Andrus, CINC USAFE, or higher authority. If anyone other than a board of this board should approach you regarding your testimony or the matters discussed here, you must report it immediately.

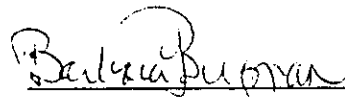
COL WILCOX: Do you have any questions?

WITNESS: No, sir, I don't.

COL WILCOX: The time is 1609 and the interview is concluded. Thank you very much.

REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by CONTROL WITNESS #23 to the Aircraft Accident Investigation Board was recorded by me by stenomask and that the foregoing transcript is a true, accurate, and verbatim account of that statement.



BARBARA BRIGMAN
Court Reporter
Incirlik Air Base, Turkey

CONTROL WITNESS #23

V-022

V-023

TAB V-027

V-024

CONTROL WITNESS 24

V-025

V-026

V-026A

V-027

VERBATIM TESTIMONY

OF

CONTROL WITNESS #24

**963d Airborne Warning and Control Squadron
Weapons Director
(TAOR)**

COL WILCOX: The time is now 0814 on 21 April 1994. The persons present are: Control Witness number 24, Lieutenant Colonel Christian Velluz, Lieutenant Colonel Wayne Mudge, Major Aaron Byas, Colonel Armen, Lieutenant Colonel Black, Major Lisanti, Mister Bruce Peggs, the court reporter, and I'm Colonel Charles Wilcox. Major General Andrus is here, and he's the board president.

This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINC USAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. It is an Aircraft Accident Investigation conducted under Air Force Regulation 110-14. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

WITNESS: Yes, I do.

COL WILCOX: Do you understand the purpose of this investigation?

WITNESS: Yes. I do, sir.

COL WILCOX: Do you have any questions?

CONTROL WITNESS #24

WITNESS: Not at this time, sir.

COL WILCOX: Your testimony will be recorded and transcribed verbatim so that a written record can be made available to the appointing or higher authority. For the benefit of the reporter, please avoid the use of acronyms or jargon. Speak slowly, clearly and loudly. Remember to explain your testimony carefully so that others who do not have your technical training will be able to understand.

As I told you before, I'm Colonel Wilcox. As previously stated, this board is investigating the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters in the northern No-Fly-Zone of Iraq on 14 April 1994 and the possible involvement of U.S. fighter aircraft.

You are suspected of the following offense: dereliction of duty. That is you are suspected of negligently failing to properly track and account for aircraft in the northern No-Fly-Zone of Iraq in violation of Article 92 of the Uniform Code of Military Justice.

I advise you under Article 31, Uniform Code of Military Justice, that you have the right to remain silent, that is to say nothing at all. Anything you do say may be used as evidence against you in a trial by court-martial or in other judicial or administrative proceedings. I also advise you that you have the right to consult with a lawyer, if you desire, and have a lawyer present during this interview. You may obtain a civilian lawyer of your own choosing at no expense to the government or, if you wish, the Air Force will appoint a military lawyer for you free of charge. You may request a lawyer at any time during the interview, and if you decide to answer questions without a lawyer present, you may stop the questioning at any time.

Before deciding whether you wish to exercise your rights under Article 31 of the Uniform Code of Military Justice, I further advise you that any previous statements made by you under circumstances that violated your Article 31 rights may not be used against you. For example, previous statements or notes, written or oral, made by you at the direction of your supervisor or other superior officer who suspected you of misconduct or dereliction, cannot be used against you if that individual directing or requesting the statement did not properly advise you of your rights under Article 31. If you have made a previous statement under these conditions, you should consider that they cannot be used against you.

Do you understand your rights?

WITNESS: Yes I do, sir.

COL WILCOX: Do you wish to remain silent or will you answer our questions?

WITNESS: I would like to answer the questions.

CONTROL WITNESS #24

COL WILCOX: Do you want a lawyer?

WITNESS: Not at this time, sir.

COL WILCOX: Very well.

You are further advised not to discuss classified information unless necessary to develop your testimony. If it's necessary for you to discuss classified information, you need to identify it as such. Do you understand?

WITNESS: Yes sir. I understand.

COL WILCOX: Would you please rise so that I can swear you in.

(The witness was sworn)

COL WILCOX: For the purposes of the record, we'd ask you not to state your name, grade or organization, station and present duty assignment. We have that available through other matters -- through other means. We can refer to the collateral record.

(There were individuals using weed eaters outside the building)

REP: Excuse me. I wonder if there's some way we can get him to stop doing that?

(Colonel Black left the room)

COL WILCOX: Let the record reflect that Colonel Black has left the board room.

EXAMINATION

(Questions by Major Byas)

1Q: What is your current AWACS crew position?

1A: I am a weapons director, sir.

2Q: What are your specific duties and responsibilities as a weapons director?

2A: They are to ensure the safety of flight for aircraft under my control, to provide regular -- flight regularity, ensuring that aircraft follow the necessary FAA regulations or whatever appropriate guidelines, and to provide relevant information to the flights that I have under my control from information that I can glean from the systems I have available.

CONTROL WITNESS #24

3Q: What are -- in the PROVIDE COMFORT type of mission, what are some of the general duties and responsibilities that a weapons controller will be expected to carry out?

3A: Provide safety of flight, for instance, a separation of aircraft by altitude and distance, to conduct air-to-air refuelings, giving point outs to tankers, ensuring safety by -- make sure there is separation between tankers, making sure their frequencies -- they're aware of their appropriate frequencies to contact separate agencies, to give point outs to potential threats in an area, there's - and to basically ensure that the aircraft remain within specific geographical boundaries of the PROVIDE COMFORT areas.

4Q: Are there any other duties other than tanker?

4A: Yes sir. There -- as a -- as a weapons director, there are primarily three duties. There's the enroute position, the tanker and the area of responsibility positions or AOR.

5Q: Could you go over each one of those positions for me?

5A: Yes sir. Primarily your enroute is the person who handles aircraft transiting from staging bases to the AOR area. They make initial contact with the aircraft, assign symbology -- computer symbology that will track with the aircraft, ensure that they have their appropriate altitude separation and that they're at the appropriate assigned altitude whether they're ingressing or egressing. They provide any relevant updates that the AWACS might be aware of that the aircraft haven't received after takeoff and then they hand the aircraft over to one of the other controllers whether for tanking or whether they're going directly into the AOR, sir.

6Q: What is your background and experience, and you could start from the time you graduated from college.

6A: Well sir, it's easier to start from when I entered the Air Force. I'm a prior enlisted military member, so I had a year of college before I entered the military in 1985, and then I went through tech school. I was a Informational Management Specialist for approximately seven and a half years. I had an assignment in Germany and then I had an assignment to Maine. I finished my bachelor's degree while I was in Maine and applied to OTS and was accepted. I went to OTS in the summer of 1992, and I graduated from there, was sent to Controller's School at Tyndall, was there for approximately six months, then went to -- to my present duty assignment where I had another -- another segment of training prior to being assigned to my current duties, sir.

7Q: How long have you been mission ready?

7A: I was made mission ready on 17 February of this year, sir.

8Q: 17 February of 1994?

8A: Yes sir.

9Q: Is when you completed your final check ride?

9A: Yes sir. That's when the final -- when the final paperwork -- as it works, sir, you have a simulator check ride, a check ride -- a flight check ride out at the training -- the flying training

CONTROL WITNESS #24

portion. Then you're assigned to your duty squadron and there's a month of upgrade training that you take -- take place there where you take two rides with an instructor and they evaluate you just to make sure that any additional training that you needed coming out of your schoolhouse has been completed and to make sure that you are prepared to be controlling without an instructor.

10Q: How many flying hours do you currently have?

10A: Approximately one hundred and fifty, sir.

11Q: About how many missions have you controlled as an MR controller?

11A: Approximately six, sir.

12Q: Prior to those six missions, were you always under the supervision of an instructor?

12A: Yes sir.

13Q: What specific training or briefings that you received prior to coming to Operation PROVIDE COMFORT?

13A: There -- you have a Spinup time is the slang term we use for -- for getting ready for a deployment, and we have a current intelligence briefing, a mission briefing that's provided to us to give us a general overview of the duties we'll be performing. There are a number of simulation scenarios that you go through while you're in training getting ready to come over here and then also I personally spent a couple of days in the squadron tactics shop, since this was my first deployment, going over aircraft types that would be in the area and trying to get a little bit of a background for the area as well, sir.

14Q: Could you give me some information on what types of situation you encountered during your simulator section -- session and also what control position were you assigned during that simulator session if you can recall?

14A: Yes sir, I -- I've actually completed three simulation sessions in the PROVIDE COMFORT area which is one more than we were scheduled for. I -- I voluntarily did one while I was in my upgrade portion of my training because I knew that I would be assigned to this AOR and I felt that the extra -- extra experience would help me, so I voluntarily went in and observed one simulation session. During the two that I actively controlled in, I was the AOR controller for those, sir.

The basic scenario is your aircraft are coming into the -- they have all three positions just as we have in the -- in the actual PROVIDE COMFORT theater. People are assigned to the three positions, and as the simulation starts up, aircraft are currently enroute to the AOR area. They're currently in the corridor as -- it's a lot more time compressed than what I noticed on the one mission I had in the theater of operation because simulations are only three hours long. So in order to, you know, to make it time -- time effective, they do compress some of the activities, but -- so aircraft are already enroute. They egress out to the area. Some aircraft are following tankers and they progress straight into the tanker portion of the simulation. Others come straight

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into the AOR. As it started up, like I said, I was observing, you know, the aircraft in the AOR -- or in the enroute portion of it, and since I was AOR Controller, at that point I assisted in tagging up, assigning computer symbology to these aircraft, making sure that all the aircraft are accounted for.

They come into the AOR area where they check in on my frequency. In the simulation you had all three of the control frequencies in there so you could hear and tell what was going on, so you would know, have a good idea of when an aircraft was coming to you. So they would come into my AOR. There would be specific missions whether they were CAP aircraft that I would assign to a CAP position to monitor the thirty-sixth parallel -- thirty-sixth parallel. There are other aircraft that would be doing electronic -- electronic missions, SEAD missions, wild weasels, a wide variety of aircraft that would be coming in the area and performing, you know, missions, and I would be monitoring them to make sure that they stayed within the geographic boundaries giving them threat calls to aircraft that were showing up below the thirty-six line and in the simulation, you had aircraft actually coming above the thirty-six -- thirty-six parallel and then we would commit aircraft on them, to go in and visually ID them.

15Q: Okay, for the record, could you define CAP?

15A: CAP is Combat Air Patrol. Basically it's a . . .

16Q: That's good enough. In that -- in those -- those simulation scenarios that you experienced, was there any helicopter traffic in the AOR during those scenarios?

16A: Sir, I distinctly remember -- remember there being Iraqis that come north of the border. I believe that they have a friendly helicopter in the scenario but I can't be for certain, sir.

17Q: Upon your arrival here at Operation PROVIDE COMFORT, did you receive any training?

17A: Yes sir, we have a -- several in-briefs and also there's a current items, MRFs that we have to read that are basically current operating procedures for the PROVIDE COMFORT AOR and we had a full morning of reading the -- the current items making sure that we understand and that we're current on these items. We sign off to make, you know, to verify that we have actually read these items and that we understand them. And then there are briefings from intelligence and the -- our staff provided us with current operating procedure briefings as well, sir.

18Q: Could you define MRF?

18A: The acronym, I believe -- it gets away from me now, sir.

19Q: Is it a Mission Read File?

19A: Yes sir.

20Q: Okay. Did you review our procedures in your specific weapons training or did you receive any weapons -- any training for your specific crew position?

20A: As the AOR Controller, sir?

CONTROL WITNESS #24

21Q: No, as a weapons controller.

21A: I received extensive training as a weapons controller, sir.

22Q: Upon your arrival here for PROVIDE COMFORT, did you receive as part of that training and briefings an ROE briefing?

22A: Yes sir.

23Q: Could you give me your -- your understanding of the ROE?

23A: My understanding of the ROE is that aircraft are authorized to engage any [Classified portion deleted (8 Words)-ROE] that are not medical -- medical aircraft. They're identified as military non-medical aircraft. [Classified portion deleted (9 Words)-ROE]

24Q: Have you read the ROE?

24A: Yes sir.

25Q: Do you have copies of the ROE or information pertaining to the ROE in your mission kits that you use when you fly?

25A: Yes sir. They're -- I believe there is one in the flyaway kit that the weapons section picks up before every mission.

26Q: And for the record, have you flown in this area of operation before?

26A: I have the one mission that occurred on 14 April, sir.

(Questions by General Andrus)

27Q: Let me ask some questions on the ROE, if I may, and what I'm looking for is your understanding of the ROE. Before exercising the right to use force, or to get into -- engage an Iraqi military aircraft other than aircraft carrying medical markings, is there any need to give consideration to identification difficulties. Is there any requirement to give consideration to that?

27A: To my understanding, from reading the ROE, sir, there's nothing specifically addressing identification difficulties contained within the ROE.

28Q: How about defectors? Is there any requirement to consider the need to give defectors safe conduct?

28A: Once again, sir, from my understanding of it, that isn't a published portion of the ROE.

29Q: In the possible instance of aircraft being in distress and the crew being unaware of their position, would there be a requirement to consider that prior, to and engaging the aircraft?

29A: Could you please repeat the question, sir?

CONTROL WITNESS #24

30Q: In the possible instance of an aircraft being in distress, and the crew of that aircraft being unaware of their position -- they're lost . . .

30A: Yes sir.

31Q: . . . in other words, would there be any need to consider that, prior to engaging the Iraqi aircraft?

31A: Once again, sir, to my recollection that specific item isn't directly addressed in the ROE.

32Q: The intercept and identification of an unidentified aircraft, that is, you've contacted -- made radar contact -- you've gone through the electronic means to identify the aircraft, you have not been able to identify the aircraft through electronic means and so you direct the pilot to intercept the aircraft, is there any requirement for the intercepting pilot, upon intercepting that unidentified aircraft, to report his observations to the controller?

32A: Is that as specified within the ROE, sir?

33Q: As specified -- according to your understanding of the ROE.

33A: According to my understanding, sir, there isn't a requirement. There could be potential circumstances where the AWACS might not be available for him since we'd be on a tanker and there would be no one for him to -- him to report that information to, sir.

34Q: But again, upon interception of the pilot, assuming that AWACS is up and on station and operating there, according to your understanding, is there a requirement for that pilot to report his observations to the controller?

34A: No sir.

35Q: Again, according to your understanding of the ROE, is there any requirement at any time for the controller to request the intercepting pilot to fire warning shots?

35A: No sir.

GENERAL ANDRUS: Okay.

(Questions by Major Byas)

36Q: Have you had any deployments since you've been a mission ready controller?

36A: I've had several TDYs to the inside -- within the continental U.S. to perform various missions, ORIs and things like that, sir, but I haven't had any deployments outside of the continental United States, sir.

37Q: Okay, for the record, define TDY and ORI.

37A: Okay, it's a -- temporary duty is the definition of a TDY. That is, going to a different geographical location other than your home base.

CONTROL WITNESS #24

38Q: And ORI?

38A: And an ORI is an Operational Readiness Inspection. This is where certain units are evaluated, sir.

39Q: On the 14th of April 1994, how was the weapons team organized? Who was doing what crew positions?

39A: Sir, can we have a time out, or . . .

MAJ BYAS: Yes.

COL WILCOX: Sure.

