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**AIRCRAFT
ACCIDENT INVESTIGATION BOARD
REPORT**

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

VOLUME 13

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**AFR 110-14 AIRCRAFT ACCIDENT BOARD
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MATTHEWS, PERRY J.....	CW2.....	V-001
MURREY, DANIEL P.....	Second Lieutenant.....	V-002
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DAWSON, KENNETH D.....	Captain.....	V-004
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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
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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
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NEUSER, STEVEN T.....	Captain.....	V-062
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AMIN, HADI MOHAMMED.....	Civilian.....	V-065
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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
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
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PINTER, MICHAEL W.	Lieutenant Colonel	V-096
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MUSTAFA, ALI	Civilian	V-099
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NYE, MICHAEL A.	1st Lieutenant.....	V-104A
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HENSON, ALLEN T.	Chief Warrant Officer 2	V-107
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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
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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
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CONTROL WITNESS 08	AWACS Communication Tech	V-011
CONTROL WITNESS 09	AWACS Mission Crew Commander ..	V-012
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CONTROL WITNESS 15	AWACS Air Surveillance Officer	V-018
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CONTROL WITNESS 23.....	ACE/DUKE	V-026
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CONTROL WITNESS 24.....	AWACS TAOR Weapons Director...	V-027
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CONTROL WITNESS 25.....		V-028A
CONTROL WITNESS 26.....	F-15 Lead.....	V-029
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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

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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
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MCCARTHY, JOHN A.....	Specialist	V-056
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MURREY, DANIEL P.....	Second Lieutenant	V-002A
MURREY, DANIEL P.....	Second Lieutenant	V-002B
MUSTAFA, ALI.....	Civilian.....	V-099
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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
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THOMPSON, GERALD B.	Colonel	V-100A
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WALKER, ROBERT HUGHES	Captain	V-078A
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WHITE, LARRY D.	Major	V-109
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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

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MURREY, DANIEL P.	Second Lieutenant.....	V-002B	
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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	
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<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	
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FRASER, GEORGE M.	Captain.....	V-070	
GANZE, ELIZABETH	Captain.....	V-071	
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LARREAU, ROD P.	Staff Sergeant.....	V-073	
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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	
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VERBATIM TESTIMONY

OF

CONTROL WITNESS #25A

[The testimony of Control Witness 25, Part 2, 23 April 1994, 2012 - 2058 hours, consisting of twelve pages, (also referred to as Control Witness #25A) has been deleted and is maintained with the Classified Addendum. This entire portion of testimony contains information which would disclose the identity of Control Witness #25.]

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CONTROL WITNESS 26

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**VERBATIM TESTIMONY
OF
CONTROL WITNESS #26
(F-15 PILOT, LEAD)**

COL AT LEE: The time is now 1007, on the 23rd of April 1994. The persons present are: Control witness 26 his counsel. We have also Major General Andrus, Colonel Bennett, Group Captain Doggett, Colonel Armen, Colonel Velluz. We have Mr. Brummell. We have 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 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. The purpose of this Accident Investigation is to obtain and preserve all 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 their 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 AT LEE: Do you understand the purpose of this investigation?

WITNESS: Yes, sir.

COL AT LEE: Do you have any questions?

WITNESS: No, sir.

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COL AT LEE: 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 use of acronyms or jargon.

I need to advise you that I am Colonel At Lee. As previously stated, this Board is investigating facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters in the northern No-Fly-Zone of Iraq, on the 14th of 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; 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 in 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 anytime during the interview, and if you decide to answer questions without a lawyer present, you may stop the questioning at any time. I note that you are here in the presence of an attorney. Let me ask you, first, do you understand your rights?

WITNESS: Yes, sir.

COL AT LEE: Do you wish to remain silent or will you answer our questions?

WITNESS: I'll answer your questions.

COL AT LEE: Will you please name the individual whom you wish to represent you during these proceedings.

WITNESS: Captain Lynn Norton.

COL AT LEE: Thank you.

I need to also advise you that whether you wish to exercise your rights under Article 31 -- I need to also advise you in making your determination whether you exercise your rights under the UCMJ, that any previous statements made by you under circumstances that violated

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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 authority 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 required to do, nor could 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 this?

WITNESS: Yes, sir.

COL AT LEE: Taking all of this together, you still understand your rights?

WITNESS: Yes, sir.

COL AT LEE: And you still wish to answer our questions?

WITNESS: Yes, sir.

COL AT LEE: If you will rise, I will put you under oath.

(The witness was sworn.)

Please be seated.

For the record, I will identify this witness as Control Witness Number 26. I would note that this testimony is being taken as considering information classified at the secret level. If you have need to make reference to any matters classified above that or any special areas of classification, please indicate that to this Board, and arrangements will be made, as necessary. Any questions so far?

WITNESS: No, sir.

EXAMINATION

Questions by Lieutenant Colonel Mudge:

1.Q. What are your normal duties and responsibilities in the squadron at home?

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1.A. My F-15 pilot -- my additional duty is [Personal Identifier Deleted]

2.Q. Would you describe your educational background, please?

2.A. Yes, sir. I graduated from high school at New Fairfield, Connecticut, went straight to the Air Force Academy, graduated in 1986 with a Bachelor of Science, and continued there to pilot training. I have no additional higher education.

3.Q. What professional military education, PME, have you completed?

3.A. I've completed squadron officers school in residence.

4.Q. What types of jobs have you held in the past?

4.A. In my current squadron?

5.Q. Or previous squadrons.

5.A. My first assignment out of pilot training was to the OT-37 at Shaw Air Force Base in South Carolina. I was a forward air controller, flying the OT-37 and doing ground duty as an ALO with the Army. About half way through that tour, a year and a half into it, we transitioned to the OV-10, same squadron, same job, just a different aircraft, still forward air control in support of the Army. After two and three-quarters years there I got an assignment to the F-15, went to -- my additional duty at that squadron besides flying the entire time was parachute operations. We did parachute jumpings, 14th Army. We had to stay current. I was in charge of that.

REPORTER: I'm sorry; I'm having trouble hearing you.

5.A. (Cont.) Okay. My additional duty there was parachute operations. Following that assignment I went to the F-15s ----

6.Q. I just want to note it is not necessary for you to name the place that you were for each of the assignments. If you could describe the nature of the duties that you had, that's sufficient.

6.A. Okay.

7.Q. Unless you feel a need to do that for some reason.

7.A. Okay. Went on to F-15 training and ended up in 1991 in Europe flying the F-15. Initially I was assigned to squadron mobility officer and squadron plans officer. As we picked up a mobility commitment, it strictly became mobility and someone else took over plans. I did that for about a year and then I went to chief of squadron scheduling following that. Been chief of squadron scheduling for just over ----

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REPORTER: I'm sorry, I'm still having trouble hearing him.

7.A. (Cont.) Okay. I've been chief of scheduling for about a year and a half.

8.Q. How many hours do you have in the F-15?

8.A. Approximately 700.

9.Q. How many total flying hours do you have?

9.A. Including pilot training?

10.Q. Yes.

10.A. I'm guessing, it's about 1300 or 1400.

11.Q. Do you have any special qualifications, flight lead, SOF, or combat, low altitude?

11.A. I'm a two-ship flight lead, four-ship flight lead, SOF qualified.

12.Q. Have you flown at Operation PROVIDE COMFORT before?

12.A. Yes, sir, I have.

13.Q. When did you fly here?

13.A. December 28th through February 5th was my first time down here. Then I returned on March 26th, till the present.

14.Q. How many total flights have you flown into the area of responsibility in northern Iraq in the "No Fly Zone?"

14.A. I had 12 flights the first time down here, and the incident was my 6th flight, second time down here.

15.Q. What squadron duties and responsibilities have you had down here?

15.A. I've been the -- primarily the scheduler and I took over safety for about a week during a gap as we did pilot swap outs.

16.Q. What is your work schedule generally like, here at OPC?

16.A. We usually get 2 or 3 flights a week. Besides the once-a-week down day, we get one additional day off, and the other days we usually do squadron supervisor or wing SOF. All those duties usually consist of about a half to two-thirds of a day. So, if you're flying in the morning you're usually done by 2 in the afternoon or so.

17.Q. Approximately how many hours would that equate to, per day, as an average?

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17.A. On the work days, I'd say between -- depending on whether you're flying or not, between 6 and 9.

18.Q. In the month prior to deploying to OPC, what was your normal work schedule?

18.A. That month we -- my squadron actually moved from one base to another in Germany. So we were working long days, trying to cover additional duties at both bases and continue flying. So I would say, at a minimum, 12 hour days, including self-help projects on Saturdays, so 6-day weeks.

19.Q. What is your assessment of your combat capability when you first arrived at Incirlik on this rotation?

19.A. On this rotation? I'd say below average, from the rest of my time in F-15, primarily due to extensive TDYs down here where we don't actually get combat training sorties, minimal sorties back home. The move affected a lot of the flying.

20.Q. Do you think you were capable of performing the missions as tasked here?

20.A. Yes, sir.

21.Q. You indicated some pretty long duty hours and long work weeks, 12 hours a day and 6 days a week at times. Do you feel that caused any extended fatigue problems either with you or in the squadron?

21.A. Yes, sir, it did while we were back home. In fact, coming down here was a relief from all that. I don't think it had anything to do with the incident, because once you get down here it's a total, different environment. That kind of drops off your shoulder. But back home it was extensive.

22.Q. So you felt that after you arrived down here you had sufficient time to rest and prepare for the missions; is that correct?

22.A. That's correct, sir.

23.Q. Will you please describe in detail, to the best of your ability, what happened on the 14th, starting at the time that you arrived at the squadron.

23.A. Yes, sir. I woke at 6:30 local, had breakfast, cereal and juice. Came to the squadron at 0720 local. It was myself, Tiger 2, and duty supervisor for the day in the vehicle. We got to the squadron approximately 7:30 local. First thing we did was check the weather and NOTAMS. The weather was SKC all the way down the slide, which was sky clear. So there was no weather factors here and at the alternates. NOTAMS, there was no NOTAMS that affected us, except for the fact that the north parallel taxiway was closed in one section, causing us to do an intersection take-off, which is not a factor. Then we signed out.

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Brief time was 2 hours prior to take-off, so it was 7:35 local. First thing we do at brief time is talk to Intel. So we went into the Intel office, intelligence office. Our squadron intelligence officer briefed us on -- first thing he briefs us on is the number of sorties flown the day previous by Iraqi fighters and helicopters. He concentrates mainly on Qayyarah West and Kirkuk airfields. I don't remember the exact numbers that day. But he breaks it down into southern "no fly zone, Northern-No-Fly zone, any type of violations and the number of sorties out of those airfields, as well as type aircraft, if he knows it.

Then he briefs us on any change to the surface to air missile battle order. That day there was a Roland at a previous known site that was no longer there. So it hadn't yet to appear at a different site, so we didn't know where it was.

24Q. Excuse me. Would you describe what a Roland is.

24.A. Roland is a surface to air missile that the Iraqis have in their inventory. Then he gave us the SAR words of the day, which is search and rescue. Gave us a word, number and letter, which we use in case we eject. He briefed us quickly on current Intel, and that day it happened to be Rwanda. It was right about the time that the -- everything was in turmoil in the country after the shoot down of the president. Nothing at all was briefed about helicopters. That took about 10 minutes. Tiger Two and myself went to a different room, a briefing room, and started our tactical brief.

So it's about 7:45 local. I won't go through the whole brief. I'll just cover the pertinent information to this incident that I think is affected in the brief. First thing we do is look at the frag. The frag is actually broken off for us by the duty supervisor the day prior. He makes our card for us. We just fill in the pertinent information that the flight lead wants to change.

25.Q. That frag is the air task order?

25.A. That is the air task order, yes, sir. We have on our card the flow sheet - I don't know if you've seen it - that's included in the air task order. It's part of the schedule, the unclassified part of the air task order. We shrink that down to put it on our card. So, basically, we step through all the players that are going to be in the AOR that day during different time periods. We did that and also noticed there is no helicopters on the frag in actual take-off time. In the classified frag they were listed as Eagle Flight, but only as required.

The pertinent information of the brief was I told Tiger Two to set S1, S2 switches, and I'll explain those in a minute, to 0,3. Basically that's a setting that we use that automatically gives us an interrogation mode in the aircraft. It cannot be set in the cockpit. It has to be set by maintenance, so we set it ahead of time. So I briefed them how to set it so it would give us a

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certain type of interrogation. I briefed them on doing an AIM 120 BIT. A BIT is an electrical test that runs through the systems. We can test everything in the aircraft. One of them is the AIM 120 that we like to do before we put power onto the radar to make sure that the missiles work. AIM 120 is the AMRAAM.

We briefed go/ no-go items. In specific, the two that I can think of that are pertinent are IFF and AAI. We were both briefed that if we did not have -- if we were not able to squawk all modes and we were not able to interrogate all modes, then we start to step to a spare. In other words, we weren't airborne yet, then we would take another aircraft. We talked quickly about how to "title in", basically, to test our tapes, warm them up, get rid of the moisture, and also to put a label on the front of the tape in case it got mixed up with others later, so we would know it was ours.

Communications, I told Tiger 2 that all day that day I would check him in on -- we have two radios, a main and aux -- I would check him in on the aux radio. That there would be no check-ins on the main radio as long as I knew I had him in the aux radio, with the exception of Have Quick, and anytime that we checked Have Quick there would be a check-in on the main radio. We talked quickly about the systems check, concentrating on how we were going to do it once we were airborne, and the fact that we were going to check all modes of the air-to-air interrogator. I talked about how the radios were going to switch and how the flow was going to go all the way out to the AOR, from ground to tower to departure. I told them at K-Town we would talk to Cougar, between K-Town and Derik.

Are you familiar with these points, are--do I need to--There is a route that we follow out to the AOR, the points. So the first one is K-Town, once we leave Incirlik. K-Town, we would talk to Cougar. Between K-Town and the second point, which is Derik, we would go secure in the aux, tell each other if there was any "alibis", in other words, problems with our aircraft, that we noted in the systems check. At Derik we would check Have Quick----

Questions by Major General Andrus:

26.Q. Excuse me just a moment. "Alibi," is that a standard terminology that the aircrew members used to described what?

26.A. Yes, sir, it's a standard terminology that we use. We say, "Do you have any alibis?" What the other aircrew member would get from that means, do you have any problems with your system that would not allow you to fly as we briefed.

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Questions by Colonel At Lee:

27.Q. While we are stopped, can you explain "Have Quick?"

27.A. Yes, sir. Both of our radios in our jets are UHF, ultra high frequency. Usually you just dial up a frequency just like you would on your radio, like 381.7, that's ultra high frequency. "Have Quick" is a computer in the radio that, instead of talking on one frequency, it hops among many frequencies across the entire UHF spectrum, so that people have a harder time listening in to our conversations and jamming us.

28.Q. And when you said "aux," you were referring to the auxiliary radio?

28.A. That is the auxiliary radio. We call the main radio number one, and the auxiliary radio number two.

So between K-Town and Derik we would check KY, which is secure voice, in the aux and tell any alibis. At Derik we would check Have Quick with Cougar and each other. At Jump we would talk to Duke, get any words going into the AOR, any type of changes that he could give us, and then right after talking to Duke, we would switch to Have Quick, get ready to enter the AOR, which is the area of responsibility.

29Q: And Duke is who?

29A.: Duke is the mission commander aboard the AWACS. We talked quickly about AWACS blind zones, which includes the mountainous area in north and eastern Iraq. Every day the first flight in, which is usually the F-15s, will sweep that area, knowing that AWACS has trouble seeing there between the ridge lines. We talked about how we were going to sweep in such a way that we would be looking down the valleys, not over ridges, which would block radar sight. We talked quickly about the threat. I talked to him about the air threat, basically, the capability of airplanes that the Iraqis have, what type of missiles they could shoot at us ----

REPORTER: Excuse me; I'm having a problem. (The red light was flashing on the recorder. The recorder was turned off and the equipment tested as being okay.)

COL AT LEE: I note that the reporter indicated a possible malfunction of the recording equipment. We have checked the tape and all of the testimony given was, in fact, recorded. There was a brief recess for that purpose, which occurred between 1029 and this time of beginning, 1034 ----

REPORTER: Excuse me. (The red light continued to flash on the recorder. The recorder was turned off and replaced with new equipment.)

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COL AT LEE: I note that immediately after reconvening at 1034 we had another equipment malfunction. There was no testimony during that period. The equipment has been replaced, and we're convening again at 1040.

EXAMINATION (CONT)

Questions by Lieutenant Colonel Mudge:

30.Q. I believe when we left off you were discussing your mission briefing and you were talking about the air threat, and specifically the missiles.

30.A. Yes, sir. We cover in extensive detail during the brief what type of threat we can expect to see, what the ranges are they're going to shoot, and how we're going to handle that. Basically what I briefed that day to Tiger Two was missile ranges, and I'll explain "notch". Notch is a maneuver that we used to defeat an enemy's radar so that we could defeat the missile that the radar is guiding. Those ranges are important to us because, if we have not shot a missile by that time, and they have shot a missile to us and they would have been winning, their missiles can hit us before ours hit theirs. So we specifically went over the ranges that we would use to turn our master arm on.

The meat of the entire briefing was the intercept portion of the briefing. I talked about three different options that we could see out there in the AOR that day. They were, the high fast flyer, and I talked about how to intercept him; the medium or low fast flyer, I talked how to intercept them; and the final one, which I'll go into more detail on, was the low slow target.

My game plan that I briefed Tiger 2, the low slow target, was to initially point at the target and assess what he was doing, where he was going, altitude, air speed, that type of stuff. I felt that the ID, at least the electronic identification, could take a while, so I would immediately do a single side offset. That's a maneuver that we do which instead of both pointing at each other, the target aircraft and ourselves pointing at each other and coming together quickly, we would actually turn a little bit away, still able to see him on our radar, but more lengthy and the time it takes to meet that aircraft. That's what a single side offset is. So we would do that to try to give us more time to do electronic identification.

I then told Tiger 2 that once we did the single side offset and started to pull back to put the target on our nose, that he was automatically cleared "trail", and I wanted him 3 to 5 nautical miles behind me in a support position. We would pass the target along the side, do a visual identification, and then we had one of three options. If it was a friendly aircraft, we would leave the area. If it was an unidentified aircraft, we would set up a race track, which is basically an oval with the tip of the oval being the target itself, and just doing ovals around the target about

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10 nautical mile legs. So at all times one person was going away from the target on the ovals, and the other person was coming towards the target on the oval, looking at him with the radar. If it was friendly, then it would be identified as friendly -- I mean -- disregard. If it was hostile it would be identified as hostile with the VID, and we would use ROE as applicable.

After talking about the intercept options, I talked about how I wanted the radars to work. Basically, I told Tiger 2 that I wanted to sanitize the entire area, so that he was responsible for looking from 20 thousand feet and higher with his radar, and I was responsible for putting my radar so it was looking 25 thousand feet and low. We had an overlap. I told him that any targets that popped up 25 thousand feet and below would be my primary responsibility and I expected him not to initially lock the target, but instead to keep sweeping with his radar, looking for some type of decoy maneuver, which would mean if we were both locked in there, someone could actually come in unobserved to us and shoot us down.

I told him that if there was a target above 25 that I would do the same thing, that I expected him to lock and get the ID and I would continue searching with my radar, looking for someone that was trying to sneak in.

We talked quickly about "cleared to shoot". I told him when I turned -- when I told him to turn master arm on that he no longer needed my permission to shoot a missile. So once I told him "master arm hot", that all he needed to do then was confirm by the ROE, rules of engagement, that he followed the ROE and he was cleared to shoot. So he didn't need my clearance. He just needed to confirm to himself that the ROE was met and then he was clear to shoot once I said, "master arm on".

The final thing we talked about of significance was "merge". What I covered mainly here was the fact that neither of us had done too much in combat. It would probably be a new experience to engage someone, and I did not want to dwell on the fact that we shot someone down or missed and didn't shoot someone down, but instead I wanted to -- A merge is when you pass the target. Once we merged I wanted to make sure that we still did the same radar work that we always do, looking for additional targets, make sure that we got our heads and eyes looking out of the canopy, out of the cockpit, so that we looked for anyone unobserved coming in to shoot us.

So that's what we talked about more specifically there, that it would be a new experience, and I didn't want to break down the normal stuff that we do just cause something different happened.

We finished the brief about 8:20 local. That gave us 20 minutes until step time. Step time is the time that we climb into a truck to go to the aircraft. During that 20 minutes, we

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went to the bathroom, took care of whatever we had to. Both of us sanitized. What I mean by that is, we took off everything that would identify us as F-15 pilots. So, no patches, no wedding bands, no money, no pictures of wives. Everything came out of our pockets except for an ID card and a little bit of money in case we had to divert.

After sanitizing, we both went to life support. Put on G-suit, survival vest, harness, got our helmets. At life support we were issued 9 millimeters with two clips of 15 rounds, and a GPS, which is a global positioning receiver system, that we would use in case we found ourselves, unfortunately, on the ground in Iraq. We would use it to pinpoint our position with the search and rescue forces.

After life support, we went to the Operations Desk, signed out four things: a VTR tape to do HUD filming; an unclassified pilot aide, which just has information like divert bases, approaches, anything that's noncombat related, mostly that happens back here at Incirlik; signed out a classified pilot aide, that had in it classified frequencies, INS destinations, which is internal navigation system, points and coordinates. It had authenticators in it, which we use to confirm that who we're talking to on the radio is indeed a friendly, and had silhouettes of helicopters and aircraft. The fourth thing we signed out was an escape and evasion kit, that includes a map of Iraq, as well as a "blood chit", which is a piece of paper that tells whoever captures us that if they return us safely to the United States they will be rewarded.

That brings us to about 8:40 local, which was step time. So myself, Tiger 2 and the duty supervisor for the day, all climbed into a truck and drove out to the aircraft. Myself and Tiger Two each went to our respective aircraft. The duty "supe" is responsible for preflighting the spare aircraft. First thing I did at the aircraft was check the forms. Everything was normal and I noted that the Mode IV was loaded for that day. Then I put my tape in underneath the jet and did a walkaround. The walkaround just consists of checking the aircraft to make sure there's no leaks, no dents, no scratches, that shouldn't be there, make sure the tires are inflated correctly.

31.Q. If I could, could you explain what you mean when you say "Mode IV was loaded?"

31.A. Okay. Mode IV is an encrypted code that all friendly aircraft have onboard that can identify them to some type of interrogator, electronic interrogator, as friendly. It's a maintenance function, a maintenance function that loads it. So the only way we can confirm that it's been loaded is to check that the maintenance guy has put in the forms Mode IV for this specific date, which happened to be the 14th, was actually loaded.

32.Q. And then that is in order for the AWACS or another friendly aircraft to interrogate your aircraft and identify your aircraft; is that correct?

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32.A. That's correct, sir. During the walkaround the crew chief was responsible for setting my S1S2 switches, which, again, in this case was set to 0,3, and since we just talked about Mode IV, S1S2, basically, gives my aircraft, when I put a switch -- when I put my air-to-air interrogator in auto it allows me to interrogate Mode IV continuously. That's what 0,3 does. So I had the crew chief set that. There's different settings that would allow me to interrogate different modes. Today our game plan was to interrogate Mode IV. I also had him set my Mode II, which is another squawk that identifies me. In this case, that's a specific F-15 Tiger One. Every aircraft in the AOR has a different Mode II squawk, which is different than Mode I and Mode IV, 'cause they all have the same one.

After the walk around, I had a couple minutes. I just chatted with the crew chief and then climbed into the cockpit to get ready to start the aircraft. All my switches were set and start time was 0900 local, and we started at 0900 local. I'll note here that the times between here and the AOR are pretty accurate because we pride ourselves on making sure that we start on exact time, hit the AOR on exact time. So I looked at my watch and actually countdown three, two, one, start engines.

At 0900 local we started. Right after engine start the flight lead always calls "Mad Dog". Mad Dog is the mission commander in charge of all aircraft on the ground. He sits in the command post and he is responsible for controlling the aircraft from Incirlik to 50 miles away from Incirlik. He also gets any type of incoming information and passes it to the airborne mission director, which is "Duke", on the AWACS, if he gets any types of input after the aircraft are already airborne.

We called him regularly after engine start. I told him -- the gist of the conversation was, "Mad Dog, Tiger 1 is engine start, words". When we say "words," it means -- it's just a short term asking him to give us any information that changed in the ATO, the frag order, the weather, the combat diverts, airfield statuses, all that kind of stuff, that we didn't know when we stepped. He knows what information we have when we brief and we step. If any of that changed he would tell us at that time. That's what I'm asking him when I say "words."