WITNESS: Okay.

(The interview was recessed at 0838 hours, 21 April 1994)

CONTROL WITNESS #24

(The interview was reconvened at 0839 hours, 21 April 1994, with all parties present who were present when the interview was recessed)

COL WILCOX: The time is 0839. We're back on the record. The same individuals present before are again present.

(Questions by Major Byas)

40Q: On this -- on the 14th of April, how was the weapons team organized as far as crew positions?

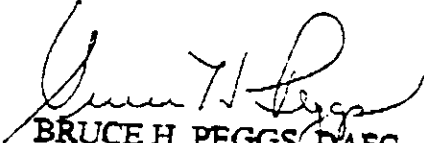
40A: I apologize for the additional interruption but prior to proceeding and answering any specific questions about the 14th of April, I would like to refer to a defense counsel, just so that I can fully get an understanding of the potential charges against myself and . . .

COL WILCOX: Of course.

It's 0839 and the interview is terminated.

REPORTER'S CERTIFICATE

The above sworn interview statement, given by CONTROL WITNESS #24 to the Aircraft Accident Investigation Board was recorded by me by stenomask. Words contained within brackets, [], indicate language that has been substituted at the direction of the board, to avoid the release of classified information which could not be downgraded and/or personal details which would disclose the identity of the military members directly involved in the incident. The substituted language accurately conveys the essential meaning of the original language. Except as so noted, I certify that the foregoing transcript is a true, accurate, and verbatim account of that statement.


BRUCE H. PEGGS, DAFC

Court Reporter
Incirlik Air Base, Turkey

TAB V-028

CONTROL WITNESS 25

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V-026

V-026A

V-027

V-028

VERBATIM TESTIMONY

OF

**CONTROL WITNESS #25
(F15 PILOT - WINGMAN)**

COLONEL AT LEE: The time is 1638 on the 23d of April 1994. The persons present are the following: Control Witness #25, counsel for the witness, General Andrus, Colonel Bennett, Group Captain Doggett, Colonel Armen, Colonel Velluz, Mister Brummell, Major Byas, Colonel Fain, Major Lisanti, Lieutenant Colonel Mudge and I am Colonel At Lee.

This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of those helicopters in the northern No-Fly Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINCUSAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and as an Accident Investigation?

WITNESS: Yes I do.

COLONEL AT LEE: Do you understand the purpose of this investigation?

WITNESS: Yes I do.

COLONEL AT LEE: Do you have any questions?

WITNESS: No, I don't.

CONTROL WITNESS #25

(The interview was reconvened at 1646 hours, 23 April 1994, with all parties present who were present when the interview was recessed)

COLONEL AT LEE: The time is 1646. Persons who were present at the time we recessed are present once again and I will renew the rights advisement from the beginning.

I'm Colonel At Lee. As previously stated, this board is investigating the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters in the northern No Fly zone of Iraq on 14 April 1994 and the possible involvement of U.S. fighter aircraft.

You are suspected of the following offenses: dereliction in the performance of your duties, in violation of Article 92, Uniform Code of Military Justice; involuntary manslaughter, in violation of Article 119, Uniform Code of Military Justice.

I advise you under Article 31, Uniform Code of Military Justice, that you have the right to remain silent, that is to say nothing at all. Anything you say may be used as evidence against you in a trial by court-martial or other judicial or administrative proceedings. I also advise you that you have the right to consult with a lawyer if you desire and to have the lawyer present during this interview.

You may obtain a civilian lawyer of your own choosing at no expense to the government or, if you wish, the Air Force will appoint a military lawyer for you free of charge. You may request a lawyer at any time during the interview and if you decide to answer questions without a lawyer present, you may stop the questioning at any time.

Before deciding whether you wish to exercise your rights under Article 31 of the UCMJ, I further advise you that any previous statements made by you under circumstances that violated your Article 31 rights may not be used against you. For example, previous statements or notes, written or oral, made by you at the direction or request of a supervisor or other superior officer who suspected you of misconduct cannot be used against you if the individual directing or requesting the statement did not advise you of your rights under Article 31 as he was required to do. Nor may any statements made in the belief that they were provided under privilege of a Safety Investigation be used against you.

If you have made previous statements under these conditions, you should consider that they cannot be used against you.

Do you understand your rights?

WITNESS: Yes, I do.

CONTROL WITNESS #25

COLONEL AT LEE: Do you wish to remain silent or will you answer our questions?

WITNESS: No, I'll answer questions.

COLONEL AT LEE: Do you want a lawyer?

WITNESS: I have one present, thank you.

COLONEL AT LEE: Would you name the lawyer you've chosen to represent you?

WITNESS: Captain Eric Martin.

DEFENSE COUNSEL: Earl Martin.

WITNESS: Earl Martin. I'm sorry.

COLONEL AT LEE: This interview will be conducted at a classification level of
SECRET. If you have need of providing information at a level
above that special category, would you please inform this board before doing so?

WITNESS: Yes.

COLONEL AT LEE: Would you please rise so that I can swear you in.

(The witness was sworn)

COLONEL AT LEE: Colonel Mudge?

EXAMINATION

(Questions by Lt Colonel Mudge)

1Q: Would you please describe your educational background?

1A: I have a bachelors degree in Journalism and I have a masters degree in Administration.

2Q: What professional military education have you completed?

2A: I've attended Squadron Officers' School in residence, I did Air Command and Staff College by correspondence and I attended the Air War College in residence.

3Q: How long have you flown the F15 and how many hours do you have?

3A: I have approximately eleven hundred hours. I first flew the airplane in 1983.

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4Q: How many total flying hours do you have?

4A: A little over three thousand, twenty-seven hundred of it is in the fighter aircraft.

5Q: What other aircraft have you flown?

5A: I've flown the F-4 and the AT-38.

6Q: Do you have any special qualifications such as flight lead, supervisor of flying, LOWAT . . .

6A: I'm qualified to do everything. I'm an instructor pilot, SOF, supervisor of flying, excuse me, mission commander, four-ship flight lead. That's about it.

7Q: Have you flown in Operation PROVIDE COMFORT, OPC before?

7A: Yes, I was in the initial cadre that came down here three years ago when they started it up.

8Q: How many times have you deployed here to OPC?

8A: This is my second time.

9Q: How many total flights have you flown into northern Iraq in the Area of Responsibility, the AOR?

9A: I would estimate between -- somewhere around fifteen. During Operation PROVEN FORCE I was assigned to Incirlik, Turkey. I flew combat missions from here during DESERT STORM.

10Q: What is your work schedule during your deployment here in Turkey in terms of hours per day and days per week?

10A: Basically I go in probably six days a week. When I'm not -- when I'm on the flying schedule, that's pretty much dictated by when we fly. When we're not, I'm generally spending somewhere around four to five hours in the squadron taking care of routine paperwork.

11Q: In the months prior to deploying to OPC on this rotation, what was your normal work schedule?

11A: Basically about, I would guess, five and a half days a week, probably averaging somewhere around ten hours a day. Again, dictated primarily by the flying schedule.

12Q: What is your assessment of your combat capability when you first arrived at Incirlik?

12A: I felt I was, then and now, I'm a full up mission ready fighter pilot, qualified to lead any mission we have down here in the AOR.

13Q: Will you please describe in detail, to the best of your ability, what happened on 14 April, starting at the time when you arrived at the squadron?

13A: If I can, first, I'd like to include that as part of my statement. If I can start with my statement and I will cover those facts as we -- as we go through that.

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COLONEL MUDGE: That's all right.

WITNESS: I want to say right up front that I accept responsibility for the role that I played in this tragic accident. I acknowledge that I fired an AIM-9 missile which destroyed a friendly Black Hawk helicopter.

I acknowledge the decision to fire was based on a mis-identification, a human error, which led to this tragedy. Knowing my actions have caused not only needless loss of life, but also much pain and suffering for others, is something which will always haunt me.

Although it's not my intent to evade responsibility for my actions, I would like the board to know that my intentions on April 14th were honorable. I and my flight leader were part of a team engaged in a humanitarian mission, the protection of the Kurdish people in northern Iraq. It was a mission we were proud to participate in and I deeply regret that an effort begun with such high purpose ended in such a tragic accident.

What I'd like to do today is provide the board with as much information as I can so you're able to make an informed decision. In addressing this task, I've partitioned my statement into three distinct parts. First, I'll address background information regarding my deployment and service at Incirlik prior to 14 April. Second, I'll attempt to provide, as accurately as I can, a chronological recap of the events of 14 April and discuss my mental frame of reference towards flying that mission. Third, I'd like to share with you several unresolved questions I have regarding the events of that fateful day and, finally, once I've finished this exercise, I'll be willing to answer any questions you feel remain unresolved.

I deployed to Incirlik Air Base, Turkey on 5 April 1994. On 6 April I received in-briefs from the squadron weapons officer on PROVIDE COMFORT operations. Included in these briefings were squadron admin standards, combat air patrol standards and a full simulated combat briefing. I also reviewed the classified and unclassified aircrew read files and received an intelligence brief from the squadron Intel NCO on the enemy air order of battle, the surface to air missile and Triple-A order of battle, and updates on enemy troop movements.

During this deployment I have flown four missions over northern Iraq. These took place on 7, 10, 11 and 14 April. Based upon the briefings I received and my review of the aircrew read file, my understanding of the Rules of Engagement in the No-Fly-Zone of northern Iraq were that [Classified portion deleted (33 words)]

As for the identification of any unknown aircraft encountered while on patrol, the first order was to identify it as friendly or hostile. This identification process was to be conducted in two parts [Classified portion deleted (11 words)-ROE]

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[Classified portion deleted (278 words - ROE)]

Sometime after arriving at Incirlik Air Base, I came to believe that any friendly helicopters flying in the tactical area of operations would be marked in one of two ways. They would be either painted all white since they were a United Nations aircraft, or they would have a red cross on their fuselage identifying them as being part of the humanitarian effort. These were the only two marking options I ever heard of, and thus, this is what I expected to see when faced with any friendly helicopter in the AOR. I cannot remember exactly who it was that told me about these two marking options, but early after my arrival in Incirlik, this is what I learned and this is what I thought on 14 April 1994.

Turning now to the specific events which have led to this proceeding, I'm here speaking to this panel in an attempt to help you understand -- so you have as much information as possible to assist you in this investigation. Notwithstanding that I've been advised of my Article 31 rights, I waive those rights and have chosen to speak because it's important you hear what I have to say. However, it's also important to note that I am unable to guarantee my recollection of events and the accompanying conversation is one hundred percent accurate. Some time has passed since the events of 14 April but more importantly, on that date a great deal happened in a very short period of time and thus, it's impossible to say with complete certainty everything that happened in exactly

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what order it occurred. This was the reason I earlier requested access to the AWACS tapes as I felt it would at least help me put things into the proper chronological order. However, because of understandable constraints placed upon this board, that was not possible. Therefore, I will do my best without the benefit of other information and hopefully I can accurately reconstruct the major points.

On 14 April, I was scheduled as number two on an F15 flight, the first flight of the day for my squadron. Our mission was to provide defensive counter air support for coalition forces in the AOR from seven-twenty to eight forty-five Zulu. In addition to my flight, there would be eight flights of fighters, three tankers and an AWACS all scheduled to be airborne during our vulnerability time.

On the morning of 14 April, I met the flight leader and the squadron duty supervisor in front of the BOQ at seven-twenty local and we drove to the squadron operations building. Upon arrival at the squadron, the duty supervisor began to ensure the information on the frag from the previous day was still accurate while the flight lead and I began our preflight. In doing this, we discovered there was a Battle Staff Directive which slightly modified the morning mission as it had to do with tanker fallout. This did not specifically affect our mission, but did impact the flow of other missions into the AOR. The flight leader reviewed the BSD for impacts while I researched the weather and the NOTAMS.

After picking up our lineup cards and making the necessary corrections on such due to the change in the tanker situation, we proceeded to Intel section and received a briefing from the squadron Intel officer. He provided a brief of the Iraq air activity for the previous day, provided an update on the movement of road and SAMS in the western part of the AOR and provided current Intel on the events in Rwanda. There was no mention of any helicopter activity in the AOR.

The flight briefing began at seven-forty local and was thorough, to include admin, flow to and from the area, contingencies and go/no go items. The tactical portion was detailed and closely followed the squadron tactical briefing guide. Three specific intercepts were briefed: a high fast flyer, a low slow flyer and an enemy fighter sweep into the AOR. Discussion of each was very thorough with diagrams and clear delineation of responsibilities. There were no questions at the end of the briefing. The briefing lasted approximately forty-five minutes.

From our flight briefing, we returned to Intel for a pre-step update as we stowed our personal items, wallets, line badges, etcetera, in the Intel safe. There were no changes and the portion of the Intel map display devoted to helicopter activity was still blank.

Start, taxi and operations out to the runway were uneventful. All systems on the aircraft checked in with a minor abnormality in the radar. There was a bit-matrix on power up which read, quote -- "Primary transmitter 011 multi-pacter, fault system Ibit CM-38" -- unquote. There

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had been an open write-up in the aircraft forms from the previous flight which identified the same problem but said the matrix cleared itself during a ground run. The radar was able to perform a valid track test and I accepted it for flight.

Take off was on runway two-three with a left hand turn out of traffic. Immediately after take off I performed a systems check on my flight lead. I received valid IFF returns on Mode I and Four Alpha. I also validated all my radar automodes were working normally. Additionally, I received valid heat tones from both my AIM-9 missiles. After all this, I rejoined on his left wing, passed thumbs up and my flight leader dropped back to perform the same process on me. While he was in trail and checking his systems, there were two tankers airborne in front of me so I used the radar to lock them and received valid IFF replies.

Beyond that, while we were driving to the AOR, I was able to lock up AWACS and in doing this, I received valid IFF replies and confirmed other systems were working. This checking of systems enroute was something which had been specifically addressed in a pilot meeting just days before the fourteenth.

Enroute to the AOR, we flew the standard ground track at flight level two-seven-zero in a spread formation with me on the south side, approximately four thousand feet out. As we approached JUMP, the flight leader cleared me for a cons check, I selected minimum afterburner and began to climb. He watched me, called "marking" as I passed flight level three-four-zero. I continued to climb until full flight level four-one-zero then descended back down. He called "stop mark" again at flight level three-four-zero. I rejoined the tactical and passed that the cons were at base plus twenty-nine.

As we approached the AOR, flight lead directed a channel change to check in with Duke. He reported we were on station as fragged, the weather looked clear, and the cons were base plus twenty-nine. Duke copied, told us the AOR altimeter, and said that he had no "words" for us, to "press." He made no mention of helicopters in the AOR. Lead then switched the flight to Have Quick frequency 301.350 in the main with 355.7 in the aux as per the squadron OPC standards.

Flight lead checked in with Cougar and reported on station. As per our flight contract, lead began -- was responsible for sanitizing twenty-five thousand feet and below while I was responsible for twenty thousand feet and above.

Turning specifically to the event. Upon entering the AOR, flight leader reported contacts on the nose at forty miles traveling low altitude. Cougar replied, "Clean there." Hearing this, I rolled my radar down, found a single low target, approximately thirty miles ahead. I locked onto it and interrogated both Mode I and Mode IV with no reply. The contact was tail aspect heading one-one-zero degrees, low altitude at a hundred and thirty knots.

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Lead reported the hit as possible road traffic so I responded that I showed the target traveling at a hundred and thirty knots. At this point I broke lock and returned to sanitize my area of responsibility.

Lead reported the contact to Cougar again and Cougar responded, "Hits there." Lead then began to descend to perform a visual identification of the aircraft. I performed an "S" turn behind him to achieve the pre-briefed three mile trail position for a low slow flyer.

While trailing lead, I noted two contacts on the radar scope, both of which I interrogated via Mode I. Lead turned to a diamond indicating friendly while the other reply remained negative friendly. Therefore I locked onto that second contact.

It's from this point on that things began to happen very quickly and it's from this point on that it becomes increasingly difficult to recreate events and conversations with exact detail. In continuing with his attempt at a visual identification, lead flew down the valley at a very low altitude, and called that he had a visual identification of a Hind, a type of Soviet made helicopter flown by the Iraqi military. Lead then repositioned in the vertical to the south and said, "Correction, Hip." He then called ID Hind, Tally Two, lead trail, two, confirm Hind."

In response to lead's direction, I told him to "stand by" as I was closing on the radar contact from the stern, offset to the south, that is the right side of the target. I had only one aircraft on radar and was very leery about getting down as low as he was because I was unsure of the location of the second helicopter. Initially all I was able to pick up was a shadow but I finally picked up both helicopters at low altitude in an echelon left formation. I passed the trail helicopter on the south side approximately fifteen hundred to two thousand feet laterally and high. I saw a dark camouflaged body, sloping wings with external stores and no fin flashes or markings.

I then pulled up to avoid a flight path conflict with the lead helicopter so I never got a good look at the lead. At this time, lead called Cougar and reported we were engaged with two Hinds at low altitude, our position. I pulled off left to north and called "Tally Two." About this same time, Cougar responded they copied Hinds. Lead then called for the flight to "Arm Hot." I acknowledged and I armed Hot. We both flew west. Lead performed a right hand turn, through the north, to pursue the contacts and called he was in. I performed a left hand turn through south to fall into trail and halfway through this turn, I turned on my VTR tape.

As I followed him in the trail, I observed a missile launch from lead's left wing station and make a beeline for the trail helicopter and I observed a fireball. Lead then called he was off and said I was cleared in with the lead bandit on his nose, two miles. I told him I had the contact on radar. I closed inside of two miles, selected a heat missile, the most discriminatory under the circumstances, uncaged the seeker head, and fired an AIM-9 at nine thousand feet. The helicopter was banking hard left towards the north side of the valley. The missile grabbed a large amount of lead and then corrected back towards the target. A fireball engulfed the aircraft and

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the wreckage fell along the north side of the valley. We safed up the switches and performed two recce passes, one west to east and one east to west before departing the area to resume -- or to assume the eastern cap.

We filled the eastern cap for the next hour and a half. During that time I had numerous radar hits and contacts which I interrogated in both Mode I and Mode IV. I received valid replies on one or more modes from each of these aircraft. I also used Mode II to identify the tanker I was supposed to meet when it came time to refuel.

Returning to my visual identification of the trail helicopter, as I said earlier, it had a dark camouflaged body, sloping wings with external stores and no fin flashes or markings. Based upon three factors, at that time I thought the helicopter was hostile.

First, from earlier communications which I previously referred to, this helicopter had not had the markings which I expected a friendly helicopter to have, i.e., it wasn't painted white nor did it have a large red cross painted on its fuselage. Second, the helicopter I saw appeared to have mounts on its side for rockets and or guns just as the Soviet made Hinds are configured. Third, my flight leader had called out the two helicopters as hostile and thus I expected them to be just that. On this last point, it's important to note that I had and still have a tremendous amount of confidence in my flight leader. He's a highly experienced four-ship flight leader and is going to be the next flight commander in our squadron. He has had a previous tour as a forward air controller and this brought him into daily contact with the U.S. Army. That job also led him into jumping into Panama during Operation JUST CAUSE so he could control air strikes.

Additionally, he was a participant in Operation DENY FLIGHT over Bosnia and as part of that, his unit intercepted more helicopters than any other unit in the coalition. Because of all these things, when lead said that he saw enemy aircraft, I believed him. This is not to say he bears all the responsibility for what occurred, but I'm simply trying to describe my mental frame of reference when we performed our visual identification pass on the helicopters.

I'd now like to turn my attention to questions I have as a result of what happened. Ever since I learned they were friendly helicopters and not hostile aircraft that we shot down, I've been searching my mind trying to figure out what went wrong and how this could have happened. As I said earlier, I recognize my fault in this matter but I still keep coming back to questions I have why certain things were not done which might have prevented this horrible accident.

For whatever use my thought on this might be to the board, the following are the things that keep turning over in my head since the 14th of April:

One. Did the helicopters file a flight plan? If no, why not? And if so, why wasn't it on our frag. If they filed a flight plan, had they deviated from it? If they filed a flight plan, why wasn't our intelligence section aware of such so they could orally brief us? And if they filed a

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flight plan, where exactly did the flow of information stop and why did it stop there?

Number two. Given the standing ACO guidance that no aircraft will enter the AOR until fighters with an AI radar sanitize the AOR, why was Eagle Flight in the airspace before our flight?

Three. Was Duke ever informed of the helicopter's flight plan? If so, why wasn't this passed to our flight when we checked into the AOR? And if not, why wasn't he notified?

Four. The standing ACO says no aircraft will enter the AOR without UHF contact with Cougar. In light of this, was Cougar in radio contact with the helicopters? If not, why not, given the standing ACO? And if so, why wasn't our flight notified of such?

Five. The flight leader made at least three radio calls to AWACS to point out his contact with the helicopters? Why didn't AWACS take some affirmative action to assist us in determining whether or not the helicopters were friend or foe? And why didn't AWACS apparently not even know the helicopters were in the AOR until lead called out his first contact?

Six. How were the helicopters marked? Were they marked according to requirements? Did the sponsons and external tanks block the view of whatever markings, if any, were on the helicopters? And if so, are efforts being taken to better mark the helicopters when they are equipped with sponsons or external tanks?

Seven. Were the helicopters equipped with IFF equipment? If so, was it operational? If the IFF was operational, why wasn't it turned on? Had the helicopters made a brief stop and then forgot to turn their IFF on when they retook to the air? Had a systems check been run when they first became airborne? And, when UH-60s are outfitted with sponsons and external tanks, does this interfere with their ability to be electronically interrogated by other aircraft?

In asking these questions, in no way am I trying to obviate or minimize my role in this accident. I stated at the outset I acknowledge responsibility for my actions and I'll regret the consequences of such until the day I die. The real reason I ask these questions is because I can't help but feel that had there not been a breakdown in communication, as there obviously was, this tragedy would have never taken place. Our flight would have never had to resort to visual identification of the helicopters which was, in hindsight, obviously incorrect.

History has shown it normally isn't an isolated event which causes an accident like what happened on 14 April. Instead, in most cases, as appears to be the case here, there's a chain of events or circumstances which come together and lead to a tragic outcome. Removal of any one link in the chain and the outcome could be entirely different.

I wish to God I could go back and correct my link in this chain -- my actions which contributed to this disaster.

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In closing, I want to remind you that our mission and our intentions on 14 April were honorable. My flight leader and I were and are two well trained, highly experienced pilots trying to perform our mission to the best of our abilities. That mission was not conducted haphazardly but it was performed in a disciplined manner as planned and as briefed. Human error did occur. We misidentified the helicopters, we engaged them and we destroyed them. It was a tragic and a fatal mistake which will never leave my thoughts, which will rob me of peace for time eternal. I can only pray the dead and the living find it in their hearts and their souls to forgive me.

That concludes my -- my remarks.

COLONEL MUDGE: As we talked about -- as we talked about now, we're going to go through with these questions that we've set down before to make sure that we answer it all and make a clarification of what you've said already.

14Q: What other information did you have during the planning phase about other friendly flights?

14A: The -- the procedures that are set up down in the 53 Squadron, when the frag comes out the day prior, the afternoon duty supervisor will sit down and actually make up the lineup card and so here is the lineup card that I have, that I flew with on that day, and I'll be happy to submit it to the board. It has been sanitized with the call signs and pilot names, but basically we get a flow sheet similar to the one that comes out in the daily schedule. I'm sure the board has a copy of this. That is reduced -- that is put right on the card. You can see that from the card I flew with that date, it's highlighted in yellow, our vulnerability time out in the area, and based on that, I know who to expect out in the airspace.

COLONEL AT LEE: I need to identify a couple of items for the record.

(Colonel At Lee stepped to the witness table)

COLONEL AT LEE: What has been referred to as a lineup card is approximately eight and a half by twelve inch sheet of paper, text on one side, some handwriting on the other side. What has been identified as a flow sheet consists of nine pages. I will mark the lineup card as twenty-five "A", correlating to the control number of this witness and the flow sheet as twenty-five "B".

WITNESS: If I can, Colonel Mudge, in examining twenty-five "A", you'll note that there is a piece -- a new flow sheet taped over the top of this. That incorporates the changes that came out as a result of the tanker fallout, so we had the original card. There was a taped part that we put on the top of it when we flew the mission that day to provide us with the most current data that we had prior to stepping.

15Q: And that showed the flow that was dictated in the BSD?

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15A: Yes.

16Q: BSD is the Battle Staff Directive that is used to make changes to the ATO. Is that correct?

16A: Yes sir.

17Q: Is there any information on there about helicopter flights?

17A: Absolutely none.

18Q: Now during the planning phase, when you talked to the Intel officer, did he inform you of any helicopter flights?

18A: He did not.

19Q: Was there a section on the map that you discussed that had an area specifically set aside to put helicopter information?

19A: Yes, there was.

20Q: What kind of information normally went in that section?

20A: If there was known helicopter activity that was going to take place in the AOR, they would put the call sign that they were flying under and they would also put the time that they anticipated them to be in the AOR.

21Q: And on the 14th of April, when you went into Intel to see that map and brief with the Intel officer, what was in the area for the 14 April flights?

21A: Nothing. It was blank. Both when we briefed -- before we did the flight brief and in the last minute update we got before we stepped.

22Q: Why were you flying as the wingman on this sortie?

22A: The -- at the time of the incident we had nine pilots down here. Five of the pilots -- excuse me, six of the pilots were flight leads, so on any given day, someone that is qualified as a flight leader would be flying on the wing. This just happened to be my turn.

23Q: What guide was used to brief the mission?

23A: There is a "five-three" briefing guide that deals specifically with the Operation PROVIDE COMFORT. We kept it right there in the briefing room there. My understanding is the board has a copy of that in the material they were given.

24Q: What threats were specifically briefed?

24A: In talking about the enemy air activity from the day prior, they did discuss -- and again, I don't have the exact -- can't recall the exact details, but they did discuss the -- some flying that took place down near Kirkuk. They also discussed at Quayarrah West and they made a point of discussing some Mig-25 flights that came out of Altaqqadam. But in terms of exact numbers of

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sorties, they briefed us that day but -- but I can't recall that for the Board.

They also discussed, as I mentioned in my statement, movement of some Roland Surface to Air Missile sites that are up underneath the western cap as it's set up in the AOR. There have been two launchers -- two missiles that they've been trying to keep track of and it's a hide and seek game almost on a daily basis, how many we've got up there and how many we don't.

25Q: What was the planned Air-to-Air Interrogator, AAI, game plan?

25A: In setting up -- I'm not sure I understand the question, sir.

26Q: How were you going to set up your AAI system?

26A: Okay. When we did our "fence check," prior to entering the AOR, we would roll so we were squawking Mode I Five Two and we would interrogate Mode I Five Two. On the F15, inside the -- one of the panels in the nose, we have what's called an S-1, S-2 switch. That allows us to automatically interrogate if you select the Auto Mode on our AAI, different codes. What we ended up doing here was we interrogate in correct code, Mode I Five Two, then with two clicks of the wafer switch, we go over to Auto. Now we interrogate again and then we can - that automatically interrogates Mode IV continuous.

27Q: What was it you briefed "commit" criteria?

27A: We wanted the contacts before we -- first of all, the commit we wanted was within ten miles of the thirty-six north line with a hot vector. The commit was not a decision to engage but it was more a decision to go ahead and leave the pre-planned CAP to get closer to the thirty-six line so that we could provide support to anybody that was down there.

28Q: What tape procedures were briefed?

28A: Specifically at the commit we would go ahead and turn tapes on. Otherwise we would -- it would be an audible call from the flight leader.

COLONEL AT LEE: If I could interrupt before we go further down track just to clarify a couple of terms.

(Questions by Colonel At Lee)

29Q: AAI is Air-to-Air Interrogator?

29A: Yes sir.

30Q: By "hot vector" you mean what?

30A: It's -- they're basically on a northerly track. They're somewhere between two-seven-zero and zero-nine-zero as far as the track goes so they're basically heading northerly.

31Q: By "CAP" you were referring to?

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31A: Combat Air Patrol.

COLONEL AT LEE: Thank you.

(Questions by Lt Colonel Mudge)

32Q: And the tape is a video recording system that allows you to record what in the airplane?

32A: It will record both the heads up display -- what you see through the gunsight. It will also record the radar scope. You can record one or the other or a split screen with both.

33Q: What was briefed as the low slow VID game plan?

33A: Basically he said, "Let's plan on doing some type of spacing maneuver so that we get back in a three to five mile trail. Then he would plan on going in to do the ID. We would set up a racetrack basically where, counter rotating CAP, if you will, flying over the top of the -- performing the ID. He said that if -- if they were -- if it was difficult to do that, we had the option of going ahead, flying over the top of the contact and going a mark, basically a freeze over that point, then using the inertial navigation system steering to help get us back into the vicinity of where that contact was. He did not want to slow down with the contacts.

34Q: What Rules of Engagement were briefed?

34A: The specific rules, in accordance with the standing ACO -- or excuse me, in accordance with the aircrew read file were that we needed to [Classified portion deleted (9 words)]

35Q: What was briefed regarding required radio calls from AWACS before engaging an unidentified aircraft?

35A: There were no calls required.

36Q: What was briefed concerning the confirmation of friendlies in the AOR?

36A: I don't understand the question.

37Q: Was special consideration given to confirming the absence or presence of friendlies in the AOR?

37A: No. I don't believe -- I don't recall that being part of the brief, but I do have to point out that, based on the frag and the flow that we had there, we were scheduled to be the first fighters to enter the AOR, and once we established our CAP after the first -- the first hot leg that we came down looking south, when we turned around and went north, we expected to start seeing other friendlies show up in the airspace at that time.

38Q: Were any special items briefed?

38A: In terms of what?

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39Q: Anything out of the ordinary?

39A: No.

40Q: What were your sign out procedures?

40A: Getting -- as we came into the squadron, we signed the flight orders. We picked up our line up cards, got our Intel brief, went back and did our flight briefing. When we came out from the flight briefing, we took our gear -- the personal, you know, wedding rings, line badges, wallets, stowed them in the Intel safe, got an Intel update, put on our gear. We picked up our nine millimeter weapons, our ammunition, our flight gear, life support gear, then we stepped out to the front desk. At the front desk we were basically given a videotape, we were given an "E and E" kit, we were given the -- a classified PROVIDE COMFORT pilot aid, and we were given an unclassified pilot aid that dealt primarily with operations out at Incirlik.

So those four items we picked up, we stowed that equipment on our bodies and then stepped to the airplanes.

41Q: Did you receive any additional guidance from the squadron supervisor of flying or anyone else?