An example of that would be, on a normal day - and this day it didn't happen, but regularly we "ROLEX", which means we take off half hour, an hour later. He would be the one to tell me then if I've already started my jet and haven't gotten the word yet that, yes, we ROLEX'd.

His reply to that was, "The combat divert is Batman". The altimeter there is -- I don't remember what it was, but he gave me an altimeter setting to set in my altimeter. He said,

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"negative words", which means that he has no information that he knows of that I need to know that popped up since the time the ATO came out, the ATO or any changes to the ATO that I would have gotten that morning.

The rest of the start went normal. On a normal day, either one or two of the aircraft had some type of maintenance problems where we have to call a specialist to the plane to fix it. In this case neither of us had any problems, Tiger 1 or Tiger 2. I did all my BIT checks again. A BIT check is an electronic check that runs through each electronic system to make sure it's running as advertised. The important ones I'll note here is I did an AAI, which is air-to-air interrogator BIT check, and it checked normal. I did a mode four bit check, which, basically, I point my radar at the ground, it bounces off the ground and I interrogate myself. So it checks the fact that I interrogate Mode IV, and it checks my own Mode IV.

I checked my IFF, which is, "identify friend or foe". I turned on my Mode I, II, III, and IV. Did a BIT and the electrical current said everything was working normal. I did a radar BIT. There's additional BITs that I did, but those are the pertinent ones. Everything checked normal.

CAPT NORTON: I have a question here. In talking about everything worked normal, was that checked for emission and receiving or for only receiving?

WITNESS: For the IFF?

CAPT NORTON: Yes.

WITNESS: The IFF BIT check only checks to see that I am squawking Mode I, II, III, or IV. It is not part of the air to air interrogator for reception.

CAPTAIN NORTON: Were there any checks done that morning that would let you know whether you were receiving any squawks from any other aircraft?

WITNESS: Yeah, the AAI bit check was the air to air interrogator, but it just checks the electrical part of the system. It doesn't actually interrogate anything.

32.A. (Cont.): At 0920, which was set taxi time, I checked Tiger Two in on the aux. Tiger Two checked. He said, "two", on the aux radio. I checked him in on Have Quick in the main

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radio, "Tiger 2 check". He said, "two". So I know both of our Have Quicks are working. We automatically switch to ground "freq" and taxi out to arming. The only significant thing at arming is -that's where they arm the missiles, turn them hot, pull all the pins.

There is also a guy there with a metal container that interrogates Mode IV. Basically, he has an interrogator. He's able to point it at my rad -- at my antenna and interrogate my Mode IV, and my Mode IV checked good. I get a signal in my ear and a visual light that tells me Mode IV, my Mode IV is squawking and it's able to be interrogated.

We taxied on out to the runway. Again we taxi to four north, which is an intersection takeoff. It gives me 8000 feet to takeoff. We switched to channel 19 in the auxiliary radio, which is -- which we call Tiger aux. That's the "freq" we'll stay on for the rest of the mission. So up to this time we'd been on squadron operations "freq" to work any problems, now we switch to channel 19. We also switch to tower "freq" in the main and ask for takeoff.

We took off right at 0935 local. Now I'm going to start using "Z" time, so it's 0635 Zulu. We did two separate full afterburner takeoffs, 15 seconds spacing. We took off VFR on runway 23, left-hand turn out to the south, and then a continuing turn to point east towards Iraq. After about 10 miles from the field, we did a systems check, which was pre-briefed. The important thing on the systems check is, Tiger 2 is behind me. He actually interrogates -- he knows my Mode I, II, III, and IV. He uses his interrogator to interrogate Mode I, II, III, or IV. That tells me that my systems -- my four systems are squawking and his interrogator is working. He gets a visual indication on his radar that tells him that. So he knows that his air-to-air interrogator is working.

He also checks his missiles, makes sure they're all working, and checks his radar, his auto acquisition modes, which are just automatic modes we put our radar in to sweep on its own and lock any target it sees. After he did a systems check he passed me on the right side and I fell behind him and did a systems check on him. So now I know that he is squawking all four Modes and my air to air interrogator is working as well.

We rejoined to a spread position. Spread is just two thousand, three thousand feet apart comfortably, and level off at flight level two seven zero, which is 27,000 feet. After leaving 50 miles from Incirlik we switched to channel 8 in the main radio, which is Cougar, which is AWACS', enroute monitor is "freq." So it's just a frequency that everyone monitors between Incirlik and Iraq to make sure that we don't hit each other, and the AWACS monitors altitudes and where everyone is. I don't talk to Cougar although we switched that to "freq" until K-Town. That's the first point that we get to outside of Incirlik.

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At K-Town my radio call is standard everyday, and this day it was, "Cougar, Tiger 1, K-Town, as fragged, flight level two seven zero". That means -- "as fragged" means that I have two aircraft just like the frag or the ATO told me I should have and I have all the missiles and ordnance that I'm supposed to have designated by the air tasking order. So I'm just telling Cougar that there's nothing abnormal, we have two aircraft ready to go and we're at flight level two seven zero. Cougar just responds, roger, just to let me know he heard my call.

The next point is Derik. Between K-Town and Derik, about half way between it's 150 miles, so about 75 miles I switch Tiger 2 to secure aux. At this point we talk about alibi. I'm going to talk once more what an alibi is. It's just a word that we use to -- if I were to ask Tiger 2 if he had an alibi, I'm asking him if he has any problems with his aircraft that would make him less capable of employing in combat, that he has determined that he has it, that I don't know about yet, from his systems check. So I'm asking him if his air to air interrogator is working. If he says, negative alibi, that means everything he did from start, his BIT checks, his systems check, all the systems check good and he has nothing to tell me that I need to know as a flight lead that would hinder in a combat environment.

33.Q. Is it correct to say then that an alibi is a code word that you use for brevity?

33.A. Yes, sir, it is a brevity code word that means, do you have any problems.

At that time I came on the radio, said, "Tiger 1 is negative alibi". He responded with, "Tiger 2, negative alibi". We continued out towards Iraq and switched back to the normal frequency off of secure.

CAPTAIN NORTON: Could you back up for one moment. The reply, Tiger 1 is negative alibi, and, Tiger 2 is negative alibi, would that indicate that all of the systems checks, including the checks of the air to air interrogator, were working on both of the planes?

WITNESS: That's correct.

CAPTAIN NORTON: Thank you.

33.A. (Cont.) Once we get to DERIK, which is point number two, we do a Have Quick check. So I told Tiger 2 to switch Have Quick in the main radio. I checked him in to ensure that he was up that "freq." We both -- our two radios were working, and then I checked with Cougar. So it was, "Cougar, Tiger 1, check-in Have Quick". Cougar says, "loud and clear," so I know that myself, Cougar, and Tiger 2 are all talking on the same frequency, which is Have Quick, because we plan on using that in the AOR.

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We go back to the normal enroute monitoring "freq," and Tiger 2 does a cons check. That's a contrail check, basically the white stuff you see coming out the back of the jet at high altitudes. We checked that because obviously that marks your position. We want to know which altitude, temperature, humidity causes contrails to come out of the back of the jet so the Iraqis cannot see us. We plan on not flying at that altitude. That day they were between three one zero, 31,000 and 35,000.

The next point we get to is called "Jump." It's about 40 miles just north, northwest of Iraq, the entrance point into Iraq. We switch to channel 9 in the main, which is Duke's frequency. I say, "Duke, Tiger, as fragged, words". So again, I'm telling him that I have two aircraft as the ATO depicts, with no problems, and I'm asking him if he has any additional information that I need to know that's changed since my brief time. His response, again, is, "Batman is the combat divert, the altimeter is this, area altimeter in Iraq is this" -- and he said, "negative words", which, again, means that he has no information to pass to me that would be any different than the information I had in front of me at brief time.

After talking to Duke we automatically switch over to the Have Quick "freq." This is the third time on Have Quick, the only time I check in on the main radio. Again we do a check in the main on Have Quick. So both of us are talking on Have Quick. Then I confirm that both of us are talking in the aux, so I know we're on both radios by saying, "Tiger fence in", and Tiger 2 says, "two". "Fence in" means we turn on all the combat systems that we normally don't fly with, which includes turning on the ability to dispense chaff and flares, turning on the ICS, which is an internal system which jams enemy threats. The only thing we don't do in the fence check is turn the master arm on.

So every -- all the switches in our cockpit are set to employ ordnance and to fight in combat, with the exception of master arm in the fence check. Another part of the fence check now is to switch Mode I from 43, which is a normal everyday Mode I in Turkey that everyone uses on the way to the AOR, to 52, I believe it was, that day. That is the frequency that everyone that is in Iraq that's friendly should be one for Mode I. So both of us switch over to that.

We hit Gate 1, which is the actual border between Turkey and Iraq. It's an actual point out there that we're supposed to cross at 0720Z. Again, I know that for a fact because I had been changing my air speeds so that I could talk to Cougar and enter Iraq at the exact time I was supposed to, because we pride ourselves in doing that. So it was at 0720Zulu that I entered Iraq like I was supposed to, and said, "Cougar, Tiger is on station". Actually I used a code word, which I don't remember what it is, for on station. So, "Cougar, Tiger, and the code word for on station."

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Usually, at this point, if there is any air to air activity anywhere in Iraq, Cougar will give us a picture call that tells us what he sees. An example that I had seen a couple days prior, there were actual fighters flying down at K-West air field in central Iraq -- or north central Iraq, and he would tell me where their location was and the fact that they were flying. So he's supposed to give me the picture of any aircraft in the area. He says, -- he just responds, "Roger", with no picture calls. My assumption is that there is no air activity in the AOR at this time. At the same time we ----

34.Q. Excuse me. You stated that your "assumption" was that. Is that the standard that unless he replies, that is what you are supposed to interpret from that negative reply?

34.A. Yes, sir. On a regular basis he will only talk to us with additional information. We try to use brevity. So he will not talk to us on the radio, with the exception of telling us that he heard us, and talk -- and give additional words unless he actually has something to tell us.

Right at this point my word -- I was looking low, like I said in the brief, and already I have contacts on my nose at approximately 40 nautical miles. So we're heading southeast and on my radar scope, right off my nose, southeast of me, 40 nautical miles, there is a - - I have radar hits. In the auxiliary radio I told Tiger 2 about this, because I wanted to confirm that it wasn't just my radar, that both of us had the same indications before I talked to Cougar.

35.Q. What is a radar hit?

35.A. Sir, it's a blip that we get on our radar scope, like you see in the movies, where the radar scope is sweeping. You actually get a green dot out there. In this case it's a green rectangle that tells me there is a contact, that my radar is actually getting returns from something that's in the air.

I locked the contact after I tell Tiger 2 about it. What I expect Tiger 2 to do when I tell him about it, which is as briefed, is to continue searching high when he continues his search, and ensures that there's no one that can sneak in on us, hide, and he needs to roll his radar down and confirm that he also has these hits. Meanwhile, I locked the contact. "Locked" means I take my normal radar sweep and put all the energy onto this one specific area in the sky so that I can get information such as air speed and altitude. What my radar tells me is that yes, there is someone flying out there. They're heading 100 degrees. They're at 130 knots and they're very low. In fact, some of my readings on my radar, which is normal, is negative readings. So I know he's low to the ground in the mountainous terrain out there.

At this point I continue to hold my radar lock and I use my air-to-air interrogator to interrogate the friendly modes that all aircraft should be squawking out there. The first one is mode one. So, I'm checking. I'm interrogating 52, which I think was the Mode I that day, and

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my switches are set to "CC," which is correct code. So, in other words, I am only checking to see if this guy is squawking Mode I, 52. If he was squawking Mode I, 42, I wouldn't know that because I have it on "correct code". I interrogate and I get no response. My radar scope -- When I lock a contact on my radar scope it's a square and sweep. It turns to a star with a vector stick once I lock it. If I was to get a friendly reply from that star, it would turn to a diamond. In this case it doesn't. So it's telling me that I am not getting any type of Mode I return. In other words, he is not squawking 52.

I reached down and changed my switch to auto. Auto is going to use the S1/S2 switch that we talked about earlier, which is set, and interrogate continuously Mode IV, which is the second thing that all friendlies should be squawking. As soon as I initially push down on the interrogator button to interrogate Mode IV, when we do interrogate Mode IV, again, the contact is locked. He's a star out there. If he was squawking proper Mode IV, the star would change to a circle. Okay, if he wasn't, the star would stay as a star.

Initially when I pressed down on the air-to-air interrogator, that star did turn to a circle. It lasted for about one second, and then the circle just disappeared and went back to a star. Normally when we interrogate we hold the interrogation down 5 to 6 seconds to be sure that we're doing continuous interrogation. There is anomalies with the jet that cause the initial interrogation to come up as a false reading. So right now I don't know for sure what that's telling me. All I know is I've seen that before in the aircraft, it's given me false information before, but I'm going to have to check it again.

It only lasts for a second and then it goes away. For the remainder of the interrogation, 4 to 5 seconds, it's a star and it's showing me that he's not squawking Mode IV. I then changed my interrogation to a classification system, EWWS, and that checks negative. At this time I have positive contact on this guy. Tiger 2, I believe somewhere in here, has told me that he has, "hits there". So I know that it's not just my radar. And I call out to Cougar, "Cougar, Tiger's, contact, Bull's Eye." It was approximately zero three zero for fifty, low and slow. I will explain "Bull's Eye". "Bull's Eye" is a point that we choose in Iraq and everyone knows where it is, and we fix all contacts off of that point. So, everyone that will be listening to the radio would know that if they looked -- if you take a compass off of that point in 360 degrees, if they look zero three zero, which is northeast of that point for fifty miles, that's exactly where I'm looking.

36.Q. You indicated that your wing man acknowledged with "hits there". Did you receive any acknowledgment from AWACS using similar terminology?

36.A. No, sir, this was my first call to AWACS. They don't know that I've called this target out yet. So this is -- right now what I'm talking about now, it's my first call to tell

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AWACS that they're out there. Prior to that I had told my wing man they were there, I just wanted him to confirm that he's getting radar hits as well.

37.Q. What was the response from AWACS?

37.A. AWACS said, "Roger" - something to that sort. From this time on I have a tough time remembering exactly which radio I was talking on, the main or the aux, except for I know when I was talking to AWACS I was talking on the main, and the exact responses, I don't know the exact radio calls, so none of this is quoted. It's the gist of the conversation.

AWACS basically acknowledged that he heard me, but that he had no information about this. My understanding was he would have said more if he knew about it right now. I broke lock at this point, 'cause again we worry about keeping our radar locked too long and someone else sneaking in. So, I broke lock and went back to the sweep mode looking for any other type of contacts.

At that point I pulled out my map, checked on my map for where this was. I noticed there was a road there. Sometimes our radar locks on to road traffic pretty successfully and it can give you a pretty good reading that it's possible road traffic. Granted, most of the roads down there are not autobahns like they are in Germany, so no one should be traveling 130 knots. But the radar can lie to you.

So, I make a call somewhere in here to my wing man and I believe it's in the aux radio, that says it's possible road traffic, that I'm not sure yet that it's an actual aircraft. While I'm in the sweep mode I'm also able to interrogate. It's not quite as dependable, but you can still do it. So, again, I check Mode I, Mode IV, and EWWS a classification system, and they all check negative. So what that's telling me is I still cannot confirm that he's a friendly. There's no replies on any of their squawks in the interrogations. So, as far as I know, he's not squawking a friendly mode.

I told -- I get on the radio again and I believe it's the main 'cause I'm talking to Cougar and Number Two, and I tell them again where the contacts are, what their altitude is, what their heading is. Number two's reply is something like, same, but I show 300 feet. So he's trying to tell me that my previous call that I think is road traffic, he's saying, I don't think it's road traffic. That's what I get from that call. Cougar, at this point, response is, "hits there". So I know that he has radar contact and this is the first time that I'm aware that Cougar has radar contacts on these -- on these --

38.Q. Approximately, what was the range from you to the target when AWACS acknowledged "hits there"?

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38.A. Thirty nautical miles. I would say between 20 and 30, that would be more accurate. Again, now I know all three of us have it. I'm still not sure if it's road traffic or not, but I'm going to lock this contact because I'm responsible for the low altitude. I start to descend out of my altitude. To this point I had been at two seven zero, 27,000 feet, so I start descent down. I locked the target again with my radar, and again I interrogate Mode I, Mode IV, and EWWS a classification system. Each interrogation is about 5 to 6 seconds long, and all of them are negative. So I get no Mode I reply. It doesn't turn to a diamond. I get no Mode IV reply. It does not turn to a circle, which tells me that he is not squawking friendly Mode I or Mode IV.

At this point I'm passing about 10,000 feet and I'm about 10 nautical miles behind this contact and I look out through my HUD, which is a heads up display, and on my HUD the radar gives me a TD box, which is a target designator box that I can look through and he should be in that box. The computer figures it all out, tells me where to look through my HUD, and whatever I'm locked to should be in that box. When I look through the box it's right on a road. So, one more time, I think it's on road traffic. I say something to number two, basically in plain English, my TD box is on a road. I'm trying to tell him again it still might be road traffic.

At about 7 nautical miles the TD box comes off the road, and this is the first positive indication I have that I'm not locked to road traffic, because I didn't think there would be a car going off the road this fast. I'm pretty sure now that there's an actual aircraft in my TD box. But I'm 7 nautical miles away, the ground is green, I still cannot see anything out there. At about 5 nautical miles I finally pick up a helicopter in my target designator box. And, in my radio call on the main radio to Cougar and Tiger 2, is something to the effect that, "Tiger 1 is tally, one helicopter, standby VID". VID is visual identification.

Up to this point the ROE specifically states that [Classified portion deleted (63 words)]

For this -- in this instance I was not able to do that using [other] means, so I had to do it through visual means. So I'm planning on doing a visual identification to prove hostile. I've already confirmed that he's not a friendly.

My pass past the helicopter is approximately 500 feet higher than him and about a thousand feet offset to the side. So, -- and he's off to my right. So, basically, as I'm coming down on him he's out in the front of my canopy, and then as I pass him on his left side and high, he moves across the front to the right, and I'm looking down through my canopy off to my right side. Okay.

What I see is a Hind helicopter. I knew that 'cause it had a tapered empennage, which is just basically that the tail section from the bubble part to the tail is tapered; it gets

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slimmer as it goes back. The vertical tail is sloped so it goes backwards. It doesn't go straight up in the air. It actually -- it's slanted towards the rear of the aircraft, the vertical tail. He has sponsons on both sides. Sponsons, basically -- some people call them wings. It's the -- it's the part of the aircraft that they attach there to it to put ordnance on. So, he has sponsons on both sides. Those sponsons are carrying some type of ordnance. But, because I'm above them, I can only see the tip and the tail of the ordnance, not the actual ordnance, coming out from each side of the sponson.

There's no markings and it is a dark camouflaged green blended in very well with the green ground below it. I'm doing about 450 knots at this point, and he's doing 130, so I'm going to pass him fairly quickly. So, once I get to the side of him the one place I worry about, especially with a Hind helicopter shooting ordnance, is out in front of his nose, level to below. So, I'm going to pull high over top of him, right over top of the helicopter.

The events that I'm going to talk about right now all happened at the same time, but I can only talk them one at a time. I say on the radio, "VID Hind -- no Hip". So it actually changed from a Hind to a Hip. I don't remember the exact wording. My thinking at that time was, I was positive of the aircraft I was looking at, but I was not sure that I was saying the right designation for it. So, as I'm pulling up over top I actually pull out the guide that we have that has the silhouettes of the helicopter, and confirm that the helicopter that I'm looking at is indeed a Hind. So I come back on the radio and say something to the effect that, "disregard Hip, VID Hind".

Again, my reasoning -- I knew what kind of helicopter I was looking at. Due to the speed that it happened and adrenaline at the time, I couldn't remember whether it was called a Hind or a Hip. So I had to look in my book to tell. At the same time all this is happening, I'm pulling up over top, saying that on the radio, and this is on the main radio, I believe, I spot what looks like a shadow for this guy, but it's way too far behind him. So I look at it a lot closer and it turns out to be a second helicopter. So as I pull up over top of him my eye sight initially goes from this lead helicopter, who I'm pretty close to, back to this trail guy now, who's about 2 nautical miles behind him.

I say something on the radio again which is something to the effect that, "Tiger 1 is tally two Hind helicopters".

39.Q. Question, if I might. You indicated then that your VID pass was actually on the lead helicopter; is that correct?

39.A. Yes, sir, that's correct.

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40.Q. And that you did not see the trail helicopter until you pulled off from the lead helicopter.

40.A. I'm right over top of the lead helicopter and as I look off his tail I pick up the second helicopter. Now I'm going to see him.

41.Q. Do you have any idea about what your range may have been when you passed the trail helicopter without a visual?

41.A. No, sir, I never saw him. I never saw him until I was over the top of the first helicopter. I had to pass him somewhere in there because they were in trail, but I didn't see him until I was over the top of the first guy. They were camouflaged pretty good against the green background and the only reason I picked up the first guy was because of my target designator box.

By this time the environment is very low to the ground, something that I'm not used to doing. I'm in a valley with the mountains on both sides higher than me, and the valley is actually getting skinnier. It's not a very wide valley; it's more like a ravine. So as I pull up over top of this helicopter, make the radio call, see the second guy and VID Hind, now I'm pointing straight at the mountains that are higher than me. So, I see the second guy and now my total attention switches to climbing up over top of the mountains, which are right off my nose. I climb up over top of them and basically start the race track, which we briefed, so I'm going to fly the opposite direction away from these helicopters now.

I say on the radio, "Tiger 2, confirm Hinds". I don't remember if that was on the main or aux radio. His initial response is, "standby" - because he by this point, just as we briefed, was in 3 to 5 nautical mile trail and he has not gotten close to the helicopters yet. Then soon after that there's a call that says, "affirmative". I don't know if it was, "affirmative Hind", "affirmative VID" -- but the gist of it, yes, they're Hinds. That was from Tiger 2.

42.Q. Prior to his acknowledgment, were you sure in your own mind that it was a Hind?

42.A. Yes, sir, I had no doubt it was a Hind. My only question was did I mix up the wording between Hind and Hip. So I checked my book to make sure. But basically, with the sponsons and the tail section of the aircraft, I was definite, it was a Hind.

I went out about 10 nautical miles, which we briefed. So, I'm heading northwest now. They're still heading southeast. I make a radio call with main radio, something to the effect that, "Cougar, Tiger 2 has tallied two Hinds, engaged. Engaged means that -- usually means we're going to employ ordnance. I make another call that says, "Tiger arm hot". This is my call to Tiger Two that he is clear to shoot, as long as it meets the ROE, which we already have done. We were negative friendly and positive hostile. I don't know if it was on the main radio or the aux. Then I call, Tiger 1 is in hot. I come in behind the helicopters by about 10 nautical miles.

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There's a quick conversation between Tiger 1 and Tiger 2, I believe in the aux, that says, basically, "we're coming up behind them; there's two of them in lead trail; I'm going in first, Tiger 1 is going in first, so I will shoot the trailer and then you will shoot the leader". I don't remember the exact wording on that conversation. I come back around the corner and use my auto acquisition mode to lock the helicopter and then confirm it's a trailer. So, I put my radar into a mode that I don't have to do anything. It automatically locks. Then I look through my target designator and confirm that I'm locked to the trailer as I get closer, when I can see them both again.

One more time I check Mode I for the last time, and I get a negative response for the final time on Mode I. And then I pickle, which means I press the button that expends ordnance. In this case ----

43.Q. Can you explain why you checked Mode I that last time?

43.A. Yes, sir, it's a habit pattern. Always before -- in training at all times before we press the pickle button we always -- we call it "hammering down." We always interrogate to give the -- any type of -- one last chance to see if there's any systems that would tell us something different. But it is a normal everyday occurrence. It's almost -- You don't even think about it; it just happens. You just lock a target and automatically interrogate, and that's what I did.

44.Q. Was there any doubt in your mind, before you checked Mode I that last time, that your visual identification had been accurate?

44.A. No, sir, there was no doubt in my mind. I knew they were Hinds. I was doing things out of -- the same way I do them every single day.

45.Q. Again, to recap or to clarify, you had made one VID pass and your wing man had made one VID pass over the helicopters; is that correct?

45.A. That's correct, sir, one pass each. We both passed them once and this time we're going to go in and actually shoot. So we do not make any other VID passes.

I shoot a Fox-3, which is a AMRAAM, and I make a radio call, "Tiger 1 fox", which means I just shot a missile. I was about 4 nautical miles behind him when I shot it. It's about 7 seconds time flight, from what I can remember. The missile came off my aircraft and climbed initially, and then I lost sight of it as the booster motor burnt out. Then there was a large explosion on my nose at about 4 nautical miles.

At this point I'm still tally to second helicopter who was the lead helicopter. I tell Tiger 2 that the other helicopter is on my nose. As I get closer I see exactly where that helicopter

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is, and I feel my first radio call wasn't very descriptive. So I tell him that, "Tiger 2, second helicopter is past the fireball 2 nautical miles". I want to tell him exactly where it is in case he has trouble finding it. At that point I start to pull off to the left to get out of Tiger Two's way, and I notice the lead helicopter is making a hard left-hand turn into a ravine.

I called a radio call, and again I don't remember the exact wording, that says, "Tiger 1 splash one Hind; Tiger 2 is engaged". As I'm heading back to the northwest I watch his missile come off. I watch a second explosion, and Tiger 2 makes a radio call which I think is, "Tiger 2 splash second".

Now, my main concern, like I said during the brief, after a merge is additional threats, either an aircraft coming in to shoot at us, or a ground threat. So I tell both of us "Tigers, blow out to the south, push it up". That means I want us to both point south and get as fast as we can to try to deny any other additional threats. Tiger 2 recommends we do a "recce" pass. I had planned on pushing south at first, and agreed with his recommendation.

So I tell him to fall in trail again. So we're both side by side, heading southbound. I tell him to fall in trail and I do a right-hand turn back into the same valley and do a 180 degree turn, so now I'm heading southeast again down the same valley, the same direction I was heading when I shot him, and we passed the two sets of wreckage.

I make a radio call somewhere in here to keep his air speed up 'cause I'm a little concerned about going down this valley too slow after just shooting down two Hinds. So we do a "recce" pass, and again we push out to the south to get away from the area. Unbeknownst to me Tiger 2 had -- I guess, had -there for whatever reason; I won't speculate, wanted to do another pass. He has actually come off the target, made a left-hand turn and he tells me on the radio he's going to make a second pass the opposite direction of the valley.

So, we always stay together at all times for mutual support, and he had already started doing this. So I fall in and trail behind him and we make a second reconnaissance pass over the sites at fast speed, heading northwest this time. Now my biggest concern is we need to get away from here and we also need to start putting our radars towards central Iraq, 'cause we're the first ones in the AOR every day. We're responsible for making sure there's no other enemy activity. So I tell him to go out south, no more "recce" passes; we're going to put our radar south. I tell him, concentrate on doing a good clean radar sweep; let's get into the CAP.

So we climb up into the CAP. Radar is looking south. We only do two turns in the CAP because of fuel limitations at this point, 'cause we'd been using a lot of afterburner, which we normally don't do without engagements. So I have time to pass Cougar the coordinates. While

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we did those "recce" passes we'd actually gone by and marked the position with INS, which is inertial navigation system. The system gives me a digital read-out, after I hit mark, of the exact location. So I pass to Cougar the coordinates of both locations. I tell Cougar that I need to go get gas about 5 minutes early.

The F-16s by this time had entered the AOR. They were about 10 minutes behind me. So they hear this radio call, everyone is on Cougar's "freq," and they say, "copy". In other words, they're going to take over CAP and protect in the area while we go to the tanker early. We go to the tanker, take on a full load of gas, and then go back to the CAP to finish the rest of our vulnerability time, the time that we're supposed to be in the area looking for enemy activity.

Once we go back to the CAP the second time, Cougar makes a couple of question calls and I make a couple radio calls. The gist of all of them is that we're going to give him the information of numbers of aircraft that we shot down, types of those aircraft - So I told him two Hinds - color, markings, the ordnance that each of us used to shoot them down, were they dropping any ammunition at the time. I think that was about all, but I can't remember everything.

46.Q. You indicated that you passed on the color and markings. Do you recall what you said were the color and markings?

46.A. Yes, sir, I said that they were dark green camouflage or green camouflage, and there was no markings. Both of us had checked that on our visual identification pass. We stayed in the area for -- I can't remember what the remainder of time was, but it was about an hour, maybe plus a little bit. The flight of F-15s that was supposed to replace us in our CAP was 20 minutes late. He had called me on the radio and told me that. So I stayed out there the additional 20 minutes because I had plenty of gas by this point. Then we left the area 20 minutes later than the frag time than the time that the ATO says.

It's normal when we leave the area to contact Duke. He usually gives us the weather back home or any other problems back home. So I contacted Duke right after leaving Iraq. Again Duke gave us the weather at home plate, which is Incirlik. He said, "negative additional words". Then he said, "Good job today, Tiger; expect to be met at the aircraft". Nothing eventful happened between talking to Duke and landing. We came back the exact same route we flew out. The only thing we had to do was one 360 about 30 miles from the field because they were letting Turkish F-4s land prior to us.

We landed and went to the de-arm, which is right near the F-15 parking area. There was quite a few people, mainly other pilots from my squadron and maintenance personnel at the de-arm area to meet us. Then they -- after we de'armed they put the pins in and safed up our

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missiles. All those people followed us to the jet til we shut down. I got out of the jet. There was about 4 or 5 other F-15 pilots from my squadron there, a number of maintenance people and weapons people, as well as my Intel officer, Intel NCO, and several people from Wing Intel. One was a captain; one was a lieutenant, I believe.

Basically, they said that we were going to go straight to the command post to debrief the CTF staff, so that the Intel officer wanted a quick debrief for his report. So, in about 3 or 4 minutes I gave them all the details I could think of - the fact that they were Hinds; the location; the coordinates; the missiles we used - same type of details I gave to Cougar, so that he could do his intelligence report, because we had a feeling that I wouldn't be back to the squadron for a while.

Let me stop here and go back one second. There was one thing that happened on the way home, and it was my first indication or first bad feeling since the shoot down. It happened about the time that we crossed Derik on the way home, second point. There was a call on -- one or two calls, I can't remember. I believe one was on -- I think there was two, one on Guard and one on Channel 8, which is the enroute "freq," that said, "Eagle Flight, Cougar, signal check". Cougar is the AWACS. I knew Eagle Flight was the helicopters, and signal check means radio check. I had just shot down two helicopters, so I got a bad feeling in my stomach at that point. But, other than that, I had no indications that they were anything but Hinds.

CAPT NORTON: How long after the shoot down did that call occur?

GEN ANDRUS: Let's take a break at this point. We're all getting tired.

COL AT LEE: We're taking a break at 1136.

(The Board recessed at 1136 hours, 23 April 1994.)

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(The board reconvened at 1151 hours, 23 April 1994. Staff Sergeant Harris has replaced Ms. Clark as the court reporter.)

COL AT LEE: The time is 1151. All individuals who were present before are once again present. You're reminded that your testimony is given under oath and that the classification level that we are addressing at this point is up to secret.

Questions by Major General Andrus:

47Q: If I could for just a second. Before we took the break, you were talking about a call you heard from Cougar, that is the AWACS, reference the Eagle Flight. Do you recall approximately how long after the engagement that radio call took place?

47A: Sir, we capped for a little bit more than an hour, if I remember correctly, after the engagement and it would have taken me about twenty minutes to get to Derik which is about where the call occurred. So, it's probably somewhere between an hour and a half and an hour and forty-five minutes after the engagement.

48Q: Was that the first call you had had about Eagle Flight?

48A: Yes, sir, that was the first call that I heard. It happened twice on guard and on Channel 8, and Channel 8 is the enroute freq. And that was the first time that I even knew that Eagle Flight was flying that day, at that radio call.

49Q: You mentioned that you heard a call on guard. Were you monitoring guard during the VID pass and engagement?

49A: Yes, sir.

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50Q: Did you hear any calls at all on guard frequency at that time?

50A: No, sir.

51Q: Do you recall what the guard frequency was that you were monitoring?

51A: Just a switch that we say whether we want to monitor guard or not. It should be 243.0.

52Q: So, that's UHF guard?

52A: UHF guard, yes sir.

Questions by Lieutenant Colonel Mudge:

53Q: Okay, why don't you, if you would please, begin from that point, where that was -- you backed up from talking about giving the Intel MISREP and you were told you were going to go to the WOC and you backed up to discuss these radio calls you heard on GUARD and channel 8. If you would pick it up from there, please?

53A: Yes, sir, that's all I had about the radio calls. We again, were back at the jet, already shut down. People are asking me a lot of questions pertaining to the incident from all different angles. Basically, I'm trying to give the Intelligence Officer what he needs before I leave for his MISREP, which is a report that he has to give within thirty minutes after landing.

The Mad Dog for that morning period, had picked Tiger 2 up at his jet already and they came over to my jet. Tiger 2 and I shook hands. Both climbed into Mad Dog's vehicle and drove away. The -- In between the aircraft and the squadron, Mad Dog was going to take us to our -- to the squadron and drop off life support gear initially. In between there, Mad Dog told us that the reason he didn't have a happy face was because there was a helicopter missing and that they had not found it yet, and they were still searching for it. This is the second time I ever heard anything about friendly helicopters.

He indicated -- I started asking a couple of questions, because I'm feeling uneasy now. I asked him how many aircraft were in Eagle Flight, he told me one. I asked him where Eagle Flight was going, he told me Zakhu, which is right on the border of Iraq and Turkey. So, after he answered those two questions, I felt much more comfortable about the fact that I shot down two Hinds, because Eagle Flight wouldn't have been anywhere near where we shot them down, and it was only a single aircraft.

We went to the squadron and dropped off the life support gear. Went to the bathroom real quick. Climbed back into the vehicle with Mad Dog and drove to the Command Post. We were taken into the command post into one of the rooms overlooking the Command Post. And

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we did a quick debrief with the OPS Group Commander, the Assistant OPS Group Commander, and this is for the wing here at Incirlik, and the OSS Commander.

Myself and TIGER 2 were present. My Intel Officer was present and my Intel NCO for the squadron, this is squadron level Intel, were both present. And there was several wing, I believe they were Wing intelligence people walking in and out handing messages and stuff. But, they were not there for the entire debrief. Basically, the Assistant OPS Group Commander told us to explain what had happened out there. So, I told him, with not as much detail, pretty much what I just told you throughout the entire incident. We did talk about interrogation, we talked about the VID. They asked a couple of questions about the VID. We pointed out where it was on the map.

At the end of this conversation, the Assistant OPS Group Commander said the reason we're asking you these questions, is because there's two helicopters missing and they've been missing for two hours, and we're a little bit uneasy about what happened. The mood in the room and the way he said that statement led me to believe that they thought that I had shot down friendly helicopters. So, now I'm feeling very uncomfortable. My Intel Officer at that point started asking questions to the Colonel about who was Eagle Flight, why were they out there and he didn't know about it. What was their flight plan.

When he asked the flight plan question, this person, the Assistant OPS Group Commander flies with the F16 Squadron that's deployed here, he's an F16 pilot, he said that the F16 Squadron which is located in a different building than our Squadron, gets a flight plan daily on the helicopters. My Intel Officer pointed out that he's been here for four months and he's never seen a flight plan on helicopters and was wondering why he didn't get it. So, it went back and forth a little bit, while they -- basically, the gist of it was why they knew all this information and we didn't know it, the Intel and the two pilots. That took about a half an hour to do all that. Then they told us to go into the next room, review our tapes. They had a tape machine there. I don't think I've mentioned it to this point, but even though I briefed it, I failed to turn on my tape. We have an off mode, a standby mode, and an on mode.

If I was in on, it would have taped. If I was in standby it would have taped when I pressed the pickle button. I was in the off mode, so I have no tape with the exception of HUD titling on the ground prior to take off. TIGER 2, turned on his tape when I shot my missile. So, he thought of it right about that time, and he has about two minutes of tape.

So, we reviewed his tape. While we were reviewing the tape we were there with ourselves and the OSS Commander. Two different incidents, a Wing, I believe it was a Wing

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Intelligence person, I don't know. It was -- they were both, there was some enlisted guys and some officers walking in and out. I was under the assumption that they were Intel people. They came in and out of the room and the first one they came to, the Assistant OPS Group Commander, and said, sir we have that information you requested. And he said, go ahead and they said, all Iraqi Hinds are desert camouflage, in other words brown, not green.

Since I've been down here, about last December, that's the first any Intel person has ever told me that they're all brown. So, it made me feel uneasy one more time and I was also wondering what else this Colonel knew that I didn't know, that he's asking questions like this already, this soon after the incident when we hadn't even finished barely debriefing yet. Then someone else came in soon after that, and said that they believe that Turkey may have several Hind helicopters and they were trying to see if they were flying that day. Something else that I had not known up until this point.

That was about all that's pertinent in that conversation and that lasted about ten minutes reviewing the tape. There wasn't much tape. We were brought across the street from Command Post, put into the OPS Group Commander's office. We were told that the OSS Commander had to watch us. We still weren't positive why, although we had an inkling up until this point now. The OPS Group Commander told us that he needed us to make a statement. He wanted us to write it out and then after we wrote it, he asked us to type it, we did that. Then they left us alone in the room and the first I heard that they were friendly helicopters was on CNN about four or five hours later. The Area Defense Counsel showed up soon after that, along with the Chaplain, and I haven't talked to anyone about the incident since then. That's about what happened that day up until that point.

Questions by Colonel At Lee:

54Q: Regarding the statements that you accomplished there, do you have any objection to us considering those statements in our deliberations, the ones that you accomplished for your wing supervisors?

54A: No. I'm not speaking for TIGER 2.

55Q: I understand that, you speak only for yourself?

55A: We both made separate statements.

56Q: I note that you have made reference to notes during the course of your recitation of the facts. What were the circumstances under which those were created? I'm looking particularly for point and time?

56A: Okay, I have a copy of that statement I made initially. The next morning -- That statement was made at a really bad time, because we had just found out over CNN that we had actually shot down friendlies. The next morning I talked to my lawyer on the phone and she told me to go back to my room and sit down and write down everything, every pertinent detail, even

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if I didn't think it was pertinent about the incident before I started forgetting it. So, I did that, it took me about five hours to write everything down and that's the only other written information that I had made. The one statement the day prior and then that, which I gave to her. Since that time, she just told me to come up with an outline which I have in front of me now ----

57Q: ---- Excuse me, you're not required to relate the advice that your counsel related to you. It is certainly ----

57A: ---- Okay, well these notes ----

58Q: ---- I welcome hearing it, but I want to be sure that we don't have a counsel communication.

CAPT NORTON: I have no objection.

58A: We both felt that an outline would help me not forget pertinent areas of the event. So, this is basically just an outline that's taken off the notes that I made between those two statements. And I made the outline -- Actually I made the outline by myself in my room without those notes and then read it here.

COL AT LEE: Do you have any objection to us considering the outline or the previous statements that were made?

CAPT NORTON: No, sir, not as long as you consider the circumstances that the prior statement was made under.

COL AT LEE: That's been made very clear.

CAPT NORTON: And the fact that, as he stated earlier, it wasn't the most salient of the moments to be making a written statement.

59Q: I think that's understood by the board. If you'd make those available to us please?.

59A: Yes, sir.

60Q: I have a number of questions that are primarily just to clean up explication of terms. That's where you made reference to the HUD, that stands for Heads Up Display?

60A: Yes, sir.

61Q: And do you believe any further explanation of that would be helpful to the testimony you've given?

61A: Maybe sir. Basically Heads Up Display is a computer generated picture that's put up on a glass screen that sits in front of me so that I can see information that is down in my cockpit. I

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can see it without looking, while I'm still looking outside. So, I can look through this HUD, which is just a bunch of green neon lines, that gives me information that normally I would have to look inside the cockpit to get, so I could still look outside.

62Q: You said that you received a call indicating, I believe from AWACS, indicating radar hits. What does a, "Hit" mean?

62A: A "Hit", sir is when your radar is sweeping and it actually picks up radar contacts out there which is going to be from something that's moving in the air. It puts a blip or some type of notation on the radar scope. The difference between a hit and a locked target, is the hit is in the sweep, so it doesn't give you the radar information that you would get if you were actually locked to the target. It can -- You can get squawks, you can interrogate off a hit. You cannot figure out airspeed as -- airspeed, altitude as accurately as you could when you're locking.

63Q: Is there any distinction in your mind between Hit and Paint?

63A: Yes, sir, there is.

64Q: What's that?

64A: A Paint is a code word for a friendly interrogation.

65Q: You indicated that you were -- you don't recall, I believe you said, precisely what was said when AWACS acknowledged your call indicating low and slow. Did you expect to hear anything in particular from AWACS?

65A: Did -- When I initially picked up these contacts?

66Q: Yes.

66A: At the very beginning of the intercept?

67Q: (Nodding an affirmative response.)

67A: Yeah, I would normally expect if they had any other information they would give it to me. So, the call to -- the Roger or response was just telling me, yeah they heard me. But the fact that they didn't pass any information gave me the impression that they had no other information. In other words, they didn't have it on their radar scope, they had no other people in the area.

68Q: Have you had experiences in the past where they have acknowledged with additional information?

68A: Yes.

69Q: Have you had experiences in the past where they haven't acknowledged when you've indicated ----

69A: ---- No, usually they at least acknowledge to tell that you're hearing them. And if they have any other information, they almost always give it to you.

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Questions by Major General Andrus:

70Q: You said that it gave you the impression that they had no further information. Is there a standard procedure followed in that situation. That is, what does the standard procedure call for if they hear you and have additional information?

71A: Okay, the standard procedure, sir, is first of all we all use brevity, so we like to say as little as possible on the radio. So, the procedure is that the Flight Lead talks first and AWACS talks second. If the Flight Lead gives information, if AWACS has the same information, he just acknowledges your call, because there's no need to repeat that information, it's already been given. If he has additional information then he's expected to give that additional information add it to his call without repeating the information you already gave, so we still have brevity.

72Q: So, when you say, your assumption was that he had nothing additional, are you, in fact, saying your assumption was that he was following standard procedure?

72A: Yes, sir. My assumption is based on the fact that he should be following standard procedure and he would give me any additional information.

Questions by Colonel At Lee:

73Q: You referenced a number of individuals by their duty titles. Not requesting their names at this juncture, but were you referring to the people who regularly fulfill those positions as opposed to being individuals temporarily in those positions?

73A: Sir, which actual -- Which specific positions are you talking about?

74Q: You referred to, for instance, the OPS Group Commander and others by similar titles.

74A: Yes, sir that ----

75Q: ---- Each of the individuals you referred to.

75A: People I can think of that I referred to ----

76Q: ---- Please don't reference their names.

76A: I won't. The Mad Dog is regularly a Mad Dog. The Duke is regularly a Duke. Cougar, as far as I know is a trained aircrew to control fighters in the AWACS. The OPS Group Commander, the Assistant OPS ----

77Q: ---- Excuse me, I just need to know if anybody was other than the person you would have expected them to be?

77A: No, they were the people.

COL AT LEE: That's all the clarification points, I have.

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Questions by Lieutenant Colonel Mudge:

78Q: What I'd like to do, excuse me, as we talked about earlier, is now go back and clean up our understanding of the sequence events as you talked about them. Going back to the planning phase and you talked about the ATO and the information that it provided you. What information did you have from the ATO about other friendly flights?

78A: Actually in the cockpit with me, sir?

79Q: That you used for your planning purposes.

79A: We had the ATO to brief with.

80Q: What does that ATO tell you?

80A: It tells me who's going to be in the area, what time they're going to be in the area, and what their duty is while they're in the area.

81Q: And you mentioned a flow sheet that you would use to use on your lineup card?

81A: That's what we take in the aircraft with us.

82Q: What does that flow sheet show you and indicate to you?

82A: That basically summarizes what the ATO says in words onto an easy to read picture. So, it has everyone -- every aircraft that's going to be in the ATO and what their time is. How -- When they're flying through Turkey to get there. When they're going to be in the area, when they're going to go to the tanker, all that information, basically in a nice computerized graphic thing.

83Q: Was there any information on the flow sheet about any of the Eagle Flights?

83A: No, sir.

84Q: Were there any other aircraft that were supposed to be in the area according to the ATO before you arrived?

84A: No, sir, actually the ACO which is the Air Control -- Air Coordination Order, which is a standing order that's been made since December, I think was the last time it was updated, says that aircraft with AI radars, will be the first people to enter the AOR each day to sanitize. So, my understanding is, if you're the first F15 flight of the day, and right now the F15s are primary air to air, so they're going to go in with their AI radars, if you're the first F15 flight of the day, which we were, you will be the first one in the area. No one else will be allowed in until you ensure that there are no Iraqis in the area. And that's according to the ACO.

85Q: Okay, and would you please explain in a little more detail what information was available in the ATO about the helicopter flight?

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85A: Okay, the helicopter flight is actually in the ATO. They're in there every single day. Everyone that's a part of Provide Comfort is in there on a regular basis, including the alert Birds for search and rescue. The aircraft that actually have set take off times and landings have that information in the ATO. The C-130s for search and rescue say "as required", because obviously you don't know when they're going to go.

The helicopters for search and rescue "say as required", because they don't know when they're going to go. There's some airlifts, I think usually C12s or C -- usually C12s that go back and forth between different bases in Turkey. The SAR Flight, that is in the ATO says "as required" and then Eagle Flight which is the helicopters out of Diyarbakir, I believe, that just says "as required" in the ATO.

Now, the ACO says, any UN helicopter flight will be specifically noted, annotated in that section of the ATO, and that day it just said, as required. So, my assumption is, they might have a flight, but they don't know when it is, yet, when I read that ATO.

86Q: Did the Eagle Flight have any route of flight in it at all in the ATO?

86A: No, sir. Uh, yeah, I believe actually it says to -- a four letter designator for Zakhu.

87Q: In your brief with Intel, did you receive any information at that time about any helicopter flights?

87A: No, sir.

88Q: Why was TIGER 2 flying as a Wingman on this sortie; is that normal?

88A: Yes, sir.

89Q: Why was ----

89A: ---- We were both Flight Leads. Whatever the scheduler puts up, usually we try to alternate, so to try to keep semi-proficient at leading and being on the wing. Give everyone a chance to lead. Rank has nothing to do with it.

90Q: Stepping into the mission briefing, what did you use as a guide to brief the mission?

90A: We have a briefing guide that was designed by our Weapons Officer when we came down to -- deployed down here in November. It's been updated a couple of times since then, I believe, as we learned things going along. And I used that as an outline to structure my briefing.

91Q: Do you know if that guide has a specific section to discuss Rules of Engagement?

91A: It discusses interrogation of Mode I, Mode IV and it also discusses hostile being EID, AWACS or VID. But it doesn't actually spell out the Rules of Engagement, that's in a separate section back in Intel.

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92Q: And you briefed those items?

92A: Yes, sir.

93Q: What did you brief regarding the required calls from AWACS prior to engaging an identified, an unidentified target?

93A: Required calls?

94Q: Yes.

94A: I did not brief any required calls by AWACS.

95Q: What did you brief concerning the confirmation of friendlies in the AOR?

95A: [Classified portion deleted (67 words)]

Questions by Major General Andrus:

96Q: For clarification, would you go over that again. Did you say classification for friendly or classification for hostile was negative ----

96A: ---- If we get -- okay sir, in order to shoot by the ROE we have to confirm that they're definitely not friendlies and they're positively hostile. [Classified portion deleted (43 words)] And the only other way to prove that they're friendly is a VID.

The way that we prove if they're hostile is three ways. [Classified portion deleted (57 words)] In this case, we could not prove using AWACS or our on board systems that they were positively hostile without visually identifying them. So, we had to go in for a visual identification to prove that they were hostile.

Questions by Lieutenant Colonel Mudge:

97Q: You said that, if I remember correctly, that you, in your low, slow brief, that you expected the EID to be slow. Can you explain that please?

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97A: Actually, I briefed the single side offset as the EID slow in all three cases. The high fast, the medium guy and the slow guy. I caveat that here with I'm only going to single side offset if he's coming towards me, because I don't need to slow it down if he's going away from me. So, we did not do a single side offset in this case. When I say, it's going to come slow, the electronic systems that we have to identify positive hostile, sometimes take a while to work, sometimes don't work at all and I want to give them time to work if the instance allows me to do that, use those systems. I want to give it time to work.

98Q: Did you receive any special guidance from the Squadron supervisor of flying or anyone else as you were signing out and stepping to the airplane?

98A: No, sir. The only thing he told us that day, which is unusual, is that we weren't Rolex'd, we were supposed to step to the aircraft and start.

99Q: Did you have a visor on your helmet?

99A: Yes, sir.

100Q: Which visor did you have on your helmet?

100A: Yellow.

101Q: Did you have that visor down during engagement?