41A: The only other guidance that we got was as we stepped, it's not infrequent down here that they will ROLEX the mission, or slip the mission. He basically had -- had talked to Mad Dog and Mad Dog had said, "We're on time and going on time." That was the only guidance we got from the -- the duty supervisor.

(Questions by Colonel At Lee)

42Q: Mad Dog is the duty supervisor?

42A: No sir. Mad Dog is the person that works down in the CTF, he controls things within the fifty mile circle of Incirlik. He is basically the coordination node that makes sure that everybody gets headed down the street in the right time and the right sequence.

43Q: Would you define CTF?

43A: Combined Task Force.

COLONEL AT LEE: Thank you.

(Questions by Lt Colonel Mudge)

44Q: Which visor did you have on your helmet?

44A: I had a dark visor.

45Q: Did you have that visor down during the engagement?

45A: Yes, I did.

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46Q: Did you wear either sunglasses or clear glasses through the flight of engagement?

46A: No, I didn't.

47Q: What aircraft discrepancies were documented in the aircraft's forms?

47A: Just the one radar anomaly. I wouldn't -- that is not uncommon that you'll find a radar bit matrix like that. That does not -- does not signify necessarily anything's wrong with the radar. It just tells you that something may be out of balance in there.

48Q: What abnormalities did you notice during the pre-flight?

48A: None.

49Q: How did you set the AAI scanning -- scanning at that time, the S-1 and S-2 switches?

49A: Zero and three.

50Q: What was the general condition of the canopy and windscreen?

50A: It appeared good. There may have been one small distortion in the, you know, the very elbow down here on the left side. Minor one, nothing significant.

51Q: Was that area where the distortion was, at any time did the helicopters come into that portion of the windscreen when you were doing your VID pass?

51A: No, they did not.

52Q: What problems did you encounter during ground operations?

52A: None.

53Q: What problems were identified during the built in test, the bit test you accomplished?

53A: None.

54Q: How was the take off conducted?

54A: A single ship take off, fifteen second spacing using afterburner.

55Q: What was abnormal about that departure?

55A: There was nothing abnormal.

56Q: When was the first Ops check completed?

56A: I would guess somewhere between ten and fifteen miles north of the field.

57Q: Were Ops checks completed throughout the flight?

57A: Yes.

58Q: And what did you check during the Ops checks?

58A: Basically I checked the fuel, make sure that I don't have fuel trapped in one of the external

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tanks. I check that it's balanced from the internal wing fuel. I check that tank one continues to feed. Other than that, I check the oxygen -- the pressurization.

59Q: Do you know what OPC aircraft were flying behind you?

59A: Yes.

60Q: What aircraft were they?

60A: Aircraft that were airborne at the same time we were? Raider flight took off shortly after us. The F16 -- these first three are F-16s. Raider flight, Viking flight and Bronco flight. There was a mixed flight of wild weasels and F-16s, call sign Weasel, and about an hour after we took off there was also a Rhino, which is a flight of two F-4Gs. Elvis was airborne. That's an EF-111. And then there were two tankers airborne, Puma 11 and Puma 22.

About the time we were departing the AOR, Puma 33 became airborne. The British had Spitfire, Hurricane and Lion airborne and AWACS was airborne. Their call sign was Savvy.

61Q: When you entered the AOR, to whom did you talk?

61A: Initially we spoke -- we checked in with Duke. We copied the area altimeter. I'm not one hundred percent positive, but I believe it was two-nine-nine-four that particular day. He passed us the altimeter and said, "Negative words," basically meaning no changes, and we passed him. The weather looked good. We were on station as fragged and that the cons -- the base number was five -- we told him the cons were at base plus twenty-nine. We then switched over and talked to AWACS, to Cougar, on the Have Quick frequency.

62Q: Did anyone tell you that there was any traffic in the AOR?

62A: No.

63Q: Do you know who else was on the freq with you at that time?

63A: At that time we were the only ones on freq.

64Q: When did you -- at what range did you first acquire the helicopters?

64A: Initially at thirty miles on radar.

65Q: Did the AWACS see the helicopters at that time?

65A: No.

66Q: How do you know that?

66A: They responded with a "Clean there" call. It's not uncommon, with our radar, to be able to lock up somebody moving very fast along a road and be able to lock them up as if they were an airborne target. But usually what will happen then is we get a readout that shows what his speed is and if it drops down into the sixty to seventy to eighty knot regime, generally we kind of think that might be road traffic out there. Given the fact that there are no autobahns through northern

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Iraq out there where we were flying, the hundred and thirty-nine contact appeared to me that we were looking at some type of low altitude flyer.

67Q: Was there any other traffic in the AOR at this time?

67A: No.

68Q: Would you describe your efforts please to interrogate the helicopters and IFF and please answer yes or no? Did you interrogate Mode I?

68A: Yes.

69Q: What code did you interrogate?

69A: Mode I Five Two.

70Q: Did you interrogate Mode II?

70A: No.

71Q: Did you interrogate Mode . . .

COLONEL AT LEE: I didn't hear an audible response.

70A: No. I'm sorry.

COLONEL AT LEE: Okay.

71Q: Did you interrogate Mode III?

71A: No.

72Q: Did you interrogate Mode IV?

72A: Yes.

(Questions by General Andrus)

73Q: Would you explain why a Mode II interrogation wasn't accomplished?

73A: Mode II is specific to the -- to the aircraft or to the -- it's specified on the frag what your Mode II squawk would be. Since there were no helicopters on the frag that was delivered, we had no Mode II that we could interrogate.

74Q: And Mode III?

74A: The same, sir.

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(Questions by Lt Colonel Mudge)

75Q: Did you use all available electronic means to try to identify the traffic?

75A: I used Mode I and Mode IV. That's it.

76Q: What information did you receive from Duke or Cougar during the intercept?

76A: Again, on the initial point out, Cougar reported "Clean there" and we came back and when I first locked the contact and my lead was talking to Cougar about that contact, Cougar came back and responded that they had hits there. Beyond that, we received no radio contact or assistance from Cougar in terms of those contacts.

77Q: Was that communication normal to you?

77A: It struck me as odd that we had somebody out there in the AOR that they did not know about. Again, given the constraints that are set forth in the standing ACO, we should be the first people in the area, nobody should go in ahead of us, and if somebody did happen to go in ahead of us, Cougar should have been talking to them. And, given the fact that it was only that contact that we were running on and us in the area, it shouldn't have been overloading for Cougar to figure out if they had radio contact with those folks and to connect the two. So, it was out of the ordinary for me to have Cougar -- have a contact in the area that Cougar didn't know about.

78Q: Can you describe the intercept, to include altitudes and ranges so we get an idea of the geometry of the intercept?

78A: Okay. Again, about the time we're talking, thirty miles, I've broken lock, I've gone back to sanitize my AOR, I'm watching my flight leader. His aircraft noses over as he starts to ramp down to perform the intercept. I'm going to end up doing two "S" turns back and forth behind him to -- to get some trail spacing on him so I take my radar off the contact that we're running on. That's just a geometric fact that I have to do that.

As he accelerates down, I fall into trail. We are flying with an air-to-air TACAN that tells me how far apart we are. I'm cross checking that as I'm watching where he is headed and I get back I would estimate three to four miles behind him, then I nose it over as well and start coming down there. When he is still, I would estimate, probably six or seven miles from the target that he's running on, it's difficult to engage the slant range so I do an air-to-air interrogation on Mode I Five Two. I had one that turns to a friendly. I had one that does not respond friendly. I lock the one that is not friendly and then as I lock him, I interrogate again, still do not have a friendly return off him. About that time is when my leader is passing abeam of the helicopter. I'm in trail behind him, I'm letting down, getting ready to run my own visual identification pass on the helicopter that he is -- he is going on. As he pulls up in the vertical, that's the point where he comes back and says that there are two aircraft there. And again, as I said in my statement, I'm leery about getting down level with the trail helicopter because he's the only one I have any cueing on where he happens to be.

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So as we come in there, I deliberately stay slightly high on him. I come in there, I try to slow down the speed of the intercept a little bit so I can get a good look at him. At the same time, I'm trying to find both of them. So I will pass, again, fifteen hundred to two thousand feet is my slant range that I believe I am -- I'm high looking down at the trail helicopter.

From there, lead has pulled off right to south, I'm going to pull off left to north. Again, based on the -- the call that he had made, that they were in a lead/trail formation, when I finally picked them up, I perceived them to be in an echelon left position, which means the lead helicopter is on the south side, the trail helicopter is on the north side. I am passing just to the south side of the trail helicopter so I was concerned that I might run over the lead helicopter. That's the reason I'm going to come off to the north.

(Questions by General Andrus)

79Q: Okay, clarify a couple of points through here. I believe you said that you, approximately seven miles -- seven to ten miles prior to the helicopter with your flight lead three to four miles in front of you, that you attempted to interrogate one more time on Mode I.

79A: Yes sir.

80Q: You indicated that you saw two returns, one of those indicating friendly . . .

80A: Yes sir.

81Q: . . . and one of those indicating unknown.

81A: Yes sir.

82Q: What -- at what distance from your aircraft was the friendly return, could you tell?

82A: It was somewhere between three to four miles. I was fairly confident it was my -- my flight leader.

83Q: So you were confident that the friendly return was your flight leader and that was on what code on Mode I?

83A: Mode I Five Two.

84Q: And the second radar contact, you indicated that you received what?

84A: Nothing. No reply from him, sir.

85Q: No reply. Did you attempt to Mode IV?

85A: No sir. Based on where we were in that intercept, the -- the helicopters were going down a valley. There's -- so I don't know the exact terrain elevation down there in the valley, but there is, I would guess, a three thousand foot ridge that runs along the south and an additional three thousand foot ridge on the north. And as we're coming down, descending to do that, we are getting to the point where I'm starting to look for helicopters, I'm starting to look at the terrain,

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and I didn't -- frankly, I didn't want to put the heads down time to come over here, find that switch and play around with that. I was -- we were -- had really transitioned at this point from trying to do an electronic ID to go in and do a visual ID. So I was -- was getting ready for the visual ID more than the electronic.

86Q: You said you passed fifteen hundred to two thousand feet, slant range and slightly high. Could you estimate how high you were above the helicopter?

86A: I would guess . . .

87Q: Above the helicopter's altitude?

87A: I would guess somewhere, three to five hundred feet, sir.

88Q: And the helicopter that you were watching was the trail helicopter?

88A: Yes sir.

89Q: And which side did you pass?

89A: I passed on the right side, that is the south side of the helicopter. They are still basically in a -- traveling in a generally east direction and I'm on the south side.

(Questions by Lt Colonel Mudge)

90Q: How many times did you attempt a Mode IV interrogation during the intercept?

90A: Just the first time that I locked him up at thirty miles. Again, in the -- the contract that we had in the flight briefing, my responsibility was twenty thousand feet and up, so I rolled down, looked, interrogated, did not get a friendly reply, I broke the lock, came back up, sanitized my area of responsibility.

91Q: But when you did get the lock on and were beginning the VID pass, how many times did you try Mode I at that time?

91A: Just put it over there and held it over there. I couldn't give you an idea of how long I held it there. I generally wear out the side of a pair of gloves before I wear out the fingertips.

92Q: What were your tactical considerations at this time?

92A: Well we knew we were coming low in there. About the time that I'm coming in to do my VID pass is when my flight leader has called them as hostiles. He has called a Hind, then corrects to Hip and then goes back to Hind. I know that the Hind is a gunship. It carries a formidable amount of armor and I was not real anxious to slow down and fly formation with them and provide a target for him. So I wanted to keep the aircraft moving through there but I also wanted to -- to get close enough to -- to perform an ID on my own. So I would guess my airspeed in there is probably four hundred to four hundred and fifty knots as -- as I go past and again, tactical consideration wise, the master arm is still safe. In my mind we are still in the ID process. We have not armed hot, we have not made the decision to engage at this point, and I was getting set

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up so that we could set up the racetrack just like we pre-briefed in the flight briefing.

93Q: Was the weather a factor?

93A: No.

94Q: Visibility a factor?

94A: Visibility was unrestricted.

95Q: And the sun angle?

95A: The sun angle was not a factor.

96Q: Were you concerned of any other threats?

96A: At that point, no.

97Q: What consideration did the terrain play at this point?

97A: The helicopters were flying low, obviously, and as I recall flight leader starting his run -- as he starts to do his ID pass, there was some concern about whether the -- the helicopters were heading into the high terrain to try to go hide in there. Whether it was -- it was just perceived or whether I was leery of them getting over and hugging close to the ridge line, that was one of the concerns that I had at that point, is that they could get into the high terrain and hide and we wouldn't be able to find them. But, other than that, other than keeping an eye on the ridge lines on both sides and making sure we didn't try to do some type of horizontal turn, the terrain was not a -- a formidable consideration.

(Questions by General Andrus)

98Q: When you made your VID pass and passed the trail helicopter, what would you estimate the helicopter's height was above the ground?

98A: Sir, based on the -- the shadow -- the shadow was fairly defined, so I would say he was pretty low, certainly below five hundred feet.

99Q: And did you have an estimate on the altitude of the lead helicopter above the ground?

99A: No sir, I didn't.

100Q: And did you have an estimate as to your own altitude above the ground as you were making the approach for the ID pass?

100A: Sir, I would estimate somewhere between seven hundred and a thousand feet.

101Q: So, to clarify, if I understand what you said correctly before, you estimate that the ridge lines were approximately three thousand feet . . .

101A: Yes sir.

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102Q: . . . and you were between seven hundred and a thousand feet and that would mean that the ridge lines were approximately two thousand feet above you on both your left and right wing. Is that correct?

102A: Yes sir.

103Q: Could you give us an estimate as to how wide the valley was at that point?

103A: I would imagine the valley to be somewhere, I would guess, five to seven miles wide at that part.

104Q: And the terrain in front of you? Was that level or was it rising or descending?

104A: It was just generally sloping like this. When you got to the ridge lines, they were pretty, it was a pretty good vertical development there, but other than that, it looked like fairly rolling terrain in there.

COLONEL AT LEE: The witness was indicating with his hands what appeared to be a gradual slope until it reached the high ridges themselves where it changed to a steep pitch.

WITNESS: Yes.

(Questions by Colonel Mudge)

105Q: At what range did you first initially acquire them?

105A: I would estimate about three miles in trail.

COLONEL MUDGE: Okay. I'd recommend a break right now so we can get some water and a quick break.

GENERAL ANDRUS: Let's take a break. Let's convene at five after, and please don't spend a lot of time.

COLONEL AT LEE: Time now is 1754.

(The interview was recessed at 1754 hours, 23 April 1994)

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(The interview was reconvened at 1807 hours, 23 April 1994. All parties present when the interview recessed were again present)

COLONEL AT LEE: The time is 1805 -- correction, 1807 on the 23rd of April 1994. The individuals who were present in the room before are again present and you're reminded that you're under oath.

Before we begin with the questioning series again, I'd like to clean up some acronyms or similar areas.

(Questions by Colonel At Lee)

106Q: You reference VID. We've been discussing the visual identification.

106A: Yes sir.

107Q: You referred to a classified in-flight aid and an unclassified in-flight aid. Where are those maintained?

107A: Those are maintained in the squadron -- at the squadron Ops desk.

108Q: To your knowledge are they there now?

108A: Yes sir.

109Q: You referred to an EF-111. Can you describe that?

109A: It is a basic F-111 airframe that is painted grey and outfitted with an electronic suite that allows it to jam enemy communications and enemy radar, sir.