101A: Yes, sir I did.

102Q: Did you wear either your sunglasses or clear glasses during the flight, through the engagement?

102A: Clear glasses.

103Q: Were there any discrepancies or what discrepancies were documented in the aircraft forms when you showed up to do your preflight?

103A: I would be guessing, I don't remember. There were none significant, otherwise I wouldn't have taken it, that's all I can ensure.

104Q: What was the general condition of the canopy and windscreen?

104A: They were fine; clean.

105Q: Throughout that flight were normal OPS checks made?

105A: Yes, sir, for fuel, OPS checks for fuel and oxygen?

106Q: Yes.

106A: Yes, they were.

107Q: Do you recall what OPC aircraft were behind you as you were proceeding to the AOR?

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107A: Actually, Cougar and tanker were in front of us and we passed them on the way out. Cougar fell in right behind us the AWACS, so he was right behind us. PUMA, the tanker was just behind him, and I believe the next people in and I'm not positive on this, was the F16s and they were going to the tanker first, not to the CAP, because we would have already been in the CAP.

108Q: Did anyone tell you that there was any traffic in the AOR?

108A: No, sir.

109Q: Do you know who else was on frequency after you switched to the Have Quick, AOR frequency?

109A: I know that Tiger 2 was on that frequency. I know that AWACS was on that frequency, because I checked with both of them. I know eventually the F16s came up, but I cannot say when. And I also don't know when the tanker came up either.

110Q: What information did you receive from Duke during the engage -- the intercept and engagement?

110A: No information, unless he passed it through Cougar. Nothing with Duke directly.

111Q: What information did you receive from Cougar during the intercept and engagement?

111A: The only information I received was on the initial contact, I knew that he heard me because he answered me, but gave no information back. On the second contact, the second time I made the radio call about the contacts he said, "hits there", so I knew he had them on his radar. And the rest of his transmissions were all acknowledging the fact that he heard me but without any additional information.

112Q: What information did AWACS provide you from the time that he said, "hit" -- "hits there" to where you called your Splash?

112A: None, he just confirmed what I was saying. He said "Roger" and in one case, I believe he said, confirm VID, two Hinds, but I cannot remember that exactly. But he added no additional information, all was confirmation.

113Q: Was that level of communication normal?

113A: Yeah, I think it's perfect if he has no additional information to add. If -- The more that's said on the radio, the more it gets confusing. So, if he's seeing the same thing as I'm seeing, he agrees with everything that I'm saying, then he should not add additional information unless it's going to change the situation or I don't -- he thinks that I don't know that information yet, so, yes.

114Q: If you would please answer the next questions in "yes" and "no". Did you interrogate Mode II?

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114A: No.

115Q: Did you interrogate Mode III?

115A: No.

116Q: Did you use all available electronic means to identify the helicopters?

116A: Yes.

Questions by Major General Andrus:

117Q: Did you have the capability of interrogating Mode II?

117A: I have the capability to interrogate Mode II. I did not have in my possession nor do we normally carry the Mode 2s for helicopters. Would you ----

118Q: ---- Can you recall ----

118A: ---- I'd like to explain how we use Mode II.

119Q: Can you recall if you've ever been provided the information necessary to interrogate Mode II?

119A: Everyone's Mode II is in the ATO, so it's available to us. The Mode IIs that we carry with us are the other fighters, in case we need to find them in the area and do some type of rejoin. And the most -- the only ones we ever use are the tankers, so we can find the specific tanker that we need to refuel us. We don't plan on using the Mode II as part of the ROE. We don't plan on using Mode II to identify any aircraft unless we specifically want to rejoin on that aircraft for some reason.

120Q: Would you explain the reason for that please?

120A: Yes, sir, the Mode II is different for every aircraft in the AOR. It would be impossible for us to roll the switches and check everyone's Mode II, every time we lock someone up to see who they were. So, for ROE purposes, we check Mode I and Mode IV, whichever one is squawking the same, and that means one switch position change for us. The only time we ever roll to Mode II is at a specific task, like going to the tanker where there's four of them out there and we want to hit the right one.

121Q: To the best of your knowledge, do you know if AWACS checks Mode II?

121A: I have no idea.

Questions by Lieutenant Colonel Mudge:

122Q: During the intercept to engagement portion, what were your tactical considerations?

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122A: First of all it was to get a -- Well, I'll start at the beginning, initially was -- as I started descending to keep my speed up. The lower I get to the ground the more I worry about other types of threats, especially ground threats. Second tactical consideration was to use all electronic means, and this is not in any specific order of importance, use all electronic means on board the aircraft, to identify them prior to visual.

I wanted to make sure I relayed that information to Tiger 2 and Cougar, the information I had. So, that all three of us could put in the pertinent information for the intercept. I wanted Tiger 2 to go and trail on me in the supporting position. So, that if it did come down to a VID, he would support any type of aggressive maneuvers by the aircraft. I wanted myself and Tiger 2 not to concentrate only on this lock. In other words, lock at forty miles and never break the lock, with fear that someone else might come in, in our radar coverage.

So, I wanted to make sure that he kept looking high and I kept looking low and we both went back to sweep somewhere in the intercept, so that we could confirm that, yeah, the only person out there that's of concern to us is the one that we're intercepting. As they got closer, obviously then by that point, I knew I had to do a visual identification. I proved negative friendly, I was looking for positive hostile now.

So, my tactical considerations they were without giving up my advantage of speed and low altitude and still keeping my eyes looking around for any type of threats, that I needed to also come by this helicopter, close enough and -- that I can actually see details and decide what kind of helicopter it was. And that would take place through the intercept. And there was one more consideration and it might not be, well it is tactical, because if I hit the mountains, I wouldn't be able to continue, but there was a lot of concern for low altitude environment, something we never ever fly in.

Questions by Major General Andrus:

123Q: Would you describe the terrain both in front of the helicopter flight path and to either side of the helicopter flight path, including the altitude of the terrain at the floor, and the approximate altitude of the terrain on either side and in front of the flight path?

123A: Okay, that whole section in the north eastern corner is mountainous terrain. The mountains run in ridge lines that are parallel to the border in the north of Turkey and Iraq and then turn south so they parallel the border of Iraq and Iran, so, that's the way the mountains run. So, the valleys are all running southeast and then they turn more southbound. The highest terrain is upwards of twelve thousand feet.

That's in the far northeast corner and as you get closer down towards the plains, it slopes down considerably, down to about five or six thousand feet, and that's -- I'm talking the top of the mountains now. The specific valley we were in, was pretty far south from the mountain range,

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so we weren't in the twelve thousand foot mountains, we were in the five to seven thousand foot mountains. And the distance between the bottom and the valley and the top, and this is just me, with an estimate is -- was probably several thousand feet.

The helicopters were very low to the ground. I'd say nowhere above three hundred feet. We were about five hundred feet above them. So, we're talking eight hundred feet and the mountains were still above me, so they're at least, the valley to the top of the mountains is at least a thousand to two thousand feet high.

124Q: Was there any rising terrain in front of you?

124A: No, sir down the valley, no significant rough terrain. I don't know if it slopes up or down, but it wasn't significant out in front. It was more significant to the sides. The one thing the valley did do, especially at the place of engagement, is get much skinnier. I said, I looked at my map at the road, that same paved road turns to a dirt road and later to just a jeep trail along a stream, as the valley gets smaller and more rugged.

125Q: So, was the valley at the point of -- first of all the visual identification and then engagement, could you describe that -- how wide would you describe the valley approximately?

125A: I don't know an exact number, but I know that we could have fit the wing span of a helicopter and a F15 no problem in the valley, but I felt very uncomfortable doing it. So, I actually climbed in altitude slightly to get above them, so I could get closer to them, worrying about the sides of the valley on one side and him on the other side.

126Q: You said that you were uncomfortable about getting that low, I believe those were your words?

126A: Yes, sir.

127Q: Would you describe any low altitude intercept training that you have had in the past?

127A: Yes, sir, RTU which is the training unit for F15s, use to have a low altitude checkout program. That was familiarization, so that was below five thousand feet. They did not have that when I went through due to cutbacks. They did away -- that was the one ride they did away with. So, I did no training below five thousand feet until I got to Bitburg. I've only had two upgrade rides in low altitude training. My first was as a Wingman and we did a ride below a thousand feet, but above five hundred feet over water in Denmark. My second low altitude ride was my checkout for low altitude and my checkout as a Flight Lead, low altitude Flight Lead, which was in Bosnia and it was below a thousand feet, above five hundred feet again. Those were the only two times I've ever gone below a thousand feet.

128Q: Were you concerned about the possibility of either you or your Wingman hitting the ground during this visual identification?

128A: Yes, sir, and regardless of the minimal training, besides that, we usually don't even fly anywhere near the ground. Most of our altitudes are above ten thousand feet except for take off

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and landings. Once in a while, in Germany we do some low level work, still not below a thousand feet. So, yeah, there was concern. There's a comfort level that I was impeding on, so I was uncomfortable and that, there was concern for myself and my Wingman.

129Q: The concern of a pilot, Flight Lead, is the safety of his aircraft and the safety of his Wingman, in a situation like this, could possibly, as you indicated, cause discomfort. Do you feel there was any way that, that could have distracted or detracted from your ability to visually identify the helicopter?

129A: It may have distracted from how close I get to him, but when I saw him I had no doubt it was a Hind. So, in my opinion at the time of the incident, there was no distraction to altitude. Although, I felt uncomfortable when I looked over there at the helicopter and said, yeah that's a Hind.

130Q: And approximately what range were you from the helicopter, would you tell us that again, when you visually identified the helicopter as a Hind?

130A: Yes, sir, I was about five hundred feet higher than him, and slant range of about a thousand feet. So, I was off to his left side and high, so from me to him looking down to the right, it was about a thousand feet. And I have confirmed that the other day, I went out to the runway, looked at the runway markings and distances and looked at the Black Hawks that were across the runway here, to see what they looked like. Tried to imagine what they looked like when I passed them, and that's how I come up with those numbers.

Questions by Lieutenant Colonel Mudge:

131Q: What was your approximate altitude, heading, airspeed, and aspect to the helicopters when you got your first Tally?

131A: Tail to one left heading 100 down the valley approximately, 450 knots. Altitude was 700 feet, 600 feet, somewhere right in there.

132Q: What range was that from the helicopter?

132A: Five nautical miles, but I was not able to tell what kind of helicopter it was at that point. I just knew there was a dot out there with rotor blades.

133Q: How close do you think you got to the trailing helicopter when you, at the closest point as you pulled off after IDing the lead aircraft?

133A: A mile to a mile and a half after I saw him. I don't know how close I got when I passed him initially. I must have passed him on the way in, I never saw him.

134Q: What did Duke say when you VID'd the helicopters as Hinds?

134A: Duke did not talk to us in this engagement.

135Q: What did Cougar say when you VID'd the helicopters?

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135A: I believe, somewhere in there, there was a, "Copy 2 Hinds", call or "Copy VID, two Hinds", "Cougar copy", something like that.

136Q: What did your Wingman say?

136A: His call when I said, "Confirm VID", he said, "Standby", initially. This is in -- I can't remember what this is in the aux or the Main, and I don't know what he was talking in. But I said, "Confirm VID", "he said standby" because he wasn't there, and then he said something along the lines of Affirmative. "Affirmative VID" or affirmative Hinds or, and I cannot remember the exact wording, except that the gist of it was, yes they're Hinds.

137Q: What directions or guidance did you receive from anyone after you had VID'd the helicopters as Hinds?

137A: No directions.

138Q: Did you consider any other options rather than shooting the helicopter?

138A: No, sir. [Classified portion deleted (24 words)]

139Q: What other possibilities did you consider regarding the helicopter's origin?

139A: I didn't consider any, I had no idea what his origin was. All I know is I VID'd two Hinds.

140Q: Did you consider any possibilities of the helicopter's intent?

140A: Yes, sir. He's flying over villages in the security zone, which are Kurdish. Hinds carry ordnance, so that did come through my mind. I did not see any ordnance dropped though. I didn't see any hostile acts, but we don't need any of that. Again, the only thing I -- the thing that made my decision on whether to shoot him or not was I positively identified him as Iraqi and the [Classified portion deleted (11 words)]

141Q: Why do you think you mis-ID'd the helicopters?

141A: There's a lot of factors. I think the main one is, the sponsons coming out the side was a dead giveaway for me that they were Hinds. We don't carry -- In our pilot aid, there's nothing -- there's no silhouettes of Black Hawks. The training that I've done in the past has been very little, with silhouettes of Black Hawks, but the silhouettes we do have do not include sponsons or ordnance or anything of that sort.

The tail section is very similar, in hindsight, I'm saying this now, not at the time. And I had no doubt when I looked at him, that he was a Hind. My previous assignment with working with the Army, I've been on a Black Hawk on numerous occasions. Never have I seen the wings on it. The first time I've ever seen that is when I came here and saw the Special OPS Birds across the street, on the other side of the runway here. To me, a Black Hawk looks considerably

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different than a Hind when it does not have those sponsons and that was my impression of a Black Hawk. I had -- The Black Hawk did not even cross into my mind when I made that visual identification, perhaps, in fact, the only helicopter that crossed into my mind was the Hind.

Questions by Major General Andrus:

142Q: To follow along with that, prior to the 14th of April, were you aware that the PC, Provide Comfort, Black Hawks had the wings, the sponsons, and were carrying tanks?

142A: Not the Army ones. I knew that the Special OPS ones had them. I have never seen an Army helicopter out here. The only Black Hawks I've seen or known about in PC, I knew that there were Army helicopters, but the only ones that I've seen are the ones that are Special OPS, MH60s across the ramp.

143Q: And the Special OPS helicopters here, the MH60s, do they have the sponsons and fuel tanks on them?

143A: Yes, sir, and a nine foot fuel probe which is what I consider as the biggest giveaway for them.

144Q: Were you ever briefed or ever made aware of any markings that may have been on the Black Hawk helicopters?

145A: No, sir. The only markings on any helicopters we were ever briefed on was, UN helicopters would be white and Red Cross helicopters would have a red cross. Otherwise, it should just be normal markings.

Questions by Lieutenant Colonel Mudge:

146Q: What were your thoughts when you fired the missile?

146A: Initially it was -- the missile didn't work, because I have never fired a AMRAAM before and it took a couple of seconds to come off the rail. The second thought was, the missile was not tracking on the target, because it climbed higher than I've ever seen a missile or anticipated a missile would climb, so it was lofting slightly. So, I was concerned that it wasn't heading towards the target. And then when it hit the target, I knew it had tracked correctly.

147Q: Why did you choose to fire an AMRAAM?

147A: That was part of the brief, the primary missile would be an AIM-120. Down that low to the ground there's a problem with the heater and we always use an AMRAAM over a AIM-7. The AIM-7 actually has difficulties with helicopters that the AMRAAM is corrected for.

148Q: During the intercept and the engagement, what radio calls or lack of radio calls seemed normal or abnormal to you?

148A: Everything seemed to go normal. Cougar responded to my calls, but didn't add additional information. That did not seem abnormal to me at the time. In fact, like I said earlier, that's one

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thing that we try to brief with controllers is to only add additional information, so we don't put too much information on the radio. So, everything seemed to be going normal to me.

149Q: Could you please describe again what you saw after firing the missile?

149A: Okay, the missile took a couple of seconds to come off. It came off the rail, climbed several thousand feet in altitude. I lost it because the motor burned out and several seconds later there was a large explosion about three to four nautical miles off my nose and I knew I hit the helicopter. The same helicopter I had been looking at was no longer there. It was a fireball.

150Q: How close did you come to the fireball as you proceeded towards it?

150A: I actually had to turn my aircraft, so I didn't fly right over top of it. And I was concentrating on trying to locate -- keep an eye on the other helicopter so I could talk Tiger 2's eyes exactly onto it, in case he couldn't find it.

151Q: You talked about the race track and where number 2 is, where was number 2 after you fired your missile and you were talking his eyes onto the other helicopter?

151A: Okay, I know he's behind me. I don't know the exact range. I'm assuming it's five nautical miles, that's an estimate, and I don't have him visual. I had him visual on the race track when he came by me and then as I start shooting, and he comes behind me, I don't have him anymore.

152Q: What guidance did you receive after shooting the helicopters?

152A: I received no guidance. We told -- We told Cougar what we were doing, reconnaissance passes and then we told him that we'd go into a CAP, and everything seemed to be normal from then. He did not tell us to do anything else, except go home when Claw showed up.

153Q: What did you see on your two reconnaissance passes?

153A: Two black marked areas on the ground. Some of the wreckage was still burning. The ground was scorched in places and nothing was identifiable.

154Q: What was the status of your aircraft during the interception and engagement?

154A: No abnormalities, everything was normal.

155Q: I think that pretty well covers the sequence of events. Now, as I mentioned earlier we'll get into some of the other areas. Is the systems check that you conducted a standard systems check?

155A: Yes, sir, for a two ship.

156Q: Did your radar perform correctly in all Modes?

156A: Yes, sir and I checked each of those Modes, both in the BIT check and the systems check.

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157Q: Did you acquire and interrogate any other targets on -- in the AOR or going to and from the AOR?

157A: Yes, sir, I interrogated both Cougar and the Tanker who were both in front of me at one point on the way home. Got positive Mode I and Mode IV replies from both of them, and that's it.

158Q: Did your radios function correctly?

158A: Yes, sir.

159Q: Did you encounter any anomalies with any other systems in your airplane that would affect your ability to communicate, intercept, identify, or engage an airborne target?

159A: No. There was one afterwards, that might be of significance, in the next flight of the same day.

160Q: Uh-hum.

161A: That was an IBS, BIT light on the aircraft that I flew which is Internal Blanking System. That system -- obviously, we give out a lot of squawks and we also take in a lot of squawks. The system has to figure out somehow so that we don't interrogate ourselves or get "spikes off" of ourselves from RWR, which is Radar Warning Receiver. In other words, we don't want our own emissions to trigger our receptions.

So, there's a time sharing thing that happens with the Internal Blanking System, where, while something is being given off, we're not receiving and then, and that it stops giving off and we receive, and it's micro-seconds, but it changes back and forth. When the BIT light comes on, which the pilot after me had it indicates that there's something wrong with that time sharing. The only thing I can think of that it could have affected, as a possibility, is that when I got the one positive Mode IV indication, it could have been a Mode IV indication off myself. So, I could have gotten a circle, the one that came up instantly and then went away, could actually been due to problems with time sharing. Could have been my own system interrogating me and giving me a positive reply because I was squawking Mode IV.

162Q: Have you seen that kind of problem before?

162A: No, actually I'm not an expert in that system, I don't understand it completely, but the problem usually appears with the RWR. When you lock a target you get spiked at the same time, so it is almost like you're locking yourself. I have never known it to interfere with the AAI before. That's just a -- just might be, I don't know.

163Q: Were there any minor discrepancies or write-ups that you told the crewchief about when you landed or you simply forgot to document those write-ups?

163A: No, write-ups. I called in Code 1, which is no problems.

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164Q: What is your assessment then of the aircraft's capability to conduct its task mission, before, during and after your sortie?

164A: Normal.

Questions by Major General Andrus:

165Q: Let me ask you, if I may, some questions regarding Rules Of Engagement, and your understanding of what the Rules of Engagement direct you to do, allow you to do, indicate that you should consider, and so forth? Did you receive any training on the Rules of Engagement?

165A: Yes, sir, that's part of the brief when you first get here.

166Q: In addition to the brief when you first got here, did you receive any other training on the Rules of Engagement used in Provide Comfort?

166A: No, sir.

167Q: And who gave you the briefing, your brief on ROE?

167A: The ----

168Q: ---- Flight position ----

168A: ---- The Deployed DCO at the time. DCO is Detachment Commander.

169Q: Would you describe the briefing that you received covering ROE?

169A: Yes, sir. We had the ROE written out. It is -- The briefing consisted of going through that page by page together, talking about the different aspects of it.

170Q: Approximately how many pages is contained?

170A: It's three or four pages.

171Q: Do you carry any material with you regarding the ROEs?

171A: No, sir.

172Q: When did you -- Approximately how long ago did you receive the ROE training?

172A: December the 29th.

173Q: And again, when was the last time prior to your flight on the 14th, did you discuss the ROE?

173A: I didn't discuss it -- Well, we discussed it in the briefing, so that day in the briefing we discussed it. I also had to review it prior to flying the second time I came down to Operation Provide Comfort.

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174Q: In reviewing the ROE what did that consist of?

174A: Reading over the same three or four pages that the ROE is written on. As well as the ACO, volume 1, volume 2. The ARF, which is the Aircrew Read File. Everything that's the normal, before you step, items.

175Q: And you have read and studied all those materials, is that correct?

175A: That's correct, sir.

176Q: Had you been trained or been given guidance on ROE prior to your deployment?

176A: Yes, sir.

177Q: Would you describe the training that you received then at your home station on the OPC ROE?

177A: We had briefings prior to coming down here as well as a read file that we had to sign off prior to coming down here, that discussed everything about the area, including threats and all that, but it included the ROE.

178Q: Did that training include anything in addition to, different from the ROE briefing that you received down here?

178A: No, sir.

179Q: What is your perception of the ROE training and guidance that you've received?

179A: I think it's straight forward and clear.

180Q: Are you comfortable with your knowledge of the ROE?

180A: Yes, sir.

181Q: Would you describe in your own words the Rules of Engagement that were in effect on the 14th of April?

181A: Okay, there's three incidences, as you read through the ROE. One is friendly, one is enemy, one is unidentified. Once someone is positively identified as friendly, the ROE says go away from them so you don't scare them, and don't fly near them. If someone is unidentified or civilian the ROE actually gets into a ICAO rules, which is, wing rock to get attention. Escort him to the landing. Fire and burst across the nose to stop him, those type of things. That's for an unidentified, until you can positively identify him as hostile or friendly. Again, if he's friendly, you leave. [Classified portion deleted (22 words)]

182Q: After receiving training on the ROE to include the briefings that you received and the personal study that you indicated that you had done, were you aware of any requirement to consider the need to give defectors safe conduct?

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182A: Yes, sir.

183Q: Did you consider the possibility that these helicopters could have been defectors?

183A: No, sir.

184Q: Were you aware of any requirement to consider the possibility of the aircraft being lost, the two helicopters that you saw, as being lost?

184A: No, sir, they were too far North.

185Q: You talked previously about the electronic means that you had used in an attempt to identify the helicopters. Did you consider that there may have been any discrepancies, any difficulties in your own equipment in identifying the helicopters?

185A: No, sir.

186Q: You were comfortable that your equipment was working properly, is that what you're saying?

186A: Yes, sir.

187Q: Were you aware of any requirement to consider the possibility of the helicopters being on a medical mission?

187A: My understanding is if they were, they would have a red cross and they did not have a red cross.

188Q: Is there anything in the ROE that you can recall that refers to medical aircraft?

188A: I don't remember whether it's ROE or Geneva Convention, or something I've read in the past, but all medical aircraft will not be engaged. That's normal Geneva Convention and they will be marked appropriately, and we won't engage them.

189Q: In the event that the helicopters would have been Iraqi helicopters and would have been carrying medical markings, would you have still been authorized to engage?

189A: No, sir.

109Q: Have you ever been briefed on what the medical markings for -- that could be carried on Iraqi aircraft, would be?

190A: No, sir other than a red cross.

Questions by Lieutenant Colonel Mudge:

191Q: Where in the ATO would you find what the tasked Mode I, AOR warning Codes were?

191A: It's in SPINS, I believe for the ATO, where it gives you the word of the day, the Mode I of the day, the base altitude.

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192Q: Are the Mode I, AOR Codes found in different sections in the ATO and if so, where would you find those?

192A: No, they're only found in the SPINS.

193Q: You'd mentioned earlier that there are different Mode I Codes?

193A: Yes, sir.

194Q: Are those listed in different portions of the ATO?

194A: The ACO I believe, talks about the Mode in Turkey. But I'm not -- I can't remember, it's been the same since I've been down here, 43. I believe it's written in the ACO. The actual ATO, we break out daily and check the Mode I for the day in the SPINS Section.

195Q: And that's the Mode I for in the AOR?

195A: Iraq, that's correct. That is classified, the one in Turkey is not.

196Q: Have you ever entered the AOR as the first fighters in to sweep, with other aircraft already in the AOR?

196A: Yes, sir, I've been through there first, never before someone else was in there.

197Q: Have you seen helicopter flights of any kind in the AOR before?

197A: Yes, sir one.

Questions by Major General Andrus:

198Q: Excuse me, do you know the nationality of that helicopter?

198A: No, I was told friendly, and when I looked it, the only reason I knew it was a helicopter was, he was low and slow. And low meaning six thousand feet, not as low as these. Cougar told me about it, and he was squawking Mode I.

199Q: Were you aware -- Have you ever been briefed on the possibility of the Syrians having Hind helicopters?

199A: No, sir.

200Q: Have you ever been briefed on the possibility of the Iranians having Hind helicopters?

200A: No, sir.

201Q: Have you ever been briefed on the possibility of the Turkish Armed Forces having Hind helicopters?

201A: After the incident.

202Q: But not before this?

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202A: That's correct.

203Q: Was there ever a consideration in your mind that what you had identified as Hind helicopters, could have belonged to any other nation?

203A: No, sir.

204Q: Had you ever received any indication from intelligence briefings or any other source that there was a possibility of Hind helicopters from any other nation operating in the No-Fly-Zone?

204A: Not, specifically helicopters, but flights in general, doing attacks on the Kurdish population from Iran and Turkey.

205Q: Did you feel that there was in any way any type of requirement for you to attempt to differ-- to determine the nationality of the helicopter that you had seen?

205A: Yes, sir, that's one of the things we look for in markings, is some type of flag.

206Q: Would you -- Did you feel any need to determine the nationality of a helicopter that you'd identified as a Hind?

206A: No, sir.

207Q: Do you feel that you passed close enough to the helicopters to detect any markings that they may have had?

207A: Yes, sir. With one exception, and that is if there was any type of subdued markings like a tail number that was mixed in with the camouflage and ----

208Q: ---- How close do you think, in your estimation, would you have been required to approach the helicopters in order to detect any subdued markings on the camouflage helicopters?

208A: I would say, it would have to be inside at least five hundred feet, maybe more.

209Q: How close do you feel you would need to have approached to have identified any colored markings?

209A: I think that, that range I was at would be no problem to see a colored marking. Once I saw it, then maybe I'd have to get closer to identify it.

210Q: Have you ever been briefed on the difference between the markings carried on an Iranian helicopter and a Syrian helicopter?

210A: Other than the flag, no sir.

Questions by Colonel At Lee:

211Q: What would you expect to see as an Iraqi marking?

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211A: I would expect to see the Iraqi flag with the -- it's green, it has the black triangles on it, three of them. There's red marking, I think.

212Q: Did you know that on the 14th of April?

212A: Yes, sir, and we also carry that in our classified pilot aide, a picture of all the flags.

Questions by Lieutenant Colonel Mudge:

213Q: Has Duke or Cougar ever pointed out an Eagle Flight to you on a mission in the AOR?

213A: Cougar has, yes sir, one time. The one time I encountered helicopters, Cougar told me, "Friendly flight". Told me where it was off the bull's-eye, and I actually locked him, saw it was a helicopter because of the speed and interrogated Mode I.

214Q: On the 14th before you flew your mission did you know anything about the Eagle Flight?

214A: No, sir.

215Q: When was the first time during your sortie on the 14th that you knew that there was an Eagle Flight in the AOR?

215A: On the way home when I heard the calling GUARD.

216Q: Do you know where, on the 14th did you know where you could find out any information about the Eagle Flights other than the ATO?

216A: No, sir.

217Q: Have you ever used AWACS to determine whether or not a target is friendly or hostile before?

217A: In exercises, yes sir.

Questions by Major General Andrus:

218Q: If I could go back for just a moment. You indicated that you had at one time previously interrogated an Eagle Flight. Was that in Turkey or was that in the No-Fly-Zone?

218A: It was in the No-Fly-Zone.

219Q: And that was an interrogation on Mode I?

219A: Yes, sir.

220Q: Well, was that helicopter squawking the correct code?

220A: Yes, sir.

221Q: Approximately, how long ago was that?

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221A: It was down -- When I was down here this time, so between March 26th, and April the 14th, and I did not visually ever identify him. I was at twenty-seven thousand feet, he was at six. So, I only had him on my radar. So, I don't know -- I still to this day don't know what kind he was. I just know it was slow enough to be a helicopter, he had Mode I and Cougar pointed him out to me, that's how I found him.

222Q: Has anybody briefed you on the markings on the Black Hawk helicopters?

222A: Prior to the incident?

223Q: Prior to the incident?

223A: No, sir.

224Q: Had anybody briefed you on the fact that the Black Hawk helicopters had American Flags painted on them?

224A: No, sir.

Questions by Lieutenant Colonel Mudge:

225Q: What is your general assessment of AWACS capability?

225A: I think it's great for overall situation awareness. The information, they have it on board, can provide me with a lot of information. Usually the breakdown comes between the -- in the communication part of it.

226Q: Considering all the various sources, information to describe OPC procedures, would you please describe your perception or that clarity, of that guidance, that's written or oral, regarding OPC flying?

226A: I think it's clear. I think their ROE is clear. I think the ACO is clear, the ATO is clear. In fact, the ATO is written better than a lot of ATOs I've seen, at least for finding information.

227Q: Proceeding on now to tactics and training, on 14 April, in what specific areas did you feel that you were well trained to perform?

227A: I felt that I was -- I had been well trained to perform in all areas that the Eagle would be asked to perform, and that's air to air. I have no training, at least not in this aircraft, on any type of air to ground.

228Q: Was there any specific air to air areas that you felt you were especially well trained to perform?

228A: Air superiority, well we specifically concentrated on DCA and OCA which pretty much encompasses all air to air. And that's all we do everyday, so I'd say, we're very well qualified in air superiority.

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229Q: Any specific areas that you think that you were inadequately trained to perform the tasking?

229A: I'd say training in low altitude environment is lacking. There's some peacetime rules, like the expenditure of chaff and flares that we don't get to do very often. So, sometimes, I'd question whether I'll -- I'll actually do that in real life, because we don't get to do it at peacetime. Probably the other areas, seems I've only flown the F15 in Germany in supersonic employment, because we never get to do it, except when we go on deployments.

Questions by Major General Andrus:

230Q: If I could, to clarify, you used the terms, DCA and OCA, would you clarify that, please?

230A: DCA is Defensive Counter Air, that's protecting your homeland from someone coming into it. OCA is Offensive Counter Air, you're going out in front of a package, or into someone else's land to sanitize the area from threats.

Questions by Lieutenant Colonel Mudge:

231Q: What training or experience do you have of attacking helicopters?

231A: None, uh, none hands on. There is a treatise about it in 3-1, which is our -- one of the tactics manuals. There's papers written on it. I have only intercepted a helicopter one other time in my career as a F15 pilot and that was ----

232Q: ---- Describe that please?

232A: Sure, that was in Bosnia. I was not the Flight Lead at the time. We intercepted a UN CH53 in mountainous terrain at low altitude.

233Q: Do you feel you were qualified to conduct the engagement as you flew it?

233A: Yes, sir.

234Q: What visual recognition training have you had that included helicopters?

234A: Okay, the visual recognition training we do is, on a combat mission Intel briefs us on the combat scenario. On a training mission back home, Intel briefs us on threats and does visual reconnaissance. Normally, if you were to fly four times a week, at least two of those would include our Intel Officer coming in and doing, somewhere between twenty and thirty slides on the wall, where we would have to identify what type of aircraft it was. Of those twenty to thirty, one or two are usually helicopters at the end, so five to ten percent are helicopters. Since January the 1st, due to TDYs and a move to Spangdahlem, we did not do any visual recognition training and that was a decision between the Weapons Officer and Intel on what we needed to beef up on.

235Q: In the helicopter, these recce pictures that you've seen before, do you remember -- ever remember seeing photos of helicopters from the rear aspect?

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235A: I'm sure there were some, but there's very few if there are.

Questions by Major General Andrus:

236Q: Do you remember seeing any pictures of helicopters from the position that you were in as you attempted to make your identification test?

236A: Also some, but the majority are from the front.

Questions by Lieutenant Colonel Mudge:

237Q: Do you know where you could expect to see the fin flashes on a helicopter?

237A: I would expect to see them on the Empennage Tail, or possibly on a vertical tail, but most likely on the part between the main body and the vertical tail.

238Q: What's your estimate of the air-to-air capabilities of Iraqi helicopters?

238A: I would say they have capability, but they'd have to be in the right spot at the right time to employ against the fighters that are in Provide Comfort. Against another helicopter is a different story.

239Q: Have you often practiced VID procedures at home?

239A: Flying, actually flying VID?

240Q: Yes, actually flying?

240A: Yes, against fixed wing aircraft on Zulu scrambles. Zulu is an alert facility and we do practice scrambles, and we occasionally get to intercept other fixed wing aircraft.

241Q: How often would that be?

241A: Once a month.

242Q: Do you remember when the last time was that you did that?

242A: We stopped Zulu last fall some time. So, it's been, I think it was last August, August of 93.

243Q: And would you briefly describe what Zulu alert involved?

243A: It was two aircraft sitting on scramble alert where we would have to take off within five minutes. Actually, that switched to ten minutes later. We're fully loaded with the same ordnance, four AMRAAM, two AIM-7s, two AIM-9s. And we only had one external tank, not two, not three. And we would practice scrambles to practice the timing, and very rarely would we actually be going to intercept someone. In most instances we would do, 1-v-1 intercepts against each other.

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244Q: How often do you practice EID procedures at home?

244A: Every flight, we practice EID.

245Q: And how often do you practice low altitude intercepts?

245A: Never.

246Q: When you practice EID procedures at home, do you use EID ----

246A: ---- One thing about the low altitude intercepts. Each year we go to Red Flag, we're required to go down low at Red Flag, so we usually do a pre-deployment to -- it usually includes WSEP or somewhere else in Europe where we do a low altitude step-down program to get everyone acclimated once again, to low altitude environment because we only do it once a year.

I've been to Bitburg two years; we've gone to Red Flag both of those years or Green Flag, Red or Green one or the other. But I have not gone on any of those deployments, so I did not. I have never done the step-down with the exception of the two upgrade rides that I had.

247Q: When you practiced EID procedures at home on normal training sorties, do you use EID criteria that's similar to the PC criteria?

247A: Yes, sir, in fact, since we knew we were coming to OPC, we've used that setup, a OPC scenario ninety percent of the time when we train.

248Q: How often do you get to practice composite sorties with AWACS?

248A: Not, very often at all.

249Q: Do you happen to remember when the last time -- training sortie that you did that?

249A: On a training sortie? I haven't worked with AWACS since I was deployed to Deny Flight, which was April of 93.

250Q: How often do you practice with the command and control element, like DUKE or Mad Dog, on your sorties?

250A: Never.

251Q: How good are your war-fighting skills at the end of a deployment to OPC, compared to when you first start?

251A: Not very good. We don't do any training down here at all. We do our mission which is to CAP and do air defense. So, we're good at working the radar and flying in a CAP. But, we don't practice what happens when you leave the CAP, ever down here, like we do back home.

252Q: Do you feel that you are still capable at the end of a deployment to be able to conduct the mission that you're tasked to do?

252A: Yeah, but very rusty.

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253Q: What briefings, training or education have you received on the purpose of OPC?

253A: Most of it's been through the Intel Officer and he went into detail on the history of the Kurdish problem prior, even prior to DESERT STORM. The effects of DESERT STORM on that. The -- What happened after DESERT STORM. Why we set up the security zone. Why we are giving help to the Kurds. Pretty good detail, plus the normal news and stuff that I read.

254Q: Who do you think is the highest threat in the AOR?

254A: MIG -- Definitely MIG-25 and that's because he's a threat to AWACS and the Tanker if we don't get to him first.

255Q: Is that the high fast flyer you were talking about?

255A: High fast flyer, yes sir.

256Q: What do you think the most probable scenario for a No Fly Zone violation?

256A: I would say it's a -- the border crossing to try to prove that they can get across and back without being shot down, like the few times it's happened. A test, basically, by the Iraqis.

257Q: Do you know of any No Fly Zone violations that occurred previous to the 14th of April?

257A: Yes, sir, there was one while I was down here this time. Confirmed F1 that flew up to Mozel and back.

258Q: Did that violation occur with coalition forces flying the AOR?

258A: AWACS was airborne and I think that's how -- I believe, I'm not positive, that's how it was confirmed. There was a ROLEX that day. If there wasn't a ROLEX there would have been F15s out there. They were thirty minutes behind, so it happened just prior to us going out there.

259Q: On the 14th of April what was your assessment of the general readiness of the Iraqi forces, ground and air?

259A: In the past three weeks that I've been here, it's been much better. Their sorties have increased more than we've ever seen them. They've done more intercepts besides 1-v-1s, in other words they're throwing multiplies at each other. And they did a surge, I think, just a week prior to the 14th, which included night flying at well, which is unusual. In fact, I think that one day, I can't even remember the number but it was a -- I believe the number of sorties for the number of aircraft they have at Qayyarah West.

260Q: Are there any other threats in the AOR that concern you?

260A: There's some concern for Turkish aircraft that fly through there, that we never know about. That's a regular occurrence. It happened more when I was down here last time.

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Questions by Major General Andrus:

261Q: Is that concern of Turkish aircraft one of threat or is it one of safety concern?

261A: It's more of a concern for -- we don't know they're coming in there, we're not told they're coming in there. We don't know that they're using the ATO, we just know that they're going to do a mission that they have and, you know, we can turn around in a CAP, lock this guy up who we think is friendly, and not get a squawk, that's the concern.

262Q: To clarify then, your concern would be one of mis-identification and possible engagement with a friendly coalition partner?

262A: That and mid-air.

263Q: A safety concern?

263A: Yes, sir.

Questions by Colonel At Lee:

264Q: A number of clarification questions. You referred, when you were talking about relative positions as you were approaching the helicopters, as being "tail to one left". Would you explain that please?

264A: Yes, sir, we actually get an aspect angle on our radar. One left would mean ten degrees, from tail aspect to the left of him. Does that make sense? And, from tail aspect the degrees go all the way around to 180.

265Q: When you were talking about the briefing that you gave, preflight briefing, you said you talked quickly regarding clear to shoot. What did you mean by that?

265A: Okay, every Flight Lead is different on when they allow their Wingman to actually employ ordnance. My guidance to Tiger 2 was that he could employ ordnance after he heard me say, Arm Hot, as long as he met the ROE. So, he would not need to say clear to fire.

266Q: The reference to "quickly" had to do with the procedure, not the attention you gave to the item, is that correct?

266A: I don't know what the reference was?

267Q: Do you feel you adequately covered the area?

267A: Yes, sir we adequately covered it.

268Q: You said you used a briefing guide inflight, do you know where that is now?

268A: No briefing guide inflight. We used the briefing guide to brief the mission prior to flight.

269Q: Three separate things. Briefing guide to brief prior to flight?

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269A: Yes, sir.

270Q: Do you know where that is, now?

270A: I have a copy of it. The actual one, I believe, the Board has, the actual one that was in the briefing room.

271Q: The unclassified inflight guide, do you know where it is?

271A: Yes, sir, we keep them in the safe behind the Operations desk. I also believe you have that.

272Q: That's the classified guide I gather that you keep in the safe?

272A: We keep the unclassified and the classified in the safe. We keep all the stuff that we sign out at the desk in the safe.

273Q: You talked about the intercept that you did with the ID pass, can you estimate the amount of time, giving consideration to the other tasks you had, that you were able to get eyeballs on the helicopter?

273A: Eyeballs on close enough to VID?

274Q: Yes.

274A: Not from five miles out?

275Q: That's correct.

275A: I would estimate somewhere between five to ten seconds.

276Q: Is that a constant, or intermittent one or two seconds at a time?

276A: Yes, sir, that was constant.

Questions by Major General Andrus:

277Q: Did you actually call for the Master Arm Switch to come on?

277A: Yes, sir, I did.

278Q: When?

278A: After the VID, when just prior to turning hot again, back towards the helicopters.

LTC MUDGE: Only one last question before we take a quick break. You've got a couple of more?

COL AT LEE: Yeah.

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Questions by Colonel At Lee:

279Q: At the time that you were in the engagement with the helicopters, did you make any effort to contact them on guard or by other means?

279A: No, sir. I would only do that for an unidentified aircraft. If I needed to contact him to leave the No-Fly-Zone or to land, but for a positively identified hostile, there's no need to do that according to the ROE.

280Q: You said that you had studied about a three page document with all of the ROE on it, is that the same document that's in the ARF?

280A: Yes, sir it is. The classified section of the ARF.

281Q: You referred to ICAO rules?

281A: Yes, sir.

282Q: Explain what that is please?

282A: Yes, sir, that's -- going make me remember this -- I don't remember what it stands for, International ----

283Q: ---- Civil Aviation Organization, I think.

283A: Yes, sir, that's it. Basically, those are rules for an unidentified ----

Major General Andrus ---- We were just looking for the definition of ICAO.

284Q: You talked about SPINS, is that the Special Instructions portion of the ATO?

284A: Yes, sir, it is.

285Q: You were talking about seeing one friendly Helo in the AOR before, did you actually see them with your eyeballs or referring only to a radar lock up?

285A: I'm referring to a radio call by Cougar that told me he was there and then a lock on afterwards with the radar, never visual.

286Q: You referred to fin flashes, what are they?

286A: Yes, sir, that's a -- usually the country's flag or colors of the flag. It doesn't necessarily have to be shaped or look exactly like the flag. That would be found on each country's aircraft that depicts that as -- from that country. And we have a copy of each of those fin flashes that aircraft have from all the countries in the local area: Syria, Iran, Turkey, Iraq.

287Q: Those are in your inflight materials?

287A: Yes, sir, they are.

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288Q: You reference an "F1" that had violated the No-Fly-Zone?

288A: Yes, sir.

289Q: What's an F1?

289A: That's a French made fighter, a Mirage.

COL AT LEE: That's all the clarification questions I have.

LTC MUDGE: Why don't we take a quick break here. It's been pretty long and then we'll clean up the last few details.

MAJ GEN ANDRUS: Okay, let's come back in at a quarter till.

(The investigation recessed at 1331 hours, 23 April 1994.)

(The investigation reconvened at 1415 hours, 23 April 1994.)

COL AT LEE: The time is 1415 on the 23rd of April 1994. The individuals present in the room are the same individuals who were here at the time we recessed, and you're reminded that you're still under oath.

WITNESS: Yes sir.

Questions by Lieutenant Colonel Mudge:

290Q: There are a few questions I'd like to ask and clean some things up. How do you remember that you interrogated Mode I after you locked on just prior to firing?

291A: Because I glanced onto my screen to make sure that it actually did not come up as a diamond. Every time I lock a target, I automatically interrogate it.

292Q: What were your thoughts immediately after missile impact?

292A: It was a -- I don't how who to explain it. It was a good, but bad feeling at the same time. Something I had never done before. My adrenaline was high. I was excited that the missile worked and hit and I did everything right. But, at the same time it wasn't what I expected. It was still an aircraft blown up.

293Q: Did you attempt any AAI interrogation while in the search and not locked on?

293A: Yes, sir, with negative response. Mode I and Mode IV and EWWS.

294Q: Do you happen to remember when and at what ranges you attempted the Mode IV, AAI checks?

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294A: Yes, sir, the one time it came up as a circle was at, somewhere between thirty and forty miles, that was my first lock, probably closer to forty. And, again that just came up instantaneously as a circle and then the circle went away, turned back to a star. And I believe I used a radio call there, either to Tiger 2 or to Cougar that said circles. The second time I did Mode IV was in sweep, between thirty and twenty miles and the third time I did Mode IV was in single target track between twenty and ten miles. I did not do Mode IV after I came back around the corner because I didn't have time to switch the switches. I did it one more time on Mode I.

295Q: Do you know what the difference is between an Iraqi aircraft and an Iraqi military aircraft, what that difference means, and the ROE's interpretation of hostile?

295A: Yes, sir in a military aircraft, which would be any type of aircraft that normally expends ordnance. I'm sure you can put ordnance on any type of aircraft, but it would be the fighters and the helicopters that expend ordnance including the Hind. It's an Iraqi military aircraft. It's painted in military colors, it's not painted civilian. It usually includes a smaller aircraft. If it was a 727 that was not painted camouflage, then there would be different questions to ask in that case. Just because it's Iraqi, it doesn't mean you shoot it down. [Classified portion deleted (6 words)]

296Q: Concerning the one helicopter contact that you talked about that you had in the AOR. How did you know that, that helicopter was an Eagle Flight?

296A: I don't know it's an Eagle Flight. I know it was a helicopter because the airspeed when I locked it. And I can't remember exactly, but I believe Cougar said friendly helicopter when he was pointing it out to me. I never saw it visually. I don't know if it was an Eagle Flight, an UN Flight, a MEDEVAC Flight, I don't know.

Questions by Major General Andrus:

297Q: I just have a couple of questions. In your visual reconnaissance training how much time are you normally given to recognize the silhouette of each aircraft?

297A: Usually the slides go up for two to five seconds, depending on the Intel Officer at the time.

298Q: And as those slides go up for two to five seconds, are you normally able to identify the aircraft correctly?

298A: Yes, sir.

299Q: Do you feel, then, that two to five seconds is an adequate amount of time to make the identification?

299A: Situation depending -- I think if you find something on there that definitely points it out to you as that type of aircraft a lot of times, then yes it is. Other times if it's further away, you didn't pick up on that specific shape or form that points it out as that aircraft, it might take a lot longer than that.

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300Q: Early in your testimony, you were discussing radar blips, did you say there was a difference between the terminology, hits and paints to describe a radar blips and would you describe the difference.

300A: The difference is my radar paints contacts, so when it's sweeping it's painting a contact. It puts contacts on a screen, that's called painting. When you lock someone and make a radio call that is, contact bull's-eye 03050 low, slow. If I added the word, "PAINTS", onto the end of that, that would mean that I am interrogating friendly and I'm getting friendly responses. Sometimes, the actual word, PAINTS, is a Code word for, friendly responses. But, radars also paint on their screen and that is a word that can become confusing.

301Q: But if you say that your radar is painting, are you using normal standard terminology?

301A: No, I would say that, that would probably be a terminology you would not want to say. I'm not saying it doesn't happen, but if you say painting, I would mean that to mean sweeping and putting Hits out there, but it probably could confuse people to mean friendly.

302Q: In the instance that you were using that terminology, painting, did you mean that you were making radar contacts or you were making IFF contacts?

302A: The only time I ever remember using "painting" is in my written statement afterwards. I said the radar was painting hits. I do not ever specifically remember saying painting or "PAINTS" during the engagement in the air.

303Q: Did you mean ----

303A: ---- I meant painting hits does not mean friendly interrogation.

304Q: I believe in your written statement, you said, I continued to sweep painting the target, and you explained that, and getting negative Mode I and negative Mode IV in the sweep. Would you clarify what you meant by that statement, please.

304A: Yes, sir, again painting is the radar making hits on the screen. Negative means that there were no friendly replies. I --also in my written statement there's one part, the initial lock, where I said I got a positive Mode IV reply, that statement refers to the one second that I got a circle up there and I like to emphasize that it went away, and I held down for another five seconds and it did not stay up there. Although the statement is in, kind of like bullet format, it's says positive for friendly Mode I or friendly Mode IV reply. At that instance, I'm right -- talking about in the written statement is that time where I got a quick friendly reply and then it went back to not friendly.

305Q: What was the approximate range again when you go that first quick reply?

305A: Thirty to forty nautical miles. And it happened ----

306Q: ---- How many additional times did you attempt to get an identification on Mode IV?

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306A: I did Mode IV three times, twice in single target track, once in sweep. I only got a friendly reply the first time, and it happened right when I pushed the switch and it went away one second later. And I held the switch for an additional five seconds or so.

307Q: Would you describe for us your combat training that you received or that you were able to accomplish in the six months prior to your deployment to PROVIDE COMFORT?

307A: Okay, first of all, even though I've already pointed out that due to the move and the number of sorties that we've been getting lately and the number of TDYs, training has lacked. I don't think it had anything to do with this incident. But, if this is a place to bring up some problems that we're having, I would say that the training is lacking quite a bit. On an average, when I first got to the Squadron, we flew fifteen to twenty sorties a month.

We are now flying eight, and if you get nine that means someone else gets seven. So, when you get eight you don't fly anymore that month, so everyone can make their required number of sorties. Of those eight sorties as an example, I was at PROVIDE COMFORT from December to February. I went home for about a month, and then I came back to PROVIDE COMFORT. In that month that I was at home, I got approximately ten sorties. Of those ten, four of them were taking a ferry aircraft back down to PROVIDE COMFORT. So, a two hop from Bitburg to Sigonella, Sigonella to Turkey. Getting a different aircraft and bringing it back; Turkey to Sigonella; Sigonella to Bitburg. Auto pilot on, one landing to a full stop, but we still have to log those as combat training sorties, because we don't get enough sorties to stay mission ready. So, I would say that's -- In the last six months, that's the norm, that you get very few sorties and of those that you get, even though you're calling them combat training sorties, they're not quality training sorties.