110Q: You referred to a TACAN. That's a device that enables you to measure range and bearing of another point?

110A: Yes sir. However, I believe in the term that I used, sir, it was an air-to-air TACAN. That will not give you bearing, it will just give you range between the two aircraft.

COLONEL AT LEE: That's all. Thank you.

(Questions by Colonel Mudge)

111Q: Okay, to back up just a second, I'm trying to get an assessment of the geometry of the passes that you and your flight lead made. And we've established the valley that you're going down. If you could please describe again the approximate altitude of the helicopter that you're flying?

111A: Okay. I would estimate -- I would estimate I would be about five hundred feet above the helicopter as I passed and offset to the south, slant range, somewhere between fifteen hundred to two thousand feet.

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112Q: And as you made this pass across the helicopter, could you describe what you -- how you maneuvered your airplane and what's the closest point you got to the helicopter?

112A: Again, I would say that I am basically in a one "G" flight. I am banked up so my left wing is low and I'm looking out the left side of the aircraft, down at the helicopter. So I'm above the helicopter but I'm banked up so that the -- the intake or the ramp and the -- the wing are out of the way as I go past it.

113Q: Could you see the side of the helicopter as you passed?

113A: Top part of the side, yes sir.

114Q: Top part of the side.

114A: Yes sir.

115Q: And where was lead at this point?

115A: He had already pulled up, repositioned to the south. If I can . . .

116Q: How . . .

116A: Excuse me, sir. If I can back up. When the General asked his question, there was a -- we talked about interrogating the AAI and ensuring that I locked on to the one that did not give me the friendly reply. Again, I've got -- I've locked up, I've interrogated, I've got on my heads up display a target designator box there that's over the target that I've locked up, watched my flight leader as he pulled up and off to the right, the TD box does not move, which indicates I'm not locked to him, I'm locked to the other contact. Now, I'm sorry, your -- your question, sir?

117Q: And how did you maneuver from that point?

117A: From that point I pulled up and to the left -- off left to north to go ahead and pull off so I wasn't in conflict with the lead helicopter.

118Q: Did you ever pick up the other helicopter visually?

118A: Yes, I did. In my turn, as I pull off to the north, I call Tally Two because I've got two helicopters.

119Q: At what point did you positively identify the helicopters?

119A: I don't understand the question.

(Questions by Colonel At Lee)

120Q: Perhaps we should ask first, did you positively identify the helicopters?

120A: I never came out and said that they -- positively ID'd as Hinds. I came in on that ID pass - - I saw the high engines, the sloping wings, the camouflaged body, no fin flashes or markings, I pulled off left, I called "Tally Two." I did not identify them as hostile -- I did not identify them as friendly. I expected to see Hinds based on the call my flight leader had made. I didn't see

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anything that disputed that. I've played that particular sequence over in my mind a couple of hundred times. I don't believe I ever came off and called "Tally Hind." I called "Tally Two" at that point and the ID was based on what my flight leader called.

121Q: Can you describe what you did see?

121A: Yes sir.

122Q: Give us a visual picture.

122A: It was a camouflaged body -- dark camouflage. It had a -- a fairly blunt nose on it. Again, this is looking from the top. I picked up the sponsons -- the wings, if you will, that came down. I picked up external stores on those wings. It had high engines and the tail came back and then had a slant to it, probably a forty-five degree slant is the best way I can describe it, coming back up. I did not see any markings at all on the aircraft.

123Q: Did what you see correlate with anything that you had previously seen in training or experience?

123A: Again, no. My flight leader called out a Hind, I expected to see a Hind there and I didn't see anything -- you know, based on the high wing, the high engine and the external stores, that looked to me how they configure a Hind to do its daily mission.

124Q: Was there any question in your mind as to whether or not the helicopters were friendly or hostile?

124A: No sir. Until that afternoon at about three o'clock when CNN news report came on, I was convinced that we had tactically engaged a pair of Hinds.

(Questions by General Andrus)

125Q: Was the CNN news report the first time that you found out that the F15s had been reported to have engaged friendly helicopters?

125A: Yes sir. When we -- met at the airplane when we came back from the flight, we were met at the airplane by Mad Dog. He took us by the squadron. We got rid of our -- the weapons that we had, got rid of our life support gear, they took us direct to the command post. At that time I spoke with the Ops group commander in the command post and he says, "Everything sounds great. We have one flight that we're -- we're trying to account for now." And basically, from that point on, we were segregated or ensconced in his office, if you will, and we were there I would guess that afternoon for somewhere around five or six hours. There was a TV set there and the first indication we had that it wasn't perfect was the CNN report.

(Questions by Colonel At Lee)

126Q: Were you asked to make any statements at that time?

126A: Yes I did.

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127Q: And did you do that?

127A: Yes, I did.

128Q: In writing or verbally or what?

128A: It was a -- there was a debrief that took place there in the command post asking us for some -- some details. At that time I assume that was taken in context with trying to track down exactly where their -- their missing flight was at that point. Shortly after that, as we went over to the Ops Group commander's office, we were asked to make a written statement. I did and I signed, dated and timed that.

129Q: Do you know where that is?

129A: My understanding is it was turned into the Ops Group commander and I understand that that is sealed and the -- the JAG here at Incirlik has it under -- under his protection, I guess.

130Q: Are you willing for the board to make use of that?

130A: I probably need to talk to my counsel about that.

(Questions by General Andrus)

131Q: Going back to the identification pass on the helicopters, you indicated, if I understand correctly, that your flight lead had called out that they were Hind helicopters, but that you did not see anything in your mind that caused you to question that. Was there any question in your mind at all that they were Iraqi helicopters?

131A: No sir.

132Q: Was there anything that you saw or didn't see that would have raised any doubts at all in your mind at that point?

132A: No sir. I was convinced they were enemy helicopters.

133Q: Did you refer to any in-flight material that you had in an attempt to further determine what the helicopters were?

133A: No sir, I did not.

134Q: Would that be normal practice for a wingman to follow?

134A: I wouldn't expect him to pull anything out of a map case and look at that, no sir.

135Q: Would you say that that would be a normal or would it be a non-standard practice for the wingman to accept the determination by the flight lead as to whether or not the helicopters were friendly or hostile?

135A: If I'm flying with a wingman, sir, and I'm leading a flight, if I identify those people as hostile, I expect the wingman to treat those people as hostile and, you know, in our business it's the same. If you're working with a Forward Air Controller, if he rolls in and says, "Hit my

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smoke," you roll in and hit his smoke, and if he has managed to put the smoke on the wrong spot, that's -- that's terrible -- that's tragic, but that goes with the business that we're in.

136Q: If there would -- you indicated that there was no doubt in your mind that the flight lead's identification was correct. If there would have been a doubt in your mind, even though your flight lead would have called that these were Hind aircraft, what would you have done at that point?

136A: I just -- I would have requested another pass. I would have said, "Hang on. I'm not comfortable. Let's do one more." Or I would have called the AWACS and I would have said, "AWACS, do you have any friendlies within a twenty-five mile radius of us?"

(Questions by Lt Colonel Mudge)

137Q: What did Duke or Cougar say when you VID'd the helicopters?

137A: And again, this is that time compression thing where it's very difficult for me to reconstruct precisely what happened because there were a lot of things happening there. But as I recall the radio calls, my flight leader says, "We are engaged with two Hinds, present position." I pull off and I say, "Tally Two," and I believe at the same time or right at the tail end of that -- that call is where AWACS comes back and says, "Copy Hinds."

138Q: Nothing from Duke.

138A: No.

139Q: What directions or guidance did you receive from anyone?

139A: None. The only guidance was from my flight leader to arm hot.

140Q: And when did you do that?

140A: As soon as he called the arm hot, I acknowledged and I armed hot.

141Q: Where was that in the racetrack you were flying?

141A: We were both headed west. Again, we -- initially we came in. The helicopters were headed east. He pulled off right to south, I pulled off left to north -- through north, I should say. We were both flowing back to the northwest. He calls the arm hot as -- about the time I roll out, wings level, heading -- heading west down the valley.

142Q: Did you consider any other options other than shooting the helicopters?

142A: At that point, no.

143Q: What other possibilities did you consider regarding the helicopters' origin or status?

143A: I'm not sure I understand the question, sir.

144Q: At this point, after the flight lead has called engage Hinds, you've tallied two, Cougar copies that, did you consider that the helicopter may be trying to defect, may be lost, could be

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from another country, it had some intent to conduct hostile acts . . .

144A: At that point, we've come in and identified them as Hinds and I think you have to look at this -- again, that sets a frame of mind as soon as he said that they were enemy aircraft. And in the -- the baggage that I carried with me that day, we had Intel briefs, an article was in the paper that happened earlier in that week that talked about the Iraqis moving a hundred thousand troops into northern Iraq, including elements of the Republican Guard.

We had Intel briefs that had taken place the week prior about a German journalist who had been assassinated in Irbil, and the word that was coming through the Intel channels that Saddam Hussein was very upset with the status of the U.N. sanctions staying in position and so consequently, he was interested in -- in, I believe the term our Intel guy used was whacking a U.N. worker, they were fair game and he was willing to pay bounties on them.

So when we picked up and identified that as a Hind, I said, "That's an armed helicopter. What are they doing up here? I don't know if they're coming back from a strike, if they're enroute to a strike, they're headed the wrong way to be defecting to anybody that we would consider friendly," because they're tracking southeast, heading towards the high terrain out there. In my mind, there was no earthly reason for an Iraqi Hind to be up there unless they were going to roll in and attack somebody, unless they'd put a team in or they were picking a team up. So for those reasons, it made sense to engage them.

145Q: How comfortable were you conducting the intercept engagement?

145A: I was comfortable. I knew what was expected of me. My flight leader had identified them as hostile and cleared me to engage. I knew where the contact was. I engaged them.

146Q: What were your thoughts when you fired the missile?

146A: Again, the -- the trail helicopter had already disappeared in a fireball. The front helicopter was moving towards the high terrain on the north side. It appeared to me, as I mentioned earlier, that he was trying to get over and hug the ridge line and my concern at that point was to go ahead and employ ordnance such that before he got into the high terrain and started hiding from me where I wouldn't be able, necessarily, to pick him out of the ground clutter.

But, the engagement was not rushed. That's the other part. I wasn't in a hurry to -- to shoot fast. I wasn't in a hurry at all. My interest was to shoot accurately.

147Q: Why did you choose to fire an AIM 9 over any other ordnance?

147A: The AIM 120 -- the rule of thumb that I always use in employing that is that if I've got somebody in front of my canopy bow, I don't shoot that because it doesn't discriminate, it doesn't have a conscience. It goes after the largest return it sees out there. Likewise, the AIM 7 has some problems low altitude in coping with ground clutter and I generally use a rule of thumb, if -- if my partner is within about twenty degrees of the nose, I probably don't want to shoot an AIM 7. The AIM 9 appeared to be the most discriminatory at this time simply because I could put --

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slew it to the radar line of sight, ensure I had a good self track -- I have a heads up display that indicates where the seeker head is looking so it was the -- the most discriminatory of the weapons available to me.

148Q: We've described in some detail your VID pass, could you describe the pass after you rolled back out and then proceeded in on -- to fire the missile?

148A: Basically I'm heading west. My leader is heading west. He starts a right hand turn through north to go ahead -- it's a descending turn to go ahead and track them down or basically close on them from the stern. I would guess that our -- our position at that point is probably seven or eight miles in trail behind them. He's going to do a right hand turn, rolls out. I basically float my turn to the south so that I roll in behind him, so that we've got, again, two to three mile spacing as we started coming down there.

149Q: And what altitude, airspeed, heading do you end up as you proceed in on the attack?

149A: Again, it ought to be clear cut on the tape because it's all there, but I would guess my airspeed is somewhere around three seventy-five to four hundred knots, my heading, I would guess, is somewhere near about one-zero-zero to one-two-zero, somewhere in that ball park, and altitude, I -- I couldn't tell you MSL. I would guess my altitude probably a thousand to two thousand feet AGL.

150Q: Could you see the rotor blades of the helicopters during your VID pass or on your firing pass?

150A: On the VID pass I did, yes. I couldn't tell you how many there were, though, no.

(Questions by General Andrus)

151Q: Did you consider the possibility that the Hind aircraft could have been from a country other than Iraq?

151A: Not at that time, no sir.

152Q: Did you see the helicopter body through the blades?

152A: No.

153Q: So you were -- the helicopter body you saw was from the external part of the blade to the body?

153A: I believe so. Again, I didn't notice the blades interfering with the view at all.

154Q: Do you remember what part of the external stores that you saw?

154A: It was -- again, it was high, so I'm looking down at the top of the sponsons, but I'm just seeing portions of the outside stores.

155Q: What radio calls were made during the final part of the engagement?

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155A: Again, I commented that they made the call to Cougar that we were engaged; we made the call arm hot; I responded arm hot. We both proceed to the west, he calls "One is in." He presses his attack. I float the turn behind him, turn on my tape and again, from that point on it ought to be on the tape exactly what takes place because I recall the -- the calls that take place. He shoots, he calls, "Splash One." He pulls off and he says, "Two, you're cleared in." He says, on the contact -- he either says, "It's on my nose for two miles," or he says, "East of the fireball for two miles." I can't remember which. But I make the comment back, "I have him on radar." I come in, I shoot, and then we -- I don't make a call when I shoot. I come in and shoot. And then I call, "Splash the second bandit."

156Q: What radio calls or lack of radio calls seemed normal to you?

156A: The tapes on call would have probably been appropriate in there, somewhere in that sequence of events. And other than that, I don't know . . .

157Q: Did you expect any communications from Cougar or Duke?

157A: I would have expected to hear -- if there's something going on, something that isn't right, I would have expected to hear an either "Hold your fire," a "Knock it off," something like that. You know we train on a daily basis and certainly AWACS is part of that and if something -- if you need to stop from doing what you're doing for safety's sake, the obvious call is, "Knock it off." Now, if I had heard a "Knock it off" call, we would have safed up the switches, we wouldn't have done anything. We would have stopped doing what we were doing.

In the absence of that, we assumed that everything was going according to plan. So, I didn't detect anything out of the ordinary.

(Questions by General Andrus)

158Q: You said you may have expected to have a tape on call.

158A: Yes sir.

159Q: Do you recall receiving a "tape on" call?

159A: No sir. And I say that, if I can interrupt, general. The only thing -- reason I say that is, from previous experience when we set air defense alert in the central region, one of the points that we made up there -- much different environment than we are down here. We make it a point to turn tapes on starting the ID pass so we will come tapes on and we will film that coming all the way in, you know. Much more restrictive ROE up there in terms of when you can arm hot, when you can do anything with a -- an unknown up there. But that's one of the things we do. Normally we're going in and looking at civilian airliners or -- or unknowns up there, but habit pattern wise, that's what we do up there on a daily basis when we're flying off Zulu Alert up there.

Now, we haven't pulled alert there for, I would guess, for six months so some of those habit patterns may not be there. They're not required to be there under the circumstances we're

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employing in down here, but certainly if we were on top of our game, that would have been an ideal call to make at that point.

160Q: What was your briefed plan for turning on the tape?

160A: At the commit or when the flight lead called.

161Q: Okay, so according to your briefed plan, the tape's not turned on when you expected it to be turned on -- or the call was not made when you expected it to be made; is that correct?

161A: Yes sir.

162Q: Can you think of any reason why that call may not have been made at that point?

162A: No sir.