Questions by Lieutenant Colonel Mudge:

308Q: Do you happen to remember what altitude you made your second Mode IV interrogation when you were in that twenty to thirty nautical mile range?

308A: That's about the time I started descending so, and I didn't get below ten thousand until ten miles out. So, somewhere between ten and twenty-seven. I couldn't tell you the exact one, altitude.

309Q: Where did you get below ten thousand feet?

309A: Probably between ten and fifteen miles. I remember looking at about ten miles and seeing the target designator box on the road and by that time, I was down below ten thousand feet.

310Q: I understand you have some questions of your own, comments?

310A: I just have a couple of statements real quick. One is, I hope I gave the impression that when we went out there that day, we know a lot of things now, but we didn't know it then. That

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it was a very regimented flight. What we did, from the time we walked into the briefing to take off, to interrogation, to the missile shot, was not hap-hazard, it was a step through sequence that we follow every single day in training and when we go out to PROVIDE COMFORT. So, I just wanted to make that clear. That was very -- We went out there with our mindset, a professional mindset, went step by step through the whole entire process. Came to the conclusion that we needed to engage the helicopters.

The second thing is, there's obviously, at this point and time, some questions in my mind in hindsight and I think there's a chain of events that ultimately ended in a VID, that maybe could have been broken somewhere else in between. You may have answered all these questions, but I'd like to just bring them up in case they haven't been answered. First thing is, it says in the ACO that all UN Flights will be in the Frag with specifics. They were in the Frag but no -- and it doesn't help to be in the Frag and just put the name -- the call sign down. Second of all, I have a big question as to why the flight plans have been distributed to the F16 Squadron for a while. But the F15 Intel Officer who's been here four months has never even seen a flight plan on these flights.

And my understanding, and I don't know if this is true, is that the flight plan that day, after going back and looking at it, wasn't the same route they were taking anyway, so if we did have it, I'm not so sure it would have helped us. But, I don't know that to be fact. The second thing the ACO says, is that AI radars will always be the first ones to enter the AOR. So, when you go in with that mind set that you're the first one in there, any type of hits out there tend to get your attention quick.

And if someone did enter the AOR prior to us -- I was under the assumption that the chain of events from briefing to talking to Mad Dog on the radio, to talking to Duke on the radio, to talking to Cougar, would fix any changes that we were unaware about, and that didn't seem to happen.

And, the final thing is the ACO says everyone in the AOR will talk to Cougar. I don't know that Eagle Flight was talking to him or not. But, that's another question and that's all I had.

LTC MUDGE: Any further questions.

(Negative response from all board members.)

COL AT LEE: Do you have anything further in the way of information, statements or evidence which you wish to present?

WITNESS: No, sir.

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COL 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 discussions included in this interview with anyone, with the exception of your defense counsel, 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.

COL AT LEE: Do you have any questions?

WITNESS: No sir.

COL AT LEE: This interview is concluded at 1430 hours.

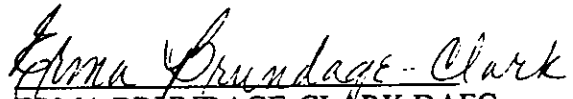
The above sworn interview statement, given by **Control Witness #26** to the Aircraft Accident Investigation Board was recorded by me by stenomask. Words contained within brackets, [], indicate language that has been substituted at the direction of the Board, to avoid the release of classified information which could not be downgraded and/or personal details which would disclose the identity of military members directly involved in the incident. The substituted language accurately conveys the essential meaning of the language. Except as so noted, I certify that the foregoing transcript is a true, accurate, and verbatim account of that statement.

THELMA I. HARRIS, SSG, U.S. Army
Court Reporter
Incirlik Air Base, Turkey

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**REPORTER'S CERTIFICATE
(1ST HALF OF INTERVIEW)**

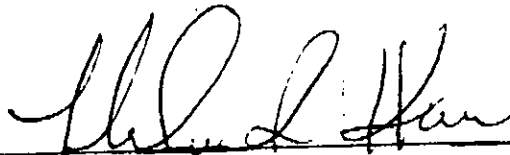
The above sworn interview statement, given by CONTROL #26 to the Aircraft Accident Investigation Board was recorded by me by stenomask. Words contained within brackets, [], indicate language that has been substituted at the direction of the Board, to avoid the release of classified information which could not be downgraded and/or personal details which would disclose the identity of military members directly involved in the incident. The substituted language accurately conveys the essential meaning of the language. Except as so noted, I certify that the foregoing transcript is a true, accurate, and verbatim account of that statement.


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

CONTROL WITNESS #26

REPORTER'S CERTIFICATE

The above sworn interview statement, given by CONTROL WITNESS #26 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 identify 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.



THELMA I. HARRIS
COURT REPORTER
Incirlik Air Base, Turkey

CONTROL WITNESS #26

V-022

V-023

TAB V-030

V-024

FOSTER, CHRISTOPHER

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**VERBATIM TESTIMONY
OF
CAPTAIN CHRISTOPHER T. FOSTER
53d Fighter Squadron
Spangdahlem Air Base, Germany**

COL AT LEE: The time is now 1541, on the 20th of April 1994. The persons present in the room are: Major General Andrus, Colonel Armen, Colonel Velluz, Major Byas, Group Captain Doggett, and Colonel Wilcox, Colonel At Lee and Lieutenant Colonel Mudge. We have the witness who is Captain Chris Foster.

The interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft 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. 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 given 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 AT LEE: Do you understand the purpose of this investigation?

WITNESS: Yes, sir.

COL AT LEE: Do you have any questions about that?

WITNESS: No, sir.

FOSTER

COL AT LEE: Your testimony will be recorded and transcribed verbatim so that a written record may 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 all questions put to you by this 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.

Do you understand?

WITNESS: Yes, sir.

COL AT LEE: Would you please rise so I can swear you in. (The witness is sworn.)

EXAMINATION

1Q. Would you state your full name and your grade.

1A. Captain Christopher Thomas Foster.

2Q. What is your organization and station?

2A. I'm a pilot in the 53d Fighter Squadron, Spangdahlem Air Force Base, Germany.

3Q. And your present duty assignment here?

3A. I'm With Operation Provide Comfort.

4Q. What are your normal duties and responsibilities when you're home at Spangdahlem?

4A. I'm the life support officer.

5Q. How long have you flown the F-15?

5A. I started RTU in the summer of 92.

6Q. How many hours do you have?

6A. Approximately 330.

7Q. How many total flying hours do you have?

7A. About 530.

8Q. Do you have any special qualifications, flight lead, supervisor, flying range officer, air combat?

8A. No, sir.

FOSTER

9Q. Have you flown at Operation Provide Comfort before this rotation?

9.A. Yes, sir.

10.Q. When was that?

10.A. Summer, last summer, summer of 93. That's with the 22nd Fighter Squadron out of Bitburg, from July -- end of June, all of July and August, around that time frame, for six weeks.

11Q. Do you know approximately how many sorties you flew then?

11.A. Approximately 18.

12Q. How long have you been in Turkey on this rotation?

12A. Since the 9th, so about -- almost six weeks, five and a half weeks.

13Q. Around March?

13A. Yes, sir.

14.Q. How many sorties have you flown on this rotation?

14.A. I think it was the 12th one today, maybe 13.

15.Q. What squadron duties and responsibilities do you have down here?

15.A. I'm the vehicle coordination officer, as well VCO. That's the only additional duty.

16.Q. According to the aircraft logs, you flew aircraft 4025 on the 13th of April, and that is one of the mishap airplanes the day before it flew. What was your assessment of that aircraft systems when you flew on the 13th?

16.A. Right now I can't recall. I'd have to look at the form to see if I wrote anything up on it.

17.Q. Do you remember something about the interference blanker?

17.A. There was a -- whenever I would interrogate I would get my own signal back in any kind of Mode I, Mode IV. If I had a Mode IV interrogation I would receive a reply off of myself.

18.Q. Is there anything else that you remember, systems, that did not work correctly?

18.A. Not right offhand, sir. I don't know if there's anything else I had written up.

19.Q. Did you run a complete systems test before take-off, the built-in test?

19.A. Yes, sir, all the built-in tests and the systems check after take-off, on my flight lead, which we run through all the Mode I, Mode II, Mode IV, and the radar locking up modes.

20.Q. Did this problem with the system allow you to complete a valid systems check or did it fail?

20.A. It allowed me to complete a valid one.

FOSTER

21.Q. Pardon me?

REP: I'm having trouble hearing both of you.

21.A. It allowed me to complete a valid check with the interference blanking. As I recall, it would give me proper identification of other aircraft, but the blanking system was also interfering with -- basically, I was interrogating myself also while I was interrogating others.

22.Q. Did you think the jet was capable of going into the AOR and conducting a combat mission with the problem?

22.A. I felt comfortable taking it in there. Whenever -- the only people I had locked up in the AOR were the tanker, which I got the correct Mode II squawk from. And coming back from the area either locking somebody to or from and also got the correct Mode I squawk and Mode IV, and just getting Mode IV at random ----

23.Q. And the AAI seemed to work correctly?

23.A. Seemed to work correctly yes, sir.

24.Q. I'm sorry; back up. Both Mode II and Mode IV?

24.A. Yes, sir, as I recall.

25.Q. And you had checked it on other airplanes besides your lead's airplane?

25.A. Yes, sir.

26.Q. Did your radios function correctly?

26.A. As I recall they did.

27.Q. Did you encounter any anomalies with any system that would have prevented you from being able to communicate, intercept, identify and engage and airborne target?

27.A. Not that I recall, sir, and I think if I would've it, as was with the comma would have been written up. I don't know if there's anything else I'd written up.

28.Q. You can't remember any minor discrepancies you may have told the crew chief about or something you simply forgot to document?

28.A. No, sir, not at this time.

29.Q. When you landed and wrote up the airplane, other than what you wrote up and the -- well, including that, do you -- what is your assessment of the aircraft's capability to conduct a mission in the AOR?

29.A. Like I said, not knowing exactly what I had written up, if I felt it wasn't capable of being flown in AOR I would have written that system up. So if I had not written that system up, then yes, I felt comfortable and felt that its capability was good for the mission.

COL AT LEE: This terminates this portion of the interview at 1552. We're going into a

FOSTER

classified portion of the interview. The classification level will be secret. If you have any requirement to discuss matters above secret or a special classification, you should say so before you say it.

(This portion of the interview concluded at 1552 hours, 20 April 1994.)

FOSTER

**VERBATIM TESTIMONY
OF
CAPTAIN CHRISTOPHER T. FOSTER
53D FIGHTER SQUADRON
SPANGDAHLEM AIR BASE, GERMANY**

COL AT LEE: The time is 1553. This is the continuation of an earlier interview begun with Captain Chris Foster.

You recall the advice that you were given regarding the nature of this proceeding?

WITNESS: Yes, I do.

COL AT LEE: Do you have any questions concerning that?

WITNESS: No, sir.

COL AT LEE: You are reminded you are still under oath.

WITNESS: Yes, sir.

(The witness was advised of procedures concerning security classifications.)

EXAMINATION

1.Q Would you please, in your own words, explain the rules of engagement that were in effect on the 14th of April.

1.A. The rules of engagement would be -- do you mean if I were to lock somebody up how would I ID him hostile or friendly, or ----

2.Q. Explain your understanding of the rules of engagement.

2.A. Okay. If AWACS directed or if I saw someone flying south of the line coming north towards the line, I would "lock him up" and will just -- if I had somebody I'd lock it up, take sample locks, see what they're doing, or an unknown I would lock up. Once I had that lock that is when I would go through the ID criteria, per se. [Classified portion deleted (106 words)] You don't really know who it is.

Now to declare it a positive hostile, that is, AWACS can confirm positive hostile

FOSTER

with the point of origin. We can get NCTR, which you can actually start on that.

3.Q. That's an additional system that you have to identify; is that correct?

3.A. Yes, sir. VID is also an alternative there, if lack of any of the others.

4.Q. Are there any other considerations that you would take into account, other than what you've already mentioned, if there is an unknown airborne target in the area?

4.A. Not that I can remember at this time.

5.Q. Is there anything between the system you just talked about and an intercept on a helicopter that would be different, would you change your routine of means of identification on a normal aircraft or a helicopter; Or, would you still go through Mode I, Mode IV NCTR, visual?

5.A. I would still go through the exact same process as with an aircraft -- with an aircraft and a helicopter, would be the same process I would run through?

6.Q. In your understanding, are there any requirements to attempt flight communications in the identification process?

6.A. No, sir.

7.Q. Once you had carried the identification process to the point of making an intercept in order to gain the visual identification of the target, how would you go about identifying the target, and after identifying the target, what actions, do you understand, would be correct according to the ROE?

7.A. Having a positive radar contact on target and also talking with AWACS, seeing if AWACS has the same target as I have, for a helicopter -- Sir, do you want me to explain how we do a run-in on a helicopter or?

8.Q. How would you do it according to the ROE to gain a visual identification on the helicopter, what is the standard procedure for doing that, the way you understand it, and once you had identified the helicopter? What actions would you take, according to the ROE?

8.A. Okay, sir. Our standards being briefed by the flight lead at the time for a low slow mover, which would be a helicopter, were for the wing man, which would be me, to drop back in a 3 to 5 mile trail, keeping visual on the lead, and basically, lead is going to be flying right over top of the helicopter and trying to get a VID, if all other modes failed. Me being back there, I would be ready at his VID call. If he cleared me to fire at that moment and time, with me in 5 mile trail and my flight lead getting [an appropriate] VID, then I would be clear to fire at that time.

9.Q. What would determine if it was a positive hostile identification?

9.A. [Classified portion deleted (36 words)]

FOSTER

10.Q. Would you be required to identify then whether it was Iraqi or specifically the nationality of the aircraft before it be declared hostile?

10.A. That would be a process of the VID, vis identification.

11.Q. How would you determine if it was an Iraqi aircraft?

11.A. Through the flight lead flying over the top, if we had a hard time determining whether it -- visually, whether it was a Iraqi aircraft or another aircraft, unknown aircraft, we would continue setting up a race track pattern over top of the aircraft, using an INS to mark the destination. Once the flight lead went over, if he did not get a visual identification, he would peel back around, I would fly over, try to get one myself. I would fly back around, and we'd start maybe a 5, 10 mile race track pattern around the -- over top of the helicopter.

12.Q. What would you look for in order to determine that this was an Iraqi -- we were speaking of helicopters - in order to determine if this was an Iraqi helicopter?

12.A. I would just say the visual -- how the helicopter looks, in terms of whether it's, you know -- its make, model, of the helicopter.

13.Q. If you were to then determine by its make or model - I don't mean to put words in your mouth. Let me word this differently. How would you determine the difference, first of all, between an Iraqi helicopter of any sort, or a U.S. Black Hawk helicopter?

13.A. If I had any questions on my ability to distinguish between the two aircraft, we fly with a guide that has all the helicopters, in the pocket, in our pubs kit that we get signed out to us. I would pull that out and try to make a match visually with that.

(Reporter's note: There is no question or answer #14.)

15.Q. If you made a match, would that tell you the nationality of the helicopter, or would that tell you the make or model of the helicopter?

15.A. That would tell me the make and model, and knowing that
[Classified portion deleted (25 words)]

16.Q. If you identified a helicopter in [Classified portion deleted (24 words)]

16.A. My understanding as of the date of the incident, yes.

17.Q. And if it was positively identified as such, what actions would you be allowed to take, or what actions should you take, according to the ROE?

17.A. [Classified portion deleted (9 words)]

18.Q. [Classified portion deleted (16 words)]

FOSTER

[Classified portion deleted (7 words)]

18.A. Yes, sir.

19.Q. How would you determine the difference between a Hind Iraqi helicopter and a Hind Iranian helicopter?

19.A. Well, sir, the only way I would know would be using markings on the side, or -- the only way I would know other than talking with AWACS, who might have a point of origin or be in radio contact with that aircraft.

20.Q. Would you routinely check with the AWACS aircraft in a situation where you identified a helicopter as a Hind helicopter? Would you routinely check with AWACS to determine point of origin to confirm it was an Iraqi Hind helicopter, or would that be something out of the ordinary?

20.A. I would think that would be more out of the ordinary, due to the fact that AWACS, if they had a point of origin, I would think they would have brought that up to me as a pilot right away instead of having me run in on this unknown.

21.Q. If you were the one that made the contact, ran the intercept, and, in this case, made a visual identification, instead of the AWACS making the contact and making identification, so that you have determined by visual means that this is a Hind helicopter, how could you visually determine the difference between a Hind helicopter from Iraq and a Hind helicopter from Iran, for instance?

21.A. I'd say the only difference would be if they had just the wing flash on the side or the flag.

22.Q. Would you be required to make that -- according to the ROE, to make that determination prior to engaging the helicopter?

22.A. No, sir, not to my understanding.

23.Q. So, your understanding of the ROE is that any Hind helicopter, regardless of nationality, flying in the No-Fly-Zone, and not identified as friendly by AWACS, [Classified portion deleted (9 words)] is that correct?

23.A. I would say not identified friendly by AWACS or by the means on my aircraft ----

24.Q. Or by the means on your aircraft?

24.A. I would say that is correct.

25.Q. Does that mean that you would have no requirement to determine whether it was Iraqi or Iranian or Syrian?

25.A. I would say determining the requirement to determine whether it's Iraqi, Iranian or Syrian, I would say no, that would not be one of my requirements.

26.Q. So the ROE authorizes you to destroy a Hind helicopter that you have identified visually as a Hind helicopter in the No-Fly-Zone, with no other means of identification; is that correct,

FOSTER

and without knowing for sure what the nationality is; is that correct?

26.A. That's correct, meeting the [ROE] criteria that we discussed earlier.

27.Q. What markings would you expect to see on an Iraqi Hind helicopter?

27.A. Sir, that is a wing flash that's carried in the booklet also -- flag, is carried in the booklet with the helicopters with that.

28.Q. Is it in subdued markings or is it in color?

28.A. They're in color.

29.Q. What markings would you expect to see on a U.S. Black Hawk helicopter?

29.A. Sir, I expect to see an American flag on the side. I'm not ----

30.Q. Were you briefed on the markings to be found on the U.S. Black Hawk helicopter prior to the incident?

30.A. No, sir, I wasn't.

31.Q. You said you would expect to see an American flag on Black Hawk helicopter. Why would you expect to see that?

31.A. I would say some of the pictures I've seen, either an American flag or an American red, white and blue symbol on the aircraft somewhere. But from above I don't really think that would be possible unless I got down extremely low or he was up high.

32.Q. Would you expect that American flag symbol would be in subdued camouflaged color, or would you expect that to be in bright color?

32.A. I would expect it to be somewhat subdued, probably, just off the top of my head.

33.Q. To reiterate again, have you ever been briefed on the exact markings that are carried by U.S. helicopters, coalition helicopters, operating in the No-Fly-Zone.

33.A. No, sir, I haven't, not the exact markings.

34.Q. May I ask one on the guide. The guide that you carry, do you happen to know whether the Black Hawk photograph in the guide is with wing tanks or without?

34.A. The picture of the Black Hawks I've seen are all without. I have not seen a Black Hawk picture before the incident with the wing tanks on it.

35.Q. Intercepting and identifying the Hind helicopter in the No-Fly-Zone of Iraq, you've indicated that your understanding of the ROE authorizes you to engage and destroy that helicopter; is that correct?

35.A. Could you say that again?

FOSTER

36.Q. If you have intercepted and visually identified a helicopter in the No-Fly-Zone of Iraq and you have visually identified that helicopter as being a Hind helicopter, according to your understanding of the ROE, would that constitute sufficient grounds for you to engage that helicopter?

36.A. Sir, making the [ROE] criteria, and me visually identifying it as a Hind helicopter, yes.

37.Q. Is there, according to your understanding of the ROE, any requirement for you to take into consideration that that helicopter might have navigational problems and be lost?

37.A. No, sir.

38.Q. Is there any requirement, according to your understanding, that you may have on board equipment problems that should be considered prior to engaging?

38.A. Well, depending on how my problem was, such as today when I was flying my aircraft, some of the systems on there were not functioning a hundred percent, so I would be -- I would not rely on that system as much as I would on one that I knew was functioning correct.

39.Q. In your understanding of the ROE, is there any reason for you to consider that this Hind helicopter that you have visually identified may be in the process of defecting?

39.A. No, sir, I do not take that into account either.

40.Q. Is there anything in the ROE that you're aware of that would cause you to take into account whether or not the Hind helicopter had Red Cross markings or red crescent markings, any medical markings, or that sort?

40.A. Yes, sir, I would be -- seeing Red Cross markings would be one of the factors involved in not making a positive hostile VID.

41.Q. Who has the authority to clear pilots to engage and destroy aircraft in the AOR?

41.A. The AWACS has that authority and pilots themselves, the flight leads, are the ones who would commit out.

42.Q. Does it require both or just one?

42.A. It would require just one -- both in most circumstances, and some just one. Say, AWACS did not have radar contact on someone coming through a valley that a fighter picked up, the flight flyers would commit themselves on that, based on their commit criteria that they briefed before the flight. In talking with AWACS, talking off of the bull's eye point, getting AWACS to look in a certain area to see if they had any hits in that area, but they didn't think was a track but there would be communication going on between both of them. So I don't know if that's really both of them or just one, because there would be communication the whole time.

43.Q. Do you, to complete the decision process on whether to engage and destroy, does it

FOSTER

require AWACS permission to fire for declaration of hostile?

43.A. No, sir, it doesn't.

44.Q. If AWACS does not do that, who has responsibility for making or giving clearance to engage and destroy?

44.A. If AWACS does not give that clearance?

45.Q. Correct.

45.A. That would be the flight lead of the flight.

46.Q. Would you be cleared to fire if AWACS was the only means of declaration of a hostile? You're a wing man.

46.A. If, say, I ran an intercept and my flight lead went blind?

47.Q. Yes.

47.A. Yes, sir.

48.Q. What information would you expect to receive from the airborne command element, Duke, in the process of intercepting and ID'ing an aircraft?

48.A. Depending on what type of aircraft it was, I would be asking AWACS for, maybe, cutoff vectors if it was a fast high flyer who was something low that didn't have a radar contact yet on that aircraft, low and slow, where I couldn't pick it up right away, AWACS would be giving me either tactical, which would be almost vectors to it, or most probably talking off of a bull's eye point.

49.Q. Would you expect, not Cougar, but Duke, to provide any information to you, or are you required to provide Duke any information when you're intercepting and identifying an aircraft?

49.A. I would say it would be a "give and take."

50.Q. Are you required to? Under the ROE, are you required to----

50.A. No, sir.

51.Q. ---- talk to Duke or have him pass information to you?

51.A. No, sir.

52.Q. To engage and destroy that aircraft, are you required to receive permission from Duke?

52.A. No, sir.

53.Q. Or are you required to pass information?

53.A. No, sir.

FOSTER

54.Q. For clarification, you referred to "bull's eye." That's a specific point designated from which you measure range?

54.A. Yes, sir, a bull's eye point would be a single point which is designated out in the AOR, so everybody is talking a certain distance and direction from that point.

55.Q. Without referring to the individual himself or herself, when you say "Duke," what do you mean?

55.A. Duke would be one of the controllers or the overseer on AWACS, the package -- commander wouldn't be the right word, but basically in charge of people coming in, who's in the area, who's leaving the area, and where people are.

55.Q. If Duke tells you not to engage, is that binding on you?

55.A. Yes, sir. (reporter's note: next question is 56.)

56.Q. If you pass information to AWACS regarding aircraft that you see, and they do not respond with any information, what effect would that have on your actions?

56.A. Let me go back to the first question. If he told me not -- if Duke has told me not to engage and I see hostile aircraft from another aircraft, then I have the right to engage to protect myself.

57.Q. In this area we were talking about where you are looking at an unidentified aircraft, or even an aircraft that you believe you have identified, but Duke tells you not to engage, and you're not threatened, are you required to comply with that direction?

57.A. Yes, sir.

58.Q. The question I was asking you, if you pass to AWACS that you have identified an aircraft in the area and they do not respond, what's the significance of them not responding to you? How does that affect your decision?

58.A. I would make the call again. Even if they do not have a contact with that, they should acknowledge my call, say, either, "AWACS is clean there", or some type of call to make me know that I still have radar contact with her, radio contact with AWACS, so I'm not just -- maybe I was talking on aux accidentally and he didn't hear me.