163Q: Did you hear any calls on Guard throughout the period of either the ID pass or the engagement pass?

163A: No sir.

164Q: And were you monitoring Guard frequency?

164A: Yes sir.

165Q: Your Guard radio was on?

165A: Yes sir.

166Q: And were you monitoring UHF Guard?

166A: Yes.

(Questions by Colonel At Lee)

167Q: What was the purpose of your VID pass?

167A: As we -- under the ROE constraints, we have not identified them as friendly yet. So as we go in, I talked about the process going through there. Basically there's four ways that they can come up friendly.

168Q: Let me distinguish. I meant your pass as opposed to lead's pass?

168A: Again, I was going in to try to identify them as friend or foe, either hostile or friendly.

169Q: Okay, would -- would that be to corroborate lead's view or not?

169A: Yes.

170Q: Given what you report having seen and the absence of -- of identification, if you will, why did you not inform lead of the absence of your ID or indicate the extent of your ID to lead in any way?

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170A: I'm not sure I understand the question, sir.

171Q: My understanding of your testimony is that effectively you were unable to make the ID or not, you saw things that you thought were consistent with a Hind, but basically you made no ID of the aircraft and you were relying on lead's ID. If the purpose of your run was to confirm or deny lead's ID, why did you not inform lead of the -- the null effect, if you will, of your pass?

171A: Because he . . .

172Q: Why didn't you tell him "I can't make an ID," or . . .

172A: He made the call that they were hostile. He made the call that they were Hinds.

173Q: Okay.

173A: It wasn't a challenge and response situation. What I came back and told him was I was tallying two helicopters.

174Q: I understand that, but in that situation, would it not have been more significant or helpful to lead for you to indicate that you didn't have an ID or do you believe that call did indicate that to him? How do you assess the significance of "Tally two helicopters?"

174A: The fact that I didn't come back and -- and confirm ID Hind, I took, and I expected him to take as he had the ID, I didn't. If I had come back and said, "Friendlies," or if I had come back and said, "Hostiles," those were the -- the two options I had if I was clear cut one way or another. I wasn't clear cut I did not see anything that indicated to me they were friendly. I saw a lot that indicated they were hostiles, but I didn't see enough that I wanted to, no kidding, put the chips down and say, "No kidding, those are Hinds." He had already made that determination. He had already called AWACS and said, "We're engaged with two Hinds."

(Questions by Lt Colonel Mudge)

175Q: Would you please describe what you saw after the firing of the missile?

175A: The missile comes off the left shoulder station. It -- initially there's a slight dip towards the nose but then what it does is it pulls a large amount of left lead and then, as it goes out there, it gradually corrects back such that it closes right on the helicopter. There's a fireball and the fireball falls to the floor on the north side of the -- the canyon there.

176Q: What did you do after that?

176A: After that I -- we pressed through the canyon -- I pressed through the canyon, I started to climb up there to stay clear of any debris. We're going to go out, I would estimate, four or five miles east. I pull off again to the north and we make the first pass going west to east down there and then -- I beg your pardon, I'm going to pull off to the south. I don't pull off north, I pull off right to south following the firing pass. I fall into trail. One comes down and does a pass. I do a pass going from west to east. He is already repositioned off to the south. I'm going to pull off right a second time and this time do a left hand turn back around through north and come down the valley. This time I turn the symbols down on the HUD. I'm filming through the HUD the -- the wreckage site of both of the helicopters. I overfly that. From that point on I turn the symbols back on, we climb up, we get together and we -- we go man the eastern CAP.

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177Q: What were your thoughts after downing the helicopter?

177A: Again, I thought it was a hostile helicopter and I was -- was pretty excited about having done that.

178Q: What did you see at the crash site?

178A: I saw debris at both crash sites. Apparently -- it appeared to me there was a small village between the two. But I saw basically debris there, a lot of black oily smoke and the fires on the ground coming out of that debris.

(Questions by General Andrus)

179Q: You indicated you were pretty excited about having downed the helicopter. Could you give the reasons for why you were excited about having shot down the helicopter?

179A: Again, we had ID'd it -- the ID had said they were Hinds, so it was an enemy aircraft, in our mind flying north of the thirty-six line and the ROE was pretty straight forward that we were cleared to go in, engage that helicopter and destroy it. And -- and for those reasons, you know, that -- that's -- in the air-to-air business, that's part of what we do is -- is to go out and project air superiority and we had done that and I was -- I was pretty excited about having done that.

(Questions by Colonel Mudge)

180Q: Did the call by lead where he said, "Hind," "Hip," "No, it's Hind," did that cast any doubt in your mind?

180A: If he'd have gone "Hostile," "Friendly," "Hostile," I would have had a lot of doubts. But the fact that he came in and ID'd them as "Hind," "No, Hip," "Hind," "Hostile, Hostile, Hostile," did not arouse suspicion in my mind, no.

181Q: Do you know what radio calls were made after the shots?

181A: As we pull off -- as I come through -- well we make the splash calls. As I come off and head south, there is a call that I make that -- I make a call that says something to the effect of, [Offensive Remark Deleted] That was a call that, when I was here during the war, when the thirty-sixth -- with the thirty-sixth wing, they got their first Mirage kill down by Kirkuk, or Mozul, I guess, that was the call that was made there. I made it. It was -- it was made in a sense of maybe exuberance is the word to use. Obviously, looking back, it was inappropriate and undisciplined.

182Q: Any radio calls from Cougar or Duke?

182A: No.

183Q: Did you receive any guidance at all after shooting down the helicopters?

183A: They asked us for the Lat Longs, the position of where the -- the aircraft went down and part of our recce pass flying over them was to do a freeze over the top of that point so we could

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read out the Lat Longs -- latitude and longitude, so we could pass that so they could vector aircraft in behind us to look at the site.

184Q: A freeze is to temporarily freeze the readout so you can read them?

184A: Yes sir.

(Questions by Lt Colonel Mudge)

185Q: What was the status of your aircraft during the intercept or engagement?

185A: The status of my aircraft?

186Q: Yes. Were the systems all operational or was there any degradation that you knew of?

186A: No degradation that I was aware of.

187Q: After you had performed the reconnaissance passes, what did you do?

187A: We climbed up to about twenty-six thousand feet. We went down and we manned the eastern CAP that -- in the AOR. We stayed down there for, I would guess, somewhere between five to ten minutes. Since we had made several passes low altitude, as soon as the tanker was on station, we went and met the tanker, call sign was Puma 22. We rendezvoused with him. We both filled up on fuel. Then we went back and manned the eastern CAP again.

The flight that was coming out behind us had encountered about a twenty minute delay on the ground so we stayed out manning that CAP until we were relieved. Then we -- we came back to Incirlik.

188Q: What occurred on the flight back from Incirlik? To Incirlik.

188A: Nothing. Uneventful.

189Q: Was there anything abnormal about the recovery, landing, taxi back . . .

189A: There was just a lot of speculation or excitement from the ground crews because we both came back missing one missile that we'd taken off with, but other than that -- and the fact that we were met at the aircraft by Mad Dog, it was pretty much standard.

190Q: What questions did Mad Dog ask you at that time?

190A: At that point, he didn't really question us at all. He just said, "We want you to pick up your stuff. We want to take you down to the command post for the debrief."

191Q: Do you remember who all met you at the airplane?

191A: Yes. Mad Dog did. Beyond that, the squadron Intel officer did. That was normal -- what I would have expected. My Intel NCO was there and other than that, it was just the maintenance people that had launched us.

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COLONEL MUDGE: That pretty well cleans up the sequence of events. Now we'll get into those areas I was discussing, area that we want to get into a little more deeply.

(Questions by Lt Colonel Mudge)

192Q: Did the radios function correctly?

192A: Yes.

193Q: Did you have Guard selected?

193A: Yes.

194Q: Did you hear any Guard transmissions throughout the flight?

194A: No.

195Q: Did you encounter any anomalies with any of your aircraft systems that would affect you ability to communicate, identify, intercept or engage?

195A: No.

196Q: Were there any minor discrepancies and write ups that you told the crew chief about or that you forgot to write up?

196A: No, I believe I made a write up in the forms regarding the bit matrix that occurred in flight. It was the same as what had happened before and I believe I even referenced the job control number that had been made on the first write up when I did that.

197Q: What's your assessment that aircraft's capability to conduct its tasked mission before, during and after the sortie?

197A: I saw no problems with the aircraft that would preclude it from -- from flying the mission.

(Questions by General Andrus)

198Q: Let me ask you a couple of questions on the ROE. Did you receive training on the Rules of Engagement prior to coming to PROVIDE COMFORT?

198A: On the Rules of Engagement down here, sir?

199Q: On the Rules of Engagement to be employed here.

199A: No sir.

200Q: Did you receive any training -- or after you arrived at Incirlik, did -- did you receive any training on the Rules of Engagement?

200A: Yes sir. That was part of the briefing that was given to me by my squadron weapons officer and was also laid out right there in the classified aircrew read file that I reviewed and we specifically talked in the briefing about the steps that we would go through and how we would

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implement those ROE.

201Q: When did you receive the last ROE training prior to the flight?

201A: It's a standard briefing item we talk about on every flight, sir, so that morning's flight briefing.

202Q: How often are you trained or given guidance on the ROE?

202A: Here sir or . . .

203Q: Here.

203A: We make it a practice in the squadron that we talk about that. That is something we brief before every flight. That's part of the flight briefing.

204Q: What is your assessment of the clarity and ease of using the ROE?

204A: Well in twenty-twenty hindsight, sir, it's -- it's not as strong as it was on that morning of the flight. On that morning of the flight I was fairly confident I understood what the ROE was, what we were going to do and how we were going to employ that. The ROE, I think, is pretty -- pretty well laid out. I think the fact that the ROE deals with fixed wing fighters and rotary winged aircraft the same, I think is probably not -- not real Kosher. I think there probably ought to be something different to differentiate between the two.

205Q: After receiving training on the ROE to include briefings you received, personal studies, are you aware of any requirement to consider the need to give defectors safe conduct?

205A: I know, that's always a -- that is always -- a potential is always there, but -- and that's a difficult one. I would have to have some -- I would expect to have to have some cueing from some outside agency that that was taking place before I would lead with my chin, as it were, to let some defector come across the thirty-six line.

206Q: And, according to your understanding of the ROE, was there any requirement for you to consider the possibility of any malfunction of your electronic identification equipment?

206A: Yes sir.

207Q: Do you feel that you complied with that portion of it?

207A: Yes sir.

208Q: Were you aware of any requirement to consider the possibility of an aircraft being on a medical mission?

208A: Yes sir, I was.

209Q: Do you think in attempting to visually identify the helicopters in question, did you attempt to determine if there were any medical markings on the helicopters?

209A: Yes sir, I did. I did not see any.

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210Q: Did you see any markings of any kind?

210A: No sir.

211Q: What type of medical markings would you have expected to have seen had it been a military aircraft with military markings?

211A: I would have expected to see a red cross on a white background. I would have expected to see that on both sides of the aircraft and I would have expected probably to see that on the nose of the aircraft as well.

212Q: Were you at any time briefed on the configuration of the Black Hawk helicopters regarding their carrying external fuel tanks?

212A: No sir.

213Q: Were you . . .

213A: In fact, sir, if I can jump in, we weren't briefed that there were Black Hawk operations going on at all.

214Q: Were you aware that there were Black Hawk helicopters in the AOR?

214A: Yes sir, I knew there were -- not in the AOR, in the -- in this vicinity I knew there were some, yes sir.

215Q: Were you ever briefed as to what the markings on the Black Hawk helicopters were?

215A: No sir.

216Q: Were you ever briefed that there were U.S. flags painted on the Black Hawk helicopters?

216A: At that time, no sir.

217Q: Were you ever briefed as to what the camouflage scheme was on the Iraqi helicopters?

217A: No sir.

218Q: What color camouflage scheme did you believe were on the Iraqi helicopters on the day of the incident and prior to that?

218A: I expected to see some type of camouflage scheme. If it was not an Iraqi helicopter, I expected it to either be configured in a red cross, as I describe earlier, or I expected it to be painted white as a U.N. helicopter. Those were the two options that were briefed to me. That's what I expected to see for a friendly.

219Q: Were you ever briefed on the possibility of the Iraqi helicopters being camouflaged in anything other than a dark green camouflage color?

219A: No sir.

220Q: Were you ever briefed on the possibility of other nations in the area, that is Syria, Turkey

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or Iran flying Hind helicopters?

220A: No sir.

221Q: If you were aware that there was the possibility of Hind helicopters being in the area other than Iraqi Hind helicopters, would you have acted any differently?

221A: I'm sorry, can you repeat the question sir?

222Q: If you had -- would have been aware that there was a possibility of Hind helicopters from either Syria, Turkey or Iran being in the area, would you have acted any differently in engaging the helicopters that you intercepted?

222A: Yes sir.

223Q: Were you aware of any requirement to determine that the military aircraft, in this case helicopters, were specifically Iraqi aircraft?

223A: In the ROE -- yes sir. In the ROE it talks about confirming that -- there's a part where [Classified portion deleted (18 words)-ROE] that goes into a long discussion of what you do if you get one that you cannot pin down as being an Iraqi, one of those airframes that is shared among former Soviet client states and it talks specifically about what you do in that case. It talks about the possibility of forcing down. It talks about talking to AWACS. It talks about calling in for reinforcements. There's any number of things that you can do.

I had no indications that any of the other bordering countries around here were flying Hinds. When I saw that helicopter and it was identified as a Hind, I considered that it was from Iraq and that's the reason we engaged it.

(Questions by Lt Colonel Mudge)

224Q: Did the ATO contain enough information for you to conduct your mission?

224A: In terms of the fixed wing assets, yes. In terms of the rotary assets, no.

225Q: What information could you get from the ATO on the helicopters?

225A: I can't say for sure from the ATO because I don't have it in front of me. From the schedule that was described earlier, as I come back in here, you look at the UH-60 lines. There are, I believe -- there are fifteen lines blocked for UH-60s to -- to be operating somewhere in this part of the world. Of that, six of them are listed as going into the AOR at some time. However, their estimated time of departure and their estimated time of arrival are all listed as "as required." So it does not give any cue whatsoever where or when they're going to be somewhere. So in terms of utility, again, for me to carry something in the air with me that says who's going to be out there when I'm airborne, there's not sufficient data for me to include them in the planning process.

226Q: Did you have any information about any helicopter flights at all?

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226A: No.

227Q: Do you know where in the ATO you would find the Mode I codes listed?

227A: I believe it's on the last page of the ATO.

228Q: And what were those Mode I codes for?

228A: I couldn't tell you that.

229Q: Do you know what they were -- if those -- are there more than one Mode I code annotated in the ATO?

229A: I don't believe so.

230Q: And what -- the Mode I code that is there, what is it -- what area is that Mode I code used for? Or what area is it used in?

230A: It's used in the AOR. Mode I Five Two was what it was on the day of the -- the incident.

231Q: On previous sorties when you were tasked to be the first fighter in the AOR, did you expect to have any other aircraft in there?

231A: No.

232Q: Have you ever entered the AOR as a first fighter and had aircraft in there previously?

232A: No.

233Q: Have you seen helicopter flights of any kind in the AOR before?

233A: No.

234Q: Has Cougar or Duke ever pointed out Eagle Flights to you before?

234A: No.

235Q: Do you know where you could find information about the Eagle Flights?

235A: In the -- as far as the routing or the times?

236Q: Any information?

236A: If it's not listed in the frag -- in the ATO, that is, then it would have to come out by special BSD or would have to be passed down to the squadron operations center through the sentinel bite system, the Intel network that they have, and then it would have to go on the board and I would expect to have that information. If it happened late enough that they couldn't get a BSD out or they couldn't get the information to us and confirm it was to us before we stepped, I would expect to have that information passed to me through Duke when I check into the airspace.

237Q: Have you gotten helicopter information through your Intel step briefing before?

237A: No.

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238Q: Have you ever used AWACS to determine whether or not a target is to be engaged with them indicating a negative friendly or positive hostile?

238A: There are -- on one of the flights, I believe it was the second flight that I was out there, there was a Wild Weasel flight that, for whatever reason, we interrogated Mode I, we interrogated Mode IV, did not get friendly replies off them. I called them out to AWACS and AWACS was -- or Cougar and Cougar was able to come back fairly promptly and say friendly. At that point we left them alone.

239Q: What's your general assessment of the AWACS capability?

239A: Again, notwithstanding the questions that I have regarding this specific flight and this specific day, AWACS has a lot of capability up there that they can use and I think that their performance on a day-to-day basis can really be determined by who is sitting in the controller's seat, his proficiency and his level of aggressiveness in supporting the mission.

240Q: Considering all the sources of information that describe the OPC procedures, what's your perception of the clarity of that guidance regarding OPC flying?

240A: I've been in the Air Force a long time and I've been TDY to a lot of places, and I think that the people that wear a flight suit here and can remember going TDY to different places, one of the first things that happens when you walk into a base, whether you're going there for a training exercise or whatever is, you sit down and you have a briefing and it's the guys that no kidding are there full time that come in and provide a briefing to you, and they say, "This is the way we do things. This is how you can get yourself in trouble. These are the square corners that you need to watch out for."

In this particular circumstance down here, we come down, we load up live ordnance, we fly in unfriendly skies, at times flying in surface to air missile rings, certainly close to the No-Fly border, and instead of having a centralized clearing house that ensures that everybody has the same ungarbled word, what we basically have is a county option, where each squadron has their own new guy briefing that they give, each squadron has their own plan on how they spin people up to speed and tell them what to expect out there. And I think over the time, what has happened is I think has tended to get watered down.

I'm not pointing fingers at the training I received. I was pleased with the information that was passed to me, however, with twenty-twenty hindsight, I would think that things such as how the helicopters are marked, what level of activity takes place in the AOR, what I should expect to see out there on a daily basis, ought to come from a centralized clearing house, someone that is no kidding down here living, working and breathing at -- at Incirlik rather than relying on my squadron weapons officer to ensure that the word gets filtered out to me in the proper manner. I think that in the big scheme of things, I think that is a shortfall that happens down here at PC that I think needs to be corrected.

COLONEL MUDGE: Sir, anything else?

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WITNESS: No sir.

(Questions by General Andrus)

241Q: Let me ask a question and then I'd like to take another break. This refers back to your description of the intercept itself prior to the visual identification. You indicated that at one point your flight lead, or you, I don't recall which, called a contact in a certain range, and that AWACS replied "Hits there." Is that correct?

241A: Yes sir.

242Q: And what did that mean to you when they said, "Hits there?"

242A: It meant to me that based on their system, again, they've got surveillance type capability there. Once we focused on that, we said, "We have contacts down there," they narrowed the scope of what they looked at, they went down and they said, "Yes, we have radar hits -- radar contacts down there as well." If they had known it was a friendly aircraft, what I would have expected was for them to come back and say, "Friendlies there." But the fact that they said "Hits" indicated to me that there was uncertainty in their mind what exactly they had down there.

243Q: If they would have replied, instead of "Hits there," "Paint's there," what would that have meant to you?

243A: That would have meant that they were interrogating using an AAI, an Air-to-Air Interrogator and they were getting friendly replies from them.

GENERAL ANDRUS: Okay, let's take a break at this point. Let's return at quarter after.

(The interview was recessed at 1903 hours, 23 April 1994)

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(The interview was reconvened at 1926 hours, 23 April 1994, with all parties present who were present when the interview was recessed)

COLONEL AT LEE: The time is 1926. The individuals present in the hearing room are the same as those present at the time we last recessed. Colonel Mudge?

COLONEL MUDGE: Do you want to cover those clean up items or do you want me to go through these first?

(Questions by Colonel At Lee)

244Q: One point of clarification, on the ROE briefings . . .

244A: Yes sir.

245Q: . . . you indicated they were briefed on a flight -- at each flight -- preflight briefing. Had there been any formal briefings or any briefings other than flight lead and wingman briefings?

245A: Within the 53d Squadron, we try at least once a week to have a tactics talk. On the 6th of April, the date that I went through all the other briefings, that afternoon we had a -- a tactics talk and that was a specific point that we talked about, what we expected the wingman to do in regard to the ROE that we're operating under down here. And so we discussed it then. Between that talk on the sixth and the incident that happened on the fourteenth, there was not another opportunity that we did that but -- and I can't tell you what they've done in the period of time since the fourteenth, but that is something that we periodically will come back and revisit.

246Q: And I gather you have no information on what was done here prior to that?

246A: No sir, I don't.

247Q: You raised a point as to the wingman's responsibilities on the ROE. Understand, I think your testimony to be that you were relying upon your lead in the determination. If the facts had been different than they were and in making your VID pass, you either had serious doubt about what it was or you believed that it was a friendly aircraft, what would you believe the wingman's responsibility in that case would be under the ROE?

247A: I think he would say, "Stand by, possible friendly." At that point I would expect for another ID pass and we would -- basically we already have the flow set up so that we could continue making ID passes on them until we hit the degree of certainty that we need that they are, indeed, hostile.

We've already set up a lead/trail formation, he's already come off one direction, I'm closing in to try to do an ID pass. If we have -- at the end -- both of us flying past them, if we're not confident that they're hostile, at that point we stay in that flow until we resolve who they are.

WITNESS: Sir, before you ask questions, if I could go back to where we talked about Exhibit

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25B, we were discussing the ATO. I specifically pulled up this document and talked about how there were a number of UH-60 lines annotated on this. This is not the ATO. This is the schedule that is put out and it's for the various agencies involved here to let them know a rough flow of when things should happen. I never looked at this on the day of the flight. I didn't look at it on the date prior to the flight. The source document for our planning is the ATO. They use this to assist us -- the flow sheet that's in the front of this, but where I would really expect to find out, no kidding, what's happening with the Black Hawks would be in the ATO. If it's not there, it shouldn't be happening.

(Questions by Lt Colonel Mudge)

248Q: A couple of other questions, not necessarily related in any specific order. What is your opinion of the forward visibility from the F15?

248A: I'm an old F4 driver, sir, so I think it's pretty good.

249Q: What was your range and altitude, if you can remember, to the helicopters when lead made his "Engage two Hinds" call?

249A: I was still closing from behind. I would guess my range was approximately three miles in trail and again, when he called, made the "Engage two Hind" call, that's just about the point I was coming in there trying to make -- starting to transition to the visual pass. I am still above the trail Hind, I'm still searching for both aircraft.

250Q: Do you know where lead was in relation to the helicopters at this point?

250A: He was several thousand feet higher than they were -- I say several thousand feet higher. He was south of them and he had already repositioned in the vertical turning -- doing basically a hundred and eighty degree turn back towards the west.

251Q: At the Tally Two call, as you came off, do you have any idea where two -- where lead was at that point?

251A: He should have been southwest of my position.

252Q: And any idea on range from the helicopters?

252A: No.

253Q: Do you have any idea of your position when Cougar made the "Copy Two Hinds" call?

253A: That was about the time my -- my nose was coming through north as I was doing the reposition off to the north. I repositioned off north and continued the turn to the west so I'm through about a -- ninety degrees of turn, nose high, when the "Copy Two Hinds" call is made.

254Q: Trying to identify exactly the position you were to the helicopter when you made your pass, do you have an idea of what the angle was that you were looking at the helicopter?

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COLONEL AT LEE: Perhaps you can just indicate with your arm.

254A: I would put them down here, I would guess probably thirty degrees low.

COLONEL AT LEE: It would appear from looking at your arm that it's between thirty and forty degrees. That angle being measured from the vertical up. Let's see if I can describe that more accurately.

COLONEL FAIN: Can I suggest that we can take a sitting height. Would you point at a spot on the carpet from your position, your seated position? Put your arm at the same angle.

WITNESS: I'd say right about here.

COLONEL FAIN: And that spot is . . .

WITNESS: This slight stain here, sir. The small one.

(Questions by General Andrus)

255Q: Sitting in the cockpit . . .

255A: They were were about right here.

256Q: Sitting in the cockpit, you have visual references that you use when you fly on a daily basis. Based on your remembering what you saw in the cockpit and based on the references that you have in the cockpit for determining angle, what would you estimate then that the angle was of your position down to the helicopter? How many degrees low from where you sat using the references in the cockpit would you say that the helicopter . . .

256A: I'd say somewhere around thirty degrees also.

GENERAL ANDRUS: Thirty degrees?

COLONEL AT LEE: To avoid any misunderstanding, what I'm marking is twenty-five "C", again correlating to the control witness number. On 25C, there being a vertical and a horizontal line in the center representing, if you will, your -- your head in the cockpit, and a . . .

WITNESS: This is the horizon?

COLONEL AT LEE: Yes. Being marked so by the witness and the arrow, like mine, does it accurately reflect the angle down?

WITNESS: What I would guess.

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COLONEL AT LEE: Okay. The witness has indicated thirty degrees from the horizon downward observation, looking at the witness, seeking a consensus, would have indicated perhaps slightly more than that, moving towards a forty -- forty-five. Is there any disagreement with that observation? Negative.

GENERAL ANDRUS: Time out.

(The interview was recessed at 1933 hours, 23 April 1994)

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(The interview was reconvened at 1937 hours, 23 April 1994, with all parties present who were present when the interview was recessed)

COLONEL AT LEE: The time is 1937. I would note that we were off the record for approximately three minutes. During the course of that time there was a discussion about how to best permit the witness to represent the angle. We have what was marked as 25C which was indicated on the record and the visual observations of some members. The board president has asked that the witness be permitted to draw a similar representation indicating the angle himself.

WITNESS: And to be honest with you, sir, looking at my recollection, I wouldn't quibble about ten degrees. I would say it was thirty to forty degrees down here without -- there's not a lot of preciseness in this measure that takes place back here. And there's also, you know, I can't tell you for a fact that I was perfectly wings level when I did that which, you know, imparts another error into that measurement there.

COLONEL AT LEE: The drawing of the witness has been marked as twenty-five "D" and reflecting the horizon and the angle that indicates a thirty to forty degree angle down from the horizon.

(Questions by Lt Colonel Mudge)

257Q: On 14 April in regards to the sortie that you flew, what specific areas did you feel that you were properly trained or well trained to conduct?

257A: In going into the 14th, I was confident that I was capable of handling any mission that came up, anything that had to go in there. With twenty/twenty hindsight, given the -- everything that's unfolded since then, in the big scheme of things, we don't -- you know, being based in Germany, we don't train below a thousand feet on a regular basis, simply because we don't have the airspace available for us to do that. That was a training limitation. I was uncomfortable getting down low altitude with that two-ship. Primarily the reason was that I was uncomfortable because I didn't have both of them in sight. But certainly going into the terrain -- the type of terrain we were looking at and trying to get down there at a helicopter flying as low as they were is not something we routinely train towards.

I would say that in terms of training, as far as on a routine basis -- beg your pardon, not on a routine basis, but specifically looking at the things that were here in the AOR that were taking place that I now find I was unaware of, I would say that is a training deficiency too. I would say that for me to go out there, carrying live ordnance and not know there was a friendly helicopter in the area and not to be aware that Black Hawks were going to be flying in the AOR, specifically how they're marked, specifically where they're going, is a -- is a deficiency. I should have known that before I set foot across the line and went into Iraq.

In terms -- in other terms, I felt I was qualified to do everything I needed to out there.

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258Q: What training or experience do you have in attacking helicopters?

258A: During the Gulf War, I shot down an Iraqi helicopter that was coming out of Kirkuk. It was February 7th, 1991. That day the flight that I was in was tasked for a pre-strike sweep for a flight that was going in to hit Mosul and Irbil. As we came south, I picked up a low altitude contact getting airborne out of Kirkuk. Initially I locked onto it. The speed started at around two hundred and ten knots, it wrapped up to three hundred and seventy knots and snapped back down and my initial determination was it was probably a Mig-21 taking off out of Kirkuk. I was cleared to engage by my flight leader, went in, found the contact again, it stabilized at ninety knots, I called that it was a slow mover at ninety knots and was told to engage it. I fired two AIM-7s. The AIM-7s destroyed the contact. It was a BVR shot. I never saw the helicopter itself. About the time I got out of the mirk and the clouds that were there, the Triple A batteries at Kirkuk and at K-2 were -- were firing at me. That occupied my attention and my wingman was the one that saw the -- the AIM-7 fuse and down the helicopter. He watched the whole thing from astern of me. Other than that, the -- to my knowledge, there is no formal training program that the Air Force has to go out and specifically engage helicopters.

259Q: What altitude did you conduct that intercept on the helicopter out of Kirkuk?

259A: The helicopter was down at a thousand feet, five hundred to a thousand feet. When we came out, initially we were about twenty-six thousand feet. I fired my first AIM-7 coming through about twenty thousand feet. Fired the second one about seventeen thousand feet and bottomed out probably down around fourteen thousand feet.

(Questions by Colonel At Lee)

260Q: In that instance, who cleared you to shoot?

260A: The flight leader.

261Q: Did you have similar ROE there as here?

261A: No. I mean, we were the first ones in. There were no friendlies anywhere in front of us. Everybody was behind us so we knew that anything that was in front of us was fair game and the ROE allowed us to engage them.

262Q: You were referring to the circumstances during the Gulf War.

262A: Yes sir.

(Questions by Lt Colonel Mudge)

263Q: What visual reconnaissance, vis-recce, training have you had that included helicopters?

263A: Within my squadron, in fact, within the whole wing at Bitburg which is where we lived until the 25th of February, the -- the standard brief that we would have day in, day out, it's our job, was air-to-air, is that Intel would own the first five or ten minutes of the flight briefing. They would come in, they would brief you on the current Intel situation, they would give you a threat

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of the day, specifically looked at some type of threat that you would probably face on the battle field, whether it be an enemy fighter, SAM, Triple A, whatever the case may be, and then, as they came in to give that brief, they would carry a slide carousel type projector, usually loaded with about fifteen slides, thirty-five millimeter slides. And they would go through that and they would walk through the slides, basically, and you would have to identify what the aircraft was.

If you had difficulty identifying what the aircraft was, they would show you the distinctive features that you ought to be able to pick up based on -- on that slide so that you could improve as you went along. Very effective tool, we tended to do that on every brief. And I will tell you that since Bitburg's closure, the amount and the fact that we have had a squadron deployed down here, specifically the 53 has been deployed down here since early last November, given that one third of the squadron is gone, the remaining workload, bundle everything up, haul it across the Kilo river valley, close down the facilities at Bitburg and get the facilities up and running at Spangdahlem, we stopped doing that somewhere around the first of January. We are still unpacking boxes and figuring out what's going on, but that is something that we need to get back to doing.