59.Q. During the intercept if you announce -- make a radio call that you identified a Hind and there is silence from AWACS, how does that figure into your calculation?

59.A. I would maybe make a call saying - "AWACS, you copy, VID Hind".

60.Q. If there's a sequence of communication during an intercept where lead would identify, pass and identification of the aircraft, if you disagree with that you'd speak up; if you agree with it you'd remain silent?

60.A. I don't know if I would so much remain silent, but if I disagreed I would definitely speak up. If I agreed with it I would also verify it or remain silent.

FOSTER

61.Q. Would you expect AWACS to make any radio call that they agreed with what lead was calling over the radio?

61.A. I would expect AWACS to, if they agreed -- if they determined also, under their capabilities, that what they were seeing was either contradictory or back-up what the lead was saying, then I would expect them to make the call.

62.Q. But if they neither confirmed or denied what lead was saying?

62.A. I would expect to make a call, AWACS is clean, "AWACS copy", just to stay in the GCI/fighter loop.

63.Q. Would you interpret silence on the part of AWACS as being consent on the part of AWACS for you to engage?

63.A. That wouldn't necessarily mean it being consent on the part of AWACS, but I wouldn't interpret it as them not having -- basically not knowing what -- not having any information available to them at that time.

64.Q. Would that prevent you from continuing the engagement?

64.A. No, sir.

65.Q. Is it standard practice for when you don't get a reply from the AWACS to re-initiate that call?

65.A. Yes, sir, usually it's standard, just as if AWACS was talking to us and they were telling the fighters to intercept a target, then the fighters would come back and respond with their call sign or something. It's just a common acknowledgment of radio calls.

66.Q. So given any other situation that is critical to the flight or the engagement, if you didn't receive a response, would you then ask that, call them again, in any situation?

66.A. I can't speak of any situation, depending on how task saturated I was at that time, how much time I had, how many brain cells I had left to make the call over again.

67.Q. Given the time.

67.A. Given the time, given the brain cells, given the opportunity, yes, I would make that call again, just as I would with ground control giving me a PAR and I want to knock the PAR off and he doesn't answer, I would say it again. Just given a precision guided approach where -- and say I didn't want to keep going on the approach.

68.Q. Have you received any training on what you should expect from AWACS in a situation like this, or what he should or shouldn't do if they don't respond?

68.A. No, sir, not specific training. My understanding is AWACS is an airborne GCI site, basically, whose goal is just there to extend its coverage out. Working with the controllers, like the ground base controllers, that's the experience I have. I haven't really any specific AWACS -- AWACS specific briefings on the difference between their controllers and, say, one that would be on the ground.

FOSTER

69.Q. When you're checking into the area do you normally check in with the Duke prior to entering the area?

69.A. Yes, sir.

70.Q. What type of information do you receive when you check in with the Duke?

70.A. Usually we check in with Duke, receive the altimeter setting. Usually the first flight in, we usually get a weather check from the first flight coming in, which is usually us. If there is any information we pass along, Duke is the one that's going to be passing it along. If it's of a sensitive nature we can go -- he'll pass that through a different means instead of over an open radio.

71.Q. Is any tactical information passed at that time, such as, aircraft in the area, or the area situation?

71.A. Continuously, Duke will give us heads up on if anything is flying, if you're the first guys in there they might give you a picture call -- or they will give you a picture call. You will get a picture call before you come in the area if AWACS has a picture. By picture, I mean if they see anybody on their radar scope that is flying.

72.Q. Can I just clarify something here? I'm getting three terminologies, AWACS, Duke, and Cougar. Who gives you the information?

72.A. Cougar is usually going to be giving information. Duke is going to be working -- my understanding, Duke is working in conjunction. Cougar is the one that's going to be passing most of the stuff to us. Initially checking in, being the first flight of the day, we switch over to Cougar and also switch over, usually either do it real quick in the main radio, the one in the aux radio and one in the main radio. We'll check in with both of them and get information from either/or. Duke will give us the altimeter setting and that kind of stuff, and also, since it's sensitive material, Cougar usually will just give us the "picture calls".

73.Q. What training did you receive on the ROE here before you deployed here?

73.A. Before coming down or once I -- before flying?

74.Q. Either/or, did you receive ROE training?

74.A. Coming in, just signing off, just make sure you're reading all the material that has been sent down to us, all the ARFs and ----

75.Q. Any specific training on just the ROE and how you apply it?

75.A. In terms of a briefing?

76.Q. Mm-hmm.

76.A. No, sir, I did not get one this time down. Last time down is when I was in the squadron when they first came down here and they had a specific indoctrination before any of the squadron -- that was in the 22nd Fighter Squadron. But, in this squadron they had been already deployed

FOSTER

down here when I switched squadrons.

77.Q. Prior to your flight on the 13th, when was the last time you'd discussed the ROE?

77.A. I would say the ROE usually get discussed in the briefings in the morning to talk about the different ROEs. The flight leads usually will ask you some questions and will also go over every type of intercept which is possible.

78.Q. Have you ever read specifically what the ROE says?

78.A. Yes, sir.

79.Q. Entire document?

79.A. Yes, sir.

80.Q. What is your perception of the ROE for guidance that you have to operate?

80.A. I ----

81.Q. Is it clear? Is it understandable? Do you think you can operate with the guidance that you have?

81.A. Yes, sir. If I was -- before the incident it seemed extremely clear. Looking at it now and some of the things that have been adopted, it seems like those are very good things being adopted into that. But, before, I thought it was extremely clear. I think it's still clear right now.

82.Q. Who is required to initiate the "picture call" when you check into the AOR?

82.A. Cougar will give you the "picture call", sir.

83.Q. Have you ever had Cougar notify you of helicopter traffic in the area?

83.A. Yes, sir.

84.Q. Do they routinely notify you of friendly helicopter traffic in the area?

84.A. I have -- I have -- Maybe once, I have heard a friendly helicopter call.

85.Q. You indicated that you've flown 18 sorties in your previously deployment and approximately 12 sorties this deployment. Of those 30 sorties that you've flown you say you've received maybe once an advisory of friendly helicopter traffic in the AOR; is that correct?

85.A. Sir, it may be more than that. I just receive picture calls. There's usually, maybe like a heads up call. I've heard Eagle Flight talking on the radio last time I was down here last summer. Yeah, I made a run on a U.N. helicopter last summer that was coming north across the border which AWACS -- neither AWACS nor anyone else knew they were coming and they weren't talking to anybody until we flew over top of their aircraft.

REP: I'm sorry; I can't hear you. You'll have to wait for the aircraft to go over. Okay.

FOSTER

85.A. (Cont) Until we flew over top of them and at that time they communicated through AWACS to tell us who they were. So, that's the only helicopter knowledge that I have at all.

86.Q. Is there a way that you find out about helicopter traffic other than through Cougar, the AWACS controllers?

86.A. On our briefing board in the room they have just a very basic few notes, I would say, on what Eagle Flight would be doing that day, where they're going to, from point "a" to point "b," and doesn't have a route of flight, have some times. It's very generic and it's just right up on the map we have of the whole AOR.

87.Q. Would you ever, when you were in the AOR, see helicopter traffic that turned out to be Eagle and you locked up and interrogated?

87.A. No, sir.

88.Q. Concerning the various sources you have, describe the procedures.

88.A. A few days before the incident happened, I was one of the first -- I was on the first push in and my flight lead and I -I'm not sure exactly who it was -- had a contact over top of the mountain ranges there north of the line. We had in on that contact. AWACS was clean and then got a few hits. My flight lead locked up the contact. I had a few hits on it, and then we lost it in the mountains. He had negative -- I can't tell you what he had, but I had negative Mode I and Mode IV off the hit I had, but, like I said, I didn't have a single target track, which is where we are going to interrogate. So I did not lock it up at all. I was sanitizing around and only had maybe five or six hits on that.

We flew over the spot, maybe ten thousand feet above it, hit the mark, flew past it maybe ten miles, came back and just -we were trying to see any helicopter or whatever down there, and cannot pick it up. That was it. I'm not sure if that was Eagle Flight, like you said -- see an Eagle Flight -- if I've ever seen Eagle Flight. That was the only time this time down that I had any experience that was low and slow.

89.Q. Concerning all the various sources that we've discussed, have you received any guidance, written or verbal, that regarded Operation Provide Comfort that was confusing, contradictory?

89.A. Not -- There's some contradictory things which are individual flight lead preferences, but nothing in terms of any kind of rules of engagement or AOR procedures, more of just inter-flight things.

90.Q. Do you think that you're well trained to perform the mission in OPC?

90.A. Yes, sir.

91.Q. Are there any specific areas where you feel you are more or less proficient to complete your mission that you would require more training?

91.A. I would say just due to the fact -- the local training, I would say none of the pilots down

FOSTER

here are at optimum performance for a two against four or any aspect of the air superiority game, which is to be expected with -- we're not getting individual sorties. We're not going out and fighting practice sorties against each other. I couldn't really narrow it down to one, you know, point more than another, basically. But I would say I don't think there is any pilot here that's going to say that he is as confident in his ability to go up and go two, two against four, then he would have been maybe after going to a Red Flag or going to be at the home station for a couple months and getting local training sorties or any kind of training sorties.

92.Q. In your assessment, are the people trained well enough and proficient enough to conduct the missions or tasks that are here?

92.A. Yes, sir.

93.Q. Have you ever trained to intercept and identify helicopters?

93.A. In local sorties or?

94.Q. At any time?

94.A. No, sir, just simulators. I've done simulators against low/slow moving aircraft. In simulators you really don't see what it is, but it's presumed a helicopter.

95.Q. So you have never personally done an identification pass intercept and then engage a helicopter in practice?

95.A. No, sir, not in practice, just in the simulator.

96.Q. If you were to do that, how would you try to do it?

96.A. I would try to do it the exact same way that I've been briefed, how the flight lead briefed me to do it, which I would string the two ship out, have the wing man drop back to a three to five mile trail, flight lead fly directly over top to get the wing man's eyes on the aircraft also, talking inner-flight in the aux radio and with the GCI controllers or anybody else around in the main radio. Flying over top, I would hit the mark button on my INS which would give me a symbol so I would know where the last -- when I turn around I wouldn't get turned backwards and I would know where the last point I saw it was, so if I didn't see it that time I'd know a general area where to start looking for it. Start to set up a race track pattern in that fashion, moving with the aircraft.

97.Q. What altitude would you conduct this if it's a low flying helicopter?

97.A. Depending on how the terrain is, what the weather is, as low as I would feel comfortable going, what's a threat in the area, is there SAMs in the area, AAA in the area, is it possible. This is -- this aircraft has the capability against me so that I want to keep it off to the side or maybe higher so maybe it doesn't see me.

98.Q. If on the 13th of April you had contact and you had to go and investigate in northern Iraq, what altitude, given it was day, VFR, would you expect to go?

98.A. I probably wouldn't go any lower than about 2 to 3 thousand feet in the flat, maybe like

FOSTER

area near the 36th parallel. Over the mountains I'd be -- I would be more hesitant to go that low. I would stay higher than that, depending on the mountains around the area.

99.Q. What is your low altitude qualification when conducting intercepts?

99.A. Just a thousand feet is ----

100.Q. That's your minimum altitude that you're trained to fly low altitude intercepts?

100.A. That would be it, sir. That's what I'd drop down to.

101.Q. After you achieve a visual on the helicopter and VFR conditions in the mountain area, how far above the helicopter in altitude, and how close to the helicopter in range, would you feel comfortable going, assuming the helicopter was below 400 feet altitude?

101.A. Depending on the visibility, keeping the helicopter in sight, keeping my lead in sight, I would think it's more of a judgment call at the time. I wouldn't go anywhere -- I would go as well as I did to get the VID. I would stay higher. I would stay -- keep my air speed up, but I would also want to be low enough and close enough to be able, every time it came back around the corner, to be able to pick up a VID -- a visual on it again, so I wouldn't lose it.

102.Q. But to get the VID itself, you visually see the helicopter, but now to determine if that helicopter is a Black Hawk or a Hind, in a mountainous terrain, good weather, good visibility, and you have picked it up first and, therefore, you are leading in, how comfortable would you -- what altitude and range would you be comfortable at flying and closing into in order to get the VID before you would break it off?

102.A. Firstly, I wouldn't be very comfortable going in a mountainous terrain going down to -- if I went down to two thousand, three thousand feet, depending on if he's in a valley or not, I'm going -- I would keep my air speed up 450 knots. In terms of, you know -- In terms of distance, away from the helicopters, type of thing, that would also depend, I would say, on the -- whether he's in a valley, whether he's up on a ridge.

103.Q. You would, generally, if he's in a valley, mountainous area, you would not feel - again, I don't mean to put words in your mouth, but, if I understood you correctly, you said that two thousand feet would be the minimum altitude that you would feel comfortable approaching him at in order to get a visual identification; is that correct?

103.A. Yes, sir.

104.Q. To determine its model.

104.A. If I did not have visual on him yet or after I'd gotten the visual?

105.Q. You have a visual. You can see him. You can see the rocks, but you have not determined what type helicopter it is, what altitude would be the minimum altitude you would feel comfortable flying in and over that helicopter, and what would be the VID range you would feel comfortable in order to determine now what type helicopter it is?

105.A. You said how close would I want to get personally to be able to see it?

FOSTER

106.Q. With your training, your qualifications and your experience, that you would be comfortable in approaching.

106.A. I would say a couple thousand feet above it, or a thousand feet above it, off to the side, maybe a mile away, would be the -- I'd say I would have to be about a mile away to be able to distinguish, probably closer than a mile away, off to the side, with that altitude -- me, myself, to get a definite -- for me to say, okay, I got a good look at that, you know, and if I did not feel comfortable I would try it again.

107.Q. So, a thousand feet in altitude above you'd feel comfortable?

107.A. Approximately, depending on the circumstances.

108.Q. And you would feel comfortable approaching, I believe you said a mile or closer if you needed to get the ID. How close do you feel that you would need to get in order to differentiate between a Black Hawk Helicopter and Hind helicopter?

108.A. That's where I would say a mile would be the point where I'm getting in there and -- depending on the aircraft and what I know of the -- know so far of the aircraft, I'm not going to be wanting to squeak in there to a mile if this guy is going to be able to see me turn and fire something at me. I'm going to be extremely hesitant in that case.

109.Q. So you would hesitate getting closer than one mile to a helicopter that you don't know the type; is that correct?

109.A. I would say that would be correct, yes.

110.Q. Do you feel that you could determine the difference between a Black Hawk helicopter and a Hind helicopter at one mile range and one thousand feet in altitude, you being one mile from the helicopter and a thousand feet above the helicopter?

110.A. I would say that would be a difficult call to make, to be able to do that going 400 knots faster than the helicopter. I would say before the incident I would be more confident to do that than I am now, to be able to make that call.

111.Q. Prior to the 14th of April, had you had any training or experience which would have allowed you to make that judgment?

111.A. In terms of experience for VID ----

112.Q. Of the helicopter and what kind of range you needed to distinguish between a Hind and a Black Hawk?

112.A. No, sir.

113.Q. Do you remember the last time you had any kind of "vis recce" reconnaissance training, including helicopters?

113.A. I can't recall off hand. I would say approximately 3 or 4 months ago.

FOSTER

114.Q. Do you remember if it included Hinds and Black Hawks?

114.A. Yes, sir.

115.Q. Have you ever seen a Black Hawk with the aux tanks?

115.A. No, sir.

116.Q. Did you, in your "vis recce" training, see helicopters with rear aspects?

116.A. I can't recall, sir, but it does not sound familiar. Usually the "vis recce" are like a profile shot.

117.Q. Just to clarify. In your VID training, do you ever see photographs of Black Hawks with aux tanks?

117.A. No, sir. The VID training that I'm talking about would be on slides, not just myself flipping through pictures or going through pictures with somebody else. This would be a squadron slide, with an intel officer.

118.Q. So neither in your training materials nor in your personal experience have you seen a Black Hawk with auxiliary fuel tanks?

118.A. Not until after the incident.

119.Q. A question about your low level training. You say you have a clearance level down to a thousand feet. When was the last time you did any low level intercepts?

119.A. The only low level intercepts -- my clearest level, in terms of, for going out to the ACMI or going to Tyndall or going to a flag, that's going to be the thousand feet, dropping down there. Low level intercepts, I had a couple low level rides over Germany, but on the whole, we don't do very many at all, just on some exercises.

120.Q. What's the lowest height that you go down to on those intercepts?

120.A. Probably the lowest one I've been down to on those, actually engaging some aggressors out of a target area, would be like maybe fifteen hundred feet, maybe a thousand. I can't recall right off hand, but I know I don't go down, you know, get in the weeds and -- flying over Germany -- it's really not an option actually in Germany. We're starting to train to that level because we're coming up on a Maple flag where we'll be doing that. So, ----

121.Q. When was the last time you did a Red Flag?

121.A. I have never done a Red Flag.

122.Q. Do you know of any No-Fly-Zone violations? Has any occurred that you know of by Iraqi aircraft in the northern area?

122.A. Not that I can recall right now. I know there was a supposed one, but that was found not to be true.

FOSTER

123.Q. When you were in the actual area of operations, on your control frequency with Cougar, do you recall, based upon your past experience, Duke talking on that frequency?

123.A. I don't recall Duke ever talking on that frequency. If Duke came on that frequency I would not consider it odd. I would just consider that as Duke wanting to pass something along to us without having to switch us over to another frequency. But, no, I don't recall Duke jumping in there. He may have done that before. I've been asked to contact Duke. I've talked to Duke, you know, on his own Have Quick net and -- but not in the same -- on the same radio. I've heard, talking to Cougar, passing stuff through Cougar to Duke and vice versa, also.

124.Q. One final question, if I might. You are a captain?

124.A. Yes, sir.

125.Q. What was your Air Force specialty before going into F-15s?

125.A. Sir, I was a soccer coach at the Air Force Academy there.

126.Q. Do you have any further information or statements or evidence that you wish to give this Board?

126.A. No, sir.

COL AT LEE: You are reminded that this is an official investigation. You are not to divulge the nature of this investigation, or the questions, answers or discussions, including this interview, with anyone unless you are authorized to do so by the Board President, Major General Andrus, CINCUSAFE, or higher authority. That is in the nature of an order. 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 understand that?

WITNESS: Yes, sir.

COL AT LEE: Any questions concerning that?

WITNESS: No, sir.

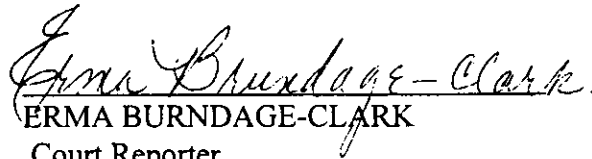
COL AT LEE: This interview is concluded at 1655.

(The interview concluded at 1655 hours, 20 April 1994.)

FOSTER

REPORTER'S CERTIFICATE

The above sworn interview statement, given by CHRISTOPHER T. FOSTER, 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 release of classified information which could not be downgraded and/or personal details which would disclose the identity of military members directly involved in this incident. The substituted language accurately conveys the essential meaning of the original language. Except as noted, I certify that the foregoing transcript is a true, accurate, and verbatim account of that statement.


ERMA BURNDAGE-CLARK

Court Reporter
Incirlik Air Base, Turkey

FOSTER

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V-023

TAB V-031

V-024

SCHULZ, JOSEPH W.

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V-026A

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V-028

V-028A

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V-030

V-031

**VERBATIM TESTIMONY
OF
CAPTAIN JOSEPH W. SCHULZ
53D FIGHTER SQUADRON
SPANGDAHLEM AIR BASE, GERMANY**

COL AT LEE: The time is now 1738 on 20 April 1994. The persons present are the following: Maj Gen Andrus, Col Arman, Major Lisanti, Group Capt Doggett, Col Velluz, Col Mudge, Col At Lee and the witness who will be testifying today, Capt Schulz.

COL AT LEE: his 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 the 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 an 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 sir.

SCHULZ

COL AT LEE: Your testimony will be recorded and transcribed so that a written record may be made available to the appointing or higher authority. For the benefit of the reporter, please avoid the use of any acronyms or jargon.

Would you please stand and I will swear you in.

(The witness was sworn. Lt Col Mudge proceeded with questioning.)

EXAMINATION

1Q: Please state your full name and organization.

1A: Capt Joseph William Schulz, 53rd Fighter Squadron, Spangdahlem.

2Q: What is your present duty station?

2A: Spangdahlem Air Base, Germany.

3Q: What are your normal duties and responsibilities at Spangdahlem?

3A: Sir, I'm assigned to the 52nd OSS. I'm the OSS training officer.

4Q: How long have you flown the F-15?

4A: Including RTUs, since August of 1990.

5Q: How many hours do you have in the F-15?

5A: Just over 700, I'm not sure exactly.

6Q: How many total flight hours do you have?

6A: Roughly a thousand sir.

7Q: Do you have any special qualifications, flight lead, supervisor of flying?

7A: Four ship, flight lead sir.

8Q: What's your low alt qualification?

8A: Have low altitude, step down to 500 feet at RTU.

9Q: Did you fly at Operation Provide Comfort before this rotation?

9A: Yes sir.

10Q: When was that?

SCHULZ

10A: This is my fourth trip down. The first time was in April of 1991. April to May of 1991 for roughly four weeks. The second time was August to September 1993 for six weeks. The third time was January to February of 94 for three and a half weeks. This rotation, I got down here on April 2nd.

11Q: Personally, how many flights have you had in the AOR?

11A: I believe the total is 55 or so sir. That's an estimate from all my trips.

12Q: According to the aircraft logs, you flew aircraft 4025 on the afternoon of 14 April. What is your assessment of the aircraft's status?

12A: "Code one" airplane sir. The only problem that I had with it was, a BIT light for the interference blanking system. However I didn't notice any degradation.

13Q: Did you run all the appropriate BIT and systems checks?

13A: Yes sir.

14Q: Did your radar and the air-to-air interrogation system working normally?

14A: Yes sir.

15Q: Were you able to acquire and lock-up any targets, other than your flight lead or the wing man, during your checks to see if other airborne aircraft would respond to your AAI?

15A: I locked-up the tanker as well. That I remember specifically. Received positive... I know I got a Mode II off the guy. I do not recall if I checked his Mode IV using that. And I don't recall what I checked out on the way to the AOR. I remember specifically the tanker and successfully interrogating his Mode II.

16Q: But during the systems check, you're positive that the Mode I and the Mode IV worked correctly?

16A: Yes sir.

17Q: Did your radios function correctly?

17A: Yes sir.

18Q: Did you encounter any abnormalities with any other system that might effect your ability to communicate, intercept, identify, or engage an airborne target?

18A: The only... I don't know how much effect the interference blanking system would have as far as ah.... The way the crewchief explained it to me, because this was the first time I had actually seen this was, what that, if that thing is not working right, it allows you to spike yourself, so your radar will show up on your RWR. But as far as I know, that shouldn't affect your ability to pick somebody else up on radar or to identify them.

SCHULZ

19Q: Were there any other minor discrepancies or write-ups that you told the crew chief about or you simply forgot to document?

19A: No sir.

20Q: Did you document the interference blanker set?

20A: I didn't, I just called it a... Since I didn't notice any degradation, I called the airplane code 1. Didn't write it up in the forms and informed the crew chief.

21Q: What is your assessment of that aircraft's capability to conduct the tasked missions?

21A: I sensed no degradation sir.

(The interview was recessed at 1745 hours, and began again at 1747 hours with all persons previously named, present. The witness remained under oath.)

(Questions by Lt Col Mudge:)

22Q: We're going to get into a discussion of the rules of engagement, the ROE. Remember please that the ROE we are going to discuss is the ROE that was in effect on 14 April. If you would please, in your own words, explain as you understand them, the ROE that was in an effect on 14 April.

22A: The ROE for the No-Fly-Zone enforcement was basically, any aircraft that proved to be an Iraqi military aircraft in the No-Fly-Zone [Classified portion deleted (18 Words)], as understand, basically paraphrasing. As far as the way specifically, we were going to determine who was an Iraqi military airplane, we had two things required. [... by the ROE]

23Q: Another of those other systems would be electronic identification?

23A: That's correct sir.

24Q: You specified an Iraqi military aircraft?

24A: Yes sir.

25Q: If you're to engage an Iraqi helicopter, how would that differ from what you have just covered now.

25A: Under the ROE on the 14th, an Iraqi military helicopter was no different than an Iraqi military fixed wing aircraft. As far as once I determine what they are or how I determine sir?