So the short answer to your question is we haven't had any training like that since the first of January. Prior to the first of January, that was the standard on how we filled our visual recognition squares.

264Q: In the time before 1 January, do you remember seeing photos of helicopters from a rear aspect?

264A: Usually no. Usually they were from a -- a front aspect or from a side aspect.

(Questions by General Andrus)

265Q: Do you recall seeing any photos of helicopters from the side and above?

265A: No sir. They were usually taken from the ground as they're coming in or -- to land or taking off. There are very few of them that I recall ever looking at from the top down.

266Q: From the position that a fighter would normally approach a helicopter from, and the position that you have described that both you and your flight lead flew into in order to identify these helicopters, have you ever seen photographs from that angle and that range?

266A: No sir. On some of the products that I've seen, it's not uncommon to get a -- a God's eye silhouette but not a photograph. It'll sit there and show you what the thing looks like, but in terms of photographs so that you can sit there and correlate it to what we saw when we deployed on the fourteenth, no sir.

(Questions by Lt Colonel Mudge)

267Q: Do you know where you could expect to see the fin flashes on the helicopter?

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267A: I expected to see them on the side of the fuselage, specifically, probably on the door. And possibly, as I said, on the red cross, on the nose.

(Questions by General Andrus)

268Q: Did you clearly see the door area of the helicopters that you ran the visual ID pass on?

268A: Sir, no. The sponsons tend to cover the door area and the external stores based on the angle I had. I did not have a good view of the door area.

(Questions by Lt Colonel Mudge)

269Q: Do you remember in your vis-recce training seeing photos of Black Hawks?

269A: Yes.

270Q: Do you remember seeing photos of Black Hawks with the aux tanks installed?

270A: No, I don't.

271Q: What is your estimate of the air-to-air capabilities of an Iraqi Hind or Iraqi helicopters in general?

271A: Basically limited. You know, against a -- against the F15, very limited. The only thing that they could do is possibly shoot the small arms or some type of machine gun coming out the, you know, the doors. But in terms of turning and firing on you, I think that it would be a Golden BB if they were going to go ahead and try to turn and shoot you.

272Q: How often have you practiced VID intercepts at home?

272A: In the list of things that are the -- the stack of things that we have to do, it's -- it's pretty low on the priority list.

273Q: So you would say not very often or . . .

273A: Not very often.

274Q: How close do you estimate that a pilot would have to get to a helicopter to identify it positively as a certain type of helicopter?

274A: That really kind of depends on what the helicopter is, you know. If it's -- the Pavelow ought to be pretty easy to see with the boom out in front of it. That's fairly distinctive and stands out pretty well. And there are certain helicopters that are very distinctive on -- on certain features, but I would -- I would say you're going to have to close inside a half a mile or inside three thousand feet, probably, to figure out exactly what that guy is.

275Q: If you had to try to distinguish a Black Hawk from a Hind, what would you estimate?

275A: I think you're probably going to have to get in to the two to three thousand foot range. And it's also going to depend on lot -- I've gone back over that in my mind a great deal too. It's

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also going to depend on the -- what part of the aircraft is visible. Looking down, it's very difficult, particularly if they're both outfitted with external tanks. The real distinguishing features that you can come up with -- the -- the landing gear. Obviously, the Black Hawk has a tail dragger is what I call it, a tail wheel in the dragging position. The Hind can obviously retract its gear in most cases. The exact location of the sponsons, if you have the presence of mind to specifically look for that, is a little bit different. On the Black Hawk, they tend to come out flat underneath the rotor. On the Hind, they tend to be aft of where the rotor sits. And if you look at the Black Hawk, the -- the tail tends to come right out from the belly of the fuselage. It comes straight back. On the Hind, it tends to be canted up slightly. So those features though, specifically looking at the tail, looking at the tail dragging wheel and having a good feel for where, you know, really the only thing you can do with the sponsons is the only thing you might be able to determine from up above and you'd have to be looking pretty -- pretty close to that.

(Questions by Colonel At Lee)

276Q: These observations are based on studies since the 14th of April?

276A: Both, sir. Before and after.

QUESTIONS BY COLONEL MUDGE:

277Q: Your estimation, how close do you think you'd have to get to distinguish a fin flash?

277A: I think you'd probably have to get about fifteen hundred feet.

278Q: And if that fin flash was camouflaged or subdued?

278A: You'd have to get a lot closer than that. I would guess inside the -- inside, I would guess, of five hundred feet. And I base that, you know, on a daily basis we go out and fly. We carry fin flashes on the F15. They've got a big tail number -- big letters, then it comes down to the smaller tail numbers underneath, and you have to be about -- I would say about fifteen hundred feet is about the point you might be able to read the small letters, so you're going to have to get in there among them if you're going to have to go in and find that stuff. If it's camouflaged, your ability to see that is -- is very, very limited.

279Q: Will you please describe the fin flash of Iranian military aircraft?

279A: Sure. It's a -- they put a flag on the side of it. It's got three colors on it. If I remember correctly it's -- it's kind of a red on top, white in the middle, black on the bottom.

280Q: And of Iraq?

280A: That's Iraq, I'm sorry.

281Q: Okay, Iran.

281A: Iran will have the -- it's the old Imperial Iranian Air Force and it ought to have -- I'm sorry, I can't tell you exactly what it is, but it will have the -- I think it's got the crossed sabers on

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it in green.

282Q: Did you have available some means for determining the fin flashes of the various countries?

282A: I'd have to take a look specifically at what's in the classified pilot aid, but it could very well have been in there.

283Q: How often have you practiced EID procedures at home?

283A: Daily. Everytime we fly to some portion of the flight. We set an ID criteria that we look at on that flight.

284Q: When you practice those EID procedures on training sorties, do you use criteria that's similar to what's used here at OPC?

284A: No. For the most part what we -- we tend to use there is the absence of a friendly return indicates hostile. So we will have a Mode I -- again, one of the training limitations we have, flying in the Republic of Germany is, they don't want us to use Mode IV, so we don't squawk Mode IV up there. So generally what we will have is either a Mode I or a Mode II that we will interrogate. Friendly return will generally buy you a VID. Absence of a friendly return and not being on -- at a specific flight level, transverse level, or on a specific corridor, will generally clear them to engage you BVR.

(Questions by Colonel At Lee)

285Q: BVR stands for . . .

285A: Beyond visual range, yes.

(Questions by Lt Colonel Mudge)

286Q: How often do you practice composite sorties to include AWACS when you're at home?

286A: The -- rarely. Again, the AWACS that we have over here in the -- in this theater are pretty heavily tasked between here and down in Bosnia, so the availability for home station training is -- is pretty nil with them. They're -- they're on the road a lot. About the only time we -- we have good interaction with either the AWACS or the NATO AWACS is when we generally run some big composite force thing like the -- the regular training missions that are sponsored by Seventeenth Air Force of a COMAO, which is a NATO exercise when we bring in all the NATO people to play or . . .

287Q: COMAO stands for Composite Air Operations?

287A: Yes. And occasionally, you know, Third Air Force will host the same type thing. I can't think of what you call them up there.

GENERAL ANDRUS: Salty Hammer.

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287A: Salty Hammer up in the UK. For a big exercise like that, we can normally -- long lead time ahead, get the AWACS to come support us on that, but other than that, it's rare.

288Q: How often do you practice using a Command and Control element like Duke or Mad Dog?

288A: Never.

289Q: What's your perception of your war fighting skills when you first show up at OPC vice when you leave after a normal rotation down here?

289A: In terms of -- there's different skills that you get for doing different things. From a broad area, as far as surveillance of an area, you're pretty good. I mean, you can run the radar, you can sit there and do that with the best of them. But in terms of being able to max perform your jet, go out, pull "Gs", quick tight turns, make quick close in decisions in a dog fight, it's not very good at all. Those are perishable skills and the longer a guy stands down here doing CAP-athons, the -- the more his dog fighting skills atrophy.

290Q: Do you think that those dog fighting skills deteriorate to a point where combat capability is hurt or do you think they are still able to conduct operations tasking?

290A: Well, it depends on the operations they're tasked to do. Again, I hate to -- to hedge my bet there, but my experience from -- from guys that came back from down here is that they are very familiar with the airplane. That isn't a problem. They know where everything is. They can work all the switches, but it usually takes them two or three flights to get back up to the standards that we expect for the full up guy back home that's going out to fly, day in and day out.

(Questions by General Andrus)

291Q: Do you feel that by the time the pilots have completed a deployment down here, they are capable or are not capable of flying a combat mission?

291A: I think they're capable of flying a combat mission. And I base that on -- on what I saw during DESERT STORM.

292Q: If I could summarize what I think I heard you say, then, although there is some degradation in their skills, you feel that they are still qualified to fly the combat missions; is that correct?

292A: Yes sir.

(Questions by Lt Colonel Mudge)

293Q: What briefings, training or education have you received on the purpose of OPC?

293A: Well again, in those initial briefings, I'm kind of a little bit different egg because I was here when we came down and set up the initial one, when we were initially doing air drops three years ago. I was here during that, so I understood exactly what we were doing. I ended up spending --

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when we cranked that up, I think only about seven to ten days down here, then I redeployed back at home station. But coming down here, there was no doubt in my mind, going through and reading the -- seeing how this had evolved down here, that -- that the job was to enforce a No-Fly over northern Iraq. That's pretty clear cut from all the guidance that was out there.

In particular, there's a -- I think it happened in December of '93, is the latest ARF that came out from the -- item came out and basically said, "This is what we're doing. Watch complacency, watch getting over confident, this is still the threat out there." I thought that did a - a pretty good job in summarizing who we are, why we're here and what we're doing.

294Q: What do you think is the highest threat in the AOR?

294A: The unexpected. Something that you don't expect. The fact that it's -- it's routine, day in, day out, everybody goes out there with a certain blood pressure level, a certain expectation, and the first time that something isn't there that way, they're going to have to be able -- have to react to that fairly quickly, whether it be, you know, a SAM gets launched, somebody gets snaked into coming down and flying through a Triple A site, something like that. That's -- that's probably the biggest threat. And that kind of goes with complacency. If you -- and it's still an unfriendly neighborhood out there and you have to have that in mind every time you go out there. If you don't have that in mind, then, -- then you're setting yourself up to be surprised.

(Questions by General Andrus)

295Q: Do you think that there is a problem with complacency among the air crews?

295A: I don't know if complacency is the right word to use, General. I don't -- I think that the people that are down here doing this mission get very comfortable with the pace and what's going on, and particularly people who are here permanent party understand the pace and understand. I mean, there's a cookie cutter type approach that we use. Hey, today is a "B" day. This is what that -- this involves, and that's how many guys the F16s will send the F15s, etcetera. And the next day we'll do a "C" day and this is what it's going to be, and the key is we're rotating people in and out of here. It's not -- I mean, they are a set piece. They're going to be here no matter what happens. But the people that come in and out, it isn't cookie cutter to them. It isn't the same every day and so I think we get comfortable; I wouldn't use complacent, but comfortable with the pace and the tasking down here and I'm afraid that it may lead to some assumptions that everybody knows everything they need to know about what's going on out there. I'm not convinced it's there.

296Q: That sounds like you're speaking more of the permanent party. What would your evaluation be of the aircrews that fly those missions?

296A: Again, I got limited snapshots, four snapshots basically that I've had since I've been down here this time. I think that -- what I've seen of the aircrews is they've been well disciplined, they're doing a good job. I haven't see any -- anything that shows me anything is out of the ordinary, but I do, just from talking with people and from seeing what's going on around here, I

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get the idea that this is -- is kind of considered old hat.

297Q: Do you feel that the aircrews may have the attitude of "business as usual?"

297A: Yes sir.

298Q: Do you feel that that is the reason why the counsel that has come out to watch the possibility of being complacent and to pay attention to what we're doing, the guidance that you previously referred to at the -- that came out the first of the year?

298A: Yes sir.

(Questions by Lt Colonel Mudge)

299Q: What do you think is the most probable scenario for a No-Fly-Zone violation?

299A: I would think it's going to be somebody down running close to the thirty-six north line. I think it's going to be somebody on the south side of that line that sees a window of opportunity and says, "I'm going to be a hero." And whether it's deliberate or whether he makes that determination himself, he is going to come north and see if he can just do whatever it takes to shoot down an aircraft. And I think that's probably the most likely.

(Questions by General Andrus)

300Q: Do you know of any No-Fly violations that have occurred in the -- in the AOR?

300A: My understanding is that before I came down here, there was some discussion between the AWACS community and the F15 community whether there were No Fly violations that took place. There was some talk about whether guys actually came across the line or they didn't, but to my knowledge, the last confirmed No-Fly violation happened, I think, in January of '92. He was shot down by an F-16. Other than that, I think that everything that they've had has been a close call and given the system error inherent in that, I don't think they've had a clear cut violation of that.

301Q: Are there any other threats in the AOR that we haven't discussed that you're concerned with?

301A: I guess I'm concerned with all of them. I don't understand the question.

302Q: I'm just trying to bound the threat or what you perceive is the threat.

302A: Again, from -- just from flying over that neighborhood back in '91, there was a lot of Triple A that came up and we didn't really see how much of it was coming up until we went out and started flying at night. So that concerns me. You don't realize how scared you ought to be until you start seeing everything that's getting shot at you.

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(Questions by Colonel At Lee)

303Q: Regarding the matters that have been covered, do you have any further information, statements or evidence which you wish to present?

303A: Sir, I talked about -- you labeled this exhibit 25A, I believe? I'd like to offer this -- this is the map, we call it the bullseye map that I flew with on the date in question. I understand you've got the other parts of my flying gear. That happened to be what I took with me to the command post to help assist in the -- the debrief.

COLONEL AT LEE: It's been marked twenty-five "E" in the lower right quadrant.

(Questions by Lt Colonel Mudge)

304Q: A couple of questions have been handed to me. Do you know what the Special Forces helicopters look like?

304A: Yes. They're basically Black Hawks. They've got a boom coming out the front of them for aerial refueling.

305Q: Did you know that they are assigned a SAR mission for search and rescue?

305A: Yes.

306Q: On the 14th of April, did you look at the ATO?

306A: No, I didn't.

(Questions by General Andrus)

307Q: And what was the reason that you personally did not look at the ATO?

307A: The procedure is such, sir, that the -- that when the ATO comes out, this card is generated by the afternoon duty supervisor the day prior. When we came in that morning, that would be the time we'd normally review it. There was a BSD out that changed the ATO. The flight lead went and reviewed the ATO, I went and got the weather and NOTAMS and got prepared for the briefing.

308Q: Is that the standard procedure that is followed in a flight?

308A: Yes sir. We don't nor -- all of us don't norm -- necessarily sit down and go through the ATO.

COLONEL AT LEE: You're reminded that this is an official investigation. You're ordered not to divulge the nature of this investigation or the questions, answers or discussion included in this interview with anyone unless authorized to do so by the board president, Major General Andrus, CINCUSAFE, or higher authority. If anyone other than a member of this board should approach you regarding your testimony or the matters discussed here, you must report it

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immediately.

COLONEL AT LEE: Do you have any questions?

WITNESS: No sir.

COLONEL AT LEE: The time is 2010 and this interview is concluded, but we're going to initiate a second phase of this.

REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by Control Witness #25 to the Aircraft Accident Investigation Board was recorded by me by stenomask and that the foregoing transcript is a true, accurate, and verbatim account of that statement.

BRUCE H. PEGGS, DAFC
Court Reporter
Incirlik Air Base, Turkey

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