SCHULZ

26Q: That's acceptable for now. Who had the authority to engage and destroy an Iraqi military aircraft?

26A: The individual pilot sir.

27Q: Each individual pilot?

27A: That's correct.

28Q: Were you required to consider other options, other things, if you saw an Iraqi military aircraft, such as a defector aircraft?

28A: No sir.

29Q: Would you still engage and destroy an Iraqi military aircraft that was lost?

29A: Under the rules of engagement, yes sir.

30Q: What means would you use to determine whether it was an Iraqi helicopter if you had to intercept, ID, and comply with the ROE?

30A: Basically, [Classified portion deleted (34 Words)] But generally for a helicopter, it would require a VID [Classified portion deleted (12 Words)].

31Q: If you were to do a VID on a helicopter to determine whether or not it was an Iraqi military aircraft, how would you do that?

31A: Do you mean how would I run the intercept sir or how would I tell what it is looking.... OK?

32Q: Well not the intercept, exactly the task, but how would you get in to do a VID pass, a visual identification pass?

32A: Basically sir what I'd try to do is come up from behind him and I would run the intercept depending on the geometry, so I could do a stern conversion with my wingman in trail. Considerations that we talked about as far as VIDing helicopters to try... and we don't want to get too slow down low and we also have to be aware of the ground threats that are in the area and certainly that's going to depend on where you are in the AOR. Other considerations for helicopters that we use are if you can fly above them, which is probably where your going to want to be anyway, because we normally don't fly a hundred feet or where ever the helicopter might be. He may not be able to shoot at you because he'd shoot up through his rotor blades and that kind of thing. So generally my plan for a helicopter intercept would be to do a stern conversion, come alongside the helicopter and see if I could tell for sure what it was. If not then set up a race track pattern around him where, after I pass him from the stern, now I would turn

SCHULZ

back 180 degrees to get back behind him again. Have my wing man do the same thing, so have the wingman try to look and see for sure what he is, and set up a pattern, whereby, we're in a sort of race track looking at it from above. As we pass the helicopter, now we turn back to go back behind him again and do as many passes as are required to positively ID the guy.

33Q: When you are attempting to positively ID the helicopter and he was flying at 400 feet in northern Iraq, what kind of altitude and range would you fly to try to identify and at what point do you think you could identify this helicopter as either a Black Hawk or a Hind.

33A: Sir, I never had the opportunity to do it, so it would be purely hypothetical. I think what I would probably do is make a first pass at about a thousand feet or so, and try to pass within at least a mile of him. Basically I'd be planning at that point that... The important thing on the first pass is just to get a tally ho, find the guy, and then ID him if I can. That will depend again on what the threats are in the area, the surface to air threats and that kind of thing. You may have the luxury to make a closer, slower lower pass the first time.

34Q: We're in Iraq with good VFR weather, in northern Iraq, with good VFR weather?

34A: I would make the first pass along side, than probably above it. Having never done it, I would say I'd probably be at about anywhere from 500 to a 1000 feet of altitude and try to pass within 3000 feet to a mile beside him. And then I'd just have to look at what I can see sir. Like a said, I never tried this, you may need to get a whole lot closer than that, I honestly couldn't say.

35Q: Do you think you'd be able to differentiate a Black Hawk helicopter from a Hind helicopter at, as you said, 3000 feet to a mile?

35A: No sir, I don't think I would be able to. So I think then I would set-up the race track and make another pass.

36Q: And you would simply continue doing that, is there anything else you would attempt to do to try to establish the identity of this unidentified helicopter?

36A: Well also talking to AWACS sir and see if they know where he came from as a point of origin. If they have some other means to positively identify him as either a friendly helicopter or a hostile. And that would be my primary other means of trying to figure out who he is.

37Q: If you had assumed or if you're at the point where you think it's an Iraqi military aircraft and AWACS called a "skip it" or said something to the effect that this is possible friendly, may not be hostile, or Duke the airborne commander element said the same thing. Would you still engage and destroy that target?

37A: No sir.

SCHULZ

38Q: Since the readout, as you have said, requires an Iraqi for it to be hostile it has to be an Iraqi military aircraft, and you have said now that you would close to within a mile to try to determine. How would you determine that this helicopter that you have VID'd as a helicopter of some sort, how would you determine its nationality?

38A: Well, sir, based on, if you can get close enough, there's tail flashes to look at. Also the type of helicopter that it is can at least give you a clue as to what it is.

39Q: If on 14 April, you had come in to make a visual identification pass and you identified the helicopter as a Hind, what would you have done next?

39A: Sir, if I had positively identified him as a Hind, I would have engaged him.

40Q: What if it had been an Iranian helicopter, would you have engaged and destroyed him?

40A: If I knew it was an Iranian helicopter, then no sir.

41Q: But in your mind, if you saw a Hind helicopter, you would have engaged and destroyed him?

41A: Basically sir, if it's in northern Iraq and it's a Hind, I would be on the assumption that it would have been an Iraqi helicopter.

42Q: Do you know if the Iranians have Hind helicopters?

42A: I don't know sir, I would assume that they do.

43Q: Do you know if the Syrians have them?

43A: I would assume that they do as well sir.

44Q: And the Iraqis have Hind helicopters?

44A: Yes sir.

45Q: The ROE says that you engage the Iraqi helicopter, in this case Hind helicopter, does it direct you or authorize you in anyway to engage a Syrian and Iranian Hind helicopter?

45A: No sir, it does not.

46Q: How would you ensure that you were then engaging the Iraqi, which you would be authorized and not engaging one of the unauthorized helicopters?

46A: Sir, the only way you could know that is either by AWACS somehow knowing that it is Iraqi. I'm not sure what all means of ID they have, point of origin or whatever else they have. Or by getting close enough and seeing an Iraqi tail flash on it.

47Q: If you could not get close enough to see an Iraqi tail flash, if you could identify as a Hind helicopter on 14 April, would you have engaged?

SCHULZ

47A: Sir, I believe I would have.

48Q: Do you know what a Iraqi tail flash looks like?

48A: Yes sir.

49Q: Is it in color or subdued camouflage?

49A: Sir, the pictures I've seen of it has been color.

50Q: Did you know of any markings on the 14th on the American Blackhawk helicopters?

50A: I don't know sir.

51Q: Do you know if they carry markings at all?

51A: Sir, only what I heard in the news, where they say they had American flags on them.

52Q: If the Hind helicopter had Iraqi markings and had the markings of a red crescent, medical markings, would you be authorized to engage?

52A: No sir. I believe that's an exception to the military helicopter ROE.

53Q: Do you remember your last helicopter visual recognition training?

53A: Specific vis recce training... As a formal training session sir?

54Q: Yes.

54A: That would of been in preparation for the TAC Eval, probably a... an actual , official, everybody sit down, we're going to go through slides would have been in preparation for the TAC Eval, a little over a year ago, where helicopters were part of that sir.

55Q: Have you had any vis recce helicopters since then, on your own or in small groups?

55A: Sir, we have little vis recce books sitting around in the SOC out there that include helicopters. Also in our "goody books" that we fly with, there are pictures of the different kinds of helicopters that the Iraqis fly in there as well.

56Q: Have you had visual recce training then on Black Hawks?

56A: Those are part of the book sir, but not specifically.

57Q: Have you ever seen a Black Hawk with the aux tanks?

57A: Not until I saw it on CNN the other day sir.

58Q: Have you ever seen vis recce photos from the rear aspect?

SCHULZ

58A: I don't honestly know sir. These slides are just... I would say most slides that I've seen of helicopters have been a picture looking up at it, because most of the pictures have been taken from a guy standing on the ground. So most of the pictures of a helicopter you get is from below at whatever aspect. Generally, it's some kind of quartering shot, so you get a good idea of what the features are. So I couldn't tell you for sure sir, if I've ever seen a direct tail shot or not. I would say that most of the ones I've seen have been a shot from below in some kind of aspect.

59Q: Digressing a second to communications. During an intercept visual ID and engagement, would you expect any special communications from any other source, Cougar or Duke?

59A: I would expect to be talking to Cougar extensively sir, trying to figure out..., trying to get some extra clues as I'm running this whole intercept so that he can add pieces to the ID puzzle and also just general SA.

60Q: Have you ever had Cougar or Duke inform you of friendly traffic in the AOR?

60A: Yes sir.

61Q: Have they ever informed you of Eagle helicopter flights in the AOR?

61A: Yes sir.

62Q: Of the 55 sorties you've flown, did you have a rough estimate of how many times you've had Cougar inform you of Eagle flights?

62A: To the best of my recollection, the only time Cougar has specifically told me that Eagle flight is in the area and where he was, without me asking him, was later that day on the 14th when I flew in the afternoon. I have in the past on occasion locked helicopters and queried AWACS, and they've responded with that track is "friendly" or "friendlies there." To the best of my recollection, I don't recall AWACS broadcasting an unsolicited position of the Eagle flight.

63Q: If you locked and informed AWACS of that and they didn't respond, what would be the significance of that to you?

63A: If they didn't respond at all sir, or they responded and said they didn't know?

64Q: If they didn't respond or they just acknowledge your call, either one of those.

64A: Okay sir, that would be all the significance of that would be that if they do respond and tell me it's friendly, then basically I can drop the issue. If they don't respond or if they respond and don't tell me that it's friendly, now I need to pursue further means of identification on that track.

65Q: Would you feel that their lack of response or lack of information concerning it, as long as it wasn't an indication that it was friendly in any way, would limit your authority under the ROE to engage that aircraft?

SCHULZ

65A: If they don't respond either way sir... not technically, however just personally I would like to get a response one way or the other from him.

66Q: You indicated that your understanding was that if they were Iraqi military aircraft in the No-Fly-Zone, [Classified portion deleted (5 Words - ROE)]?

66A: Yes sir.

67Q: Do you believe there's any distinction in the ROE that were in effect on the 14th of April between the authority to engage or direction to engage?

67A: Sir, I ...

68Q: You understood the ROE, if you had a positive identification as an Iraqi military aircraft in the No-Fly-Zone, do you believe that that would [Classified portion deleted (4 Words)]?

68A: Well sir, I would assume so. The way I see it, that's the whole purpose of the mission.

69Q: Regarding VIDs of helicopters, you indicated you had no personal experience. Have you ever had any training regarding what would be required to make an effective visual identification? How you may have to approach the aircraft, any thing of that sort?

69A: Sir, we had tactics discussions and things about how to run the intercept... kind of like what I was talking about before where as how to keep yourself out of threats way as much as possible. Techniques for intercepting low, slow flyers. We practice those in the simulator for example. As far as distinguishing features and that kind of thing, that's covered in our visual identification training, however as I said, we have not had specific set apart helicopter visual training. It's all together with our general visual identification training that we do.

70Q: And in that, nothing regarding distances that you may have to be from the aircraft to have an effective ID or anything of [that] effect?

70A: No sir, I don't ever recall that specifically coming up.

71Q: You indicated that you knew what Iraqi markings were. On the 14th of April did you know what Iraqi markings were?

71A: Yes sir. And that's also in our little pilot "goody books" that we have, there's an example of an Iraqi fin flash in there as well.

72Q: Clarification. You mention the SOC, would you explain what that is please?

72A: The... Sir, I honestly don't know what it stands for. The squadron building where we... The squadron operations building, yes sir.

73Q: Could you give me a feel for how current you are on the airplane, in terms of the amount of flying hours? How many flying hours have you had on the airplane in the last thirty days, approximately?

SCHULZ

73A: Sir, I would guess between 30 and 40 hours in the past 30 days, almost all here.

74Q: What's the norm back at Spangdahlem?

74A: As far as hours sir, if you're at Spangdahlem, generally you fly roughly twice a week and hours would be anywhere from an hour to an hour and a half. Probably closer to an hour and a half in the winter time. So I would say roughly 10 to 12 a month is the norm back at Spangdahlem right now.

75Q: You mention the use of the simulator for low and slow targets. How good is the visual in the simulator?

75A: There is no visual sir. It's a radar instrumentation simulator only. So all we're doing is practicing the mechanics of the intercept itself. There is no visual identification practice at all.

76Q: Fine. You mentioned never having done low intercepts, VIDs against a low, slow target. In your experience, what is the most recent experience you had at doing any low lever intercepts?

76A: I can't recall exactly sir. It's not recent. It would have been sometime last fall.

77Q: Was that in Germany?

77A: Yes sir.

78Q: Down to approximately what altitude?

78A: No lower than a thousand feet. Generally its higher than that. We don't do a lot of low fly intercepts.

79Q: Have you or do you recall ROE training was when you arrived here in theater?

79A: When I first got to Bitburg, you mean sir.

80Q: When you first deployed to OPC - Operation PROVIDE COMFORT?

80A: Sir, it would have been part of the initial new guy brief, when ever a guy comes down to PC, we give him a new guy brief that covers basically the tactical employment, admin standards, even how to get on and off base, and that kind of stuff. Part of the new guy brief... we would fall under that. In addition to that, you're required when you get here too, to read all the ACOs, the air crew read files, and all of that kind of stuff. Included in the air crew read file is the ROE. You're required to read it, and in addition to that, as part of your briefing, you get specifically what the ROE is and also how we are making the determination, as far as how we do our IDs.

81Q: So you been briefed on the ROEs since then?

81A: Not specifically sir. Obviously we all have, since it changed the other day. I assume you mean before that.

SCHULZ

82Q: Are you comfortable with the ROE?

82A: Yes sir.

83Q: Who did the briefing on the ROE?

83A: Sir, I can't remember.

84Q: Was it someone in your squadron or someone outside your squadron?

84A: It was someone in the squadron, sir.

85Q: Are you provided with any training aids or inflight materials pertaining to the ROE?

85A: Not pertaining to the ROE sir. The in flight materials we have are only for visual recce.

86Q: Have you heard reference in your squadron to something called a decision tree for ORE, ROE?

86A: Yes sir, that's basically another way to talk about the negative friendly, positive hostile discussion that we had.

87Q: Is that it, you just related?

87A: Yes sir, as far as the negative friendly, how we go through that and how we identify a positive hostile.

88Q: In the training that you received, is that the way it was presented?

88A: Yes sir.

89Q: Was there any further elaboration of that?

89A: Well actually sir, we had that in the training and also we just had a tactics talk a little over a week ago where we discussed exactly techniques for how to go from seeing unidentified track in search and how we would work on getting a radar contact on and now going through the decision tree. And we were talking specific switch positions and everything. And that was all discussions about EID. As far as VID, we wouldn't specifically talk about that, basically we just say if you can't get... if you can't solve your ROE identification problem with this EID method, now you're going to have to go in and VID. Basically that's just using techniques for stern converting on the guy and then getting close enough so that you can tell what he is.

90Q: Do you recall anything in the ROE pertaining to specific measures you should take for an unidentified aircraft?

90A: There are sir, as far as escorting and that kind of thing. Basically...

91Q: No, the process if you have an unidentified aircraft. Do you recall anything in the ROE, as you learned them, pertaining specifically to how to go about that situation?

SCHULZ

91A: I do recall... It talks about asking AWACS if there are any friendlies in the area. It's hard for me to separate what exactly is written in the ROE, what's our version of it that we, you know where we've taken that and now gone into specific details of how we with our airplanes are going perform the ID. But, I do recall one of the things it says is to ask AWACS, which would certainly be part of what we do, for both the negative friendly and the positive hostile part of the decision tree.

92Q: Has your squadron had any type of weapons read file on helicopter attack options?

92A: Not specifically, no.

93Q: Are formal discussions regarding helicopter attacks either here or in Germany?

93A: Not specifically.

94Q: Prior to the 14th of April, were you aware of any indications of increased activity in the AOR?

94A: Sir this trip that I've been down... since I got here on the 2nd of April of my four trips down to PROVIDE COMFORT, I've noticed more activity, not necessary more, as in more airplanes airborne, but there have been a couple of sorties that I've been on where I've seen the Iraqis flying close to the line. And one particular day, in fact it was in helicopters, more so than I had noticed in the past. My overall impression was, I wasn't really expecting the Iraqis to try something. But it seem like they were getting gutsy, for lack of a better way to say it.

95Q: Was that a subject of discussion in the squadron?

95A: I don't think it was specifically brought up that way sir. But we always come back and talk about what we saw and on that particular day when... Like I said, it was actually the F-15Es saw Iraqi aircraft. I'm pretty sure they were Iraqi helicopters, come right up near the line of the No-Fly-Zone in the area of the western AOR. So, when ever we see stuff like that, we come back and talk about it later, not only to intel, but also amongst the pilots. I don't know that anybody ever sat around and said hey they're really getting more gutsy now. That was just kind of my feeling. But they all would've known what we'd seen that day and generally we would talk about that kind of thing.

96Q: Do you have any further information, statements or evidence you wish to present?

96A: No sir.

97Q: Anything, we weren't smart enough to ask you?

97A: Not that I know of. Can I ask a question? It may kind of late to clarify something from my standpoint.

SCHULZ

98Q: You can ask it, we'll answer it if we can.

98A: OK. The question you were asking me about what I would have done in that situation. I assume you're putting myself hypothetically back to that day and not asking me what I would do tomorrow, right?

99Q: That's correct.

99A: Just making sure.

100Q: And your answers were given with that understanding?

100A: Yes sir, they were.

101Q: All right. You are reminded 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 understand?

101A: Yes sir.

102Q: Do you have any questions?

102A: No sir.

(The time is 1820 and the interviews concluded.)

REPORTER'S CERTIFICATE

The above sworn interview statement, given by CAPTAIN JOSEPH W. SCHULZ 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. Words captured 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 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.


KENNETH J. KING, MSgt, USAF
Court Reporter, Incirlik Air Base, Turkey

SCHULZ

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TAB V-032

V-024

RICHARDSON, DOUGLAS

V-025

V-026

V-026A

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V-028A

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VERBATIM TESTIMONY

COLONEL DOUGLAS J. RICHARDSON
39th Operations Group/Commander
Incirlik Air Base, Turkey

COL AT LEE: The time is 0923 on 28 of April 1994. The persons present are the witness; in addition, Major General Andrus, Colonel Bennett, Colonel Armen, Colonel Velluze, Mr. Brummell, Colonel Fain, and Colonel At Lee. (The court reporter, Staff Sergeant Charles, was also present.)

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 Hawks 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 under AFR 127-4. It 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 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 AT LEE: Do you understand the purpose of this investigation?

WITNESS: Yes.

COL AT LEE: Do you have any questions?

WITNESS: No.

RICHARDSON

COL AT LEE: 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 background will be able to understand.

As previously stated, this board is investigating the facts and circumstances surrounding the crash of two 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. The investigation to date indicates that you may have been negligent in the performance of your duties. Therefore, I must advise you of your rights under Article 31, Uniform Code of Military Justice.

You're suspected of the following offense: Dereliction in the performance of your duties, in violation of Article 92, Uniform Code of Military Justice. I advise you that 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 in 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 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: I do.

COL AT LEE: Do you wish to remain silent, or will you answer our questions?

WITNESS: I'll answer the questions.

COL AT LEE: Do you want a lawyer?

WITNESS: No.

COL AT LEE: Please rise and I'll place you under oath.

WITNESS: (Complied.)

RICHARDSON

(The witness was sworn.)

COL AT LEE: Please be seated.

WITNESS: (Complied.)

EXAMINATION

Preliminary questions by COL At Lee:

1Q: If you'd state your full name and grade.

1A: Colonel Douglas J. Richardson.

2Q: And your organization and station?

2A: 39 Ops Group Commander, Incirlik Air Base, Turkey.

COL AT LEE: Thank you. Colonel Fain.

Questions by COL Fain:

3Q: Would you briefly summarize your military career achievements for the board, please.

3A: I graduated from the Air Force Academy in 1973; attended F-4, CRTU, Luke Air Force Base, 74 and 5; Ramstein as a F-4 fighter pilot for 4 years; Fighter Weapons School for 1 year; Korea, F-4 weapons officer and wing weapons officer for 2 years at Osan; Fighter Weapons School instructor/pilot and directorate of tactics and test, test pilot at Nellis for 6 years; Pentagon, Europe/NATO Division, F-16 Program Manager for 2 1/2 years; Senior Service School, ICAF, Industrial College Air Forces, in 1990. Torrejon Air Base, chief of safety, squadron commander for 1 year; assistant director of operations for 1 year at Torrejon; Ramstein Air Base, senior officer assignment, for 1 year; deputy commander of operations in the 86th Wing for 1 year; and for the last year, the operations group commander in the 39th Wing here.

4Q You say "for the last year," the last 12 months; is that correct?

4A: The last 12 months.

5Q: Did you receive any training for your current position before or after your arrival at Incirlik?

5A: I served TDY here prior to the war, and up to the war for 3 months -- familiar with the theater -- in 90 through 91. I was TDY as a Special Assistant to the CTF, Combined Task Force, general officer for a month, a month and a half, in 1992; and a week and a

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half to two weeks of overview with Colonel Smith, my predecessor, prior to coming here; continuing involvement with the mission and the personnel and the people serving here, as the DPO, which is senior officer assignments in Europe, involved in which type of people came down here to support TDY at the 06, Colonel, level.

6Q: From that, could we deduce that you feel qualified and felt qualified at the beginning of your tenure for the position?

6A: Yes.

7Q: Could you describe for me the chain of command under which you operate.

7A: There is a -- In my "hat," as a 39th Ops Group Commander, I fall directly under the 39th Wing, and that was in a transitory period during the original tenure that I was here, going from when the Wing transitioned from a group to a wing. So in the initial capacity, I was here as a Director of Operations; and on 10 October last year, when the Wing transitioned to an official Wing, I became officially the Ops Group commander, working for Colonel Emery, the Wing Commander. And that chain goes directly to 16th Air Force CC, and to USAFE, up to General Oaks. As the 7440th Composite Wing Provisional, I'm the Operations Groups Commander, reporting to the 7440th Combat Wing Provisional Commander, Colonel Emery, also. And that command falls under the CFACC, Combined Forces Air Component Commander, reporting directly to the CTF, Combined Task Force, Operation PROVIDE COMFORT Commander, currently General Pilkington.

8Q: Where ----

8A: And in that capacity, I operate as a director of operations.

9Q: Where do you normally perform your duties?

9A: I normally perform my duties in a building right opposite the Wing operations center.

10Q: Can you describe the structure beneath you for which you are the supervisor or commander?

10A: The structure beneath me consists basically of one squadron, 39th Operational Support Squadron. And in that capacity, in the 39th capacity, that squadron is in charge of airfield operations; intelligence operations; weapons and tactics liaisons with logistics group, as well as the unit; intelligence to provide upwardly and downwardly intelligence support, to support the CFAC operation, Combined Forces Air Component; plans to support both Wing mission, as well as current operations here for OPC, Operation PROVIDE COMFORT, as well as normal administrative functions. In the 7440th capacity, the folks that work underneath me, that I have direct relationship, are all the detachment commanders that are here to support Operation PROVIDE COMFORT, and that consists basically of twelve different mission type aircraft.

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And in the CFAC capacity, I have additionally four mission directors -- we call Mad Dogs or Dukes. They work directly for me also. I also have a -- directly tied to me a QA, a quality assurance section, of which I have a TDY individual who comes down and performs all the maintenance oversight for the meetings, as well as the on-line operations that are going on with Operation PROVIDE COMFORT.

11Q: And the meetings you referred to are what type?

11A: We have a number of meetings. The maintenance meetings are currently on the schedule Monday, Wednesday, and Friday at 7 o'clock. They take place from 7 to 7:30, and it's a grouping of all the maintenance officers and senior enlisted, the -- that I usually attend, or my senior maintenance officer who's TDY down here attends and now runs. At that meeting -- again, it usually last between 20 and 30 minutes -- to review the MCAP parts, mission capable parts, as well as the current line up of aircraft to support the daily air tasking order; any unusual swap out of aircraft to include unique things with the maintenance support folks that are coming in, to include their requirements, their supplies, parts, whatever, are coordinate with the logistics supply point personnel that are there at the meeting also. And from that meeting -- it breaks up usually in about 20-30 minutes.

And the gist of your questions was also what other meetings?

12Q: In particular, I'm interested in how you communicate with the people under your control.

12A: Okay. That's the maintenance meeting. The -- In addition to the meeting, of course, there are operating instructions that provide guidance for the QA functions. So in the quality assurance of which the maintenance supervision, I would say, falls, there are numerous operating instructions that govern quiet hour operation, engine run operation, hazardous waste operation, and basically how you run a maintenance here. Other meetings that we have, around Tuesdays and Thursday at 1600, those are what we refer to as DETCO meetings. These are meetings that usually last somewhere between an hour, a hour and a half, sometimes maybe longer than 2 hours; and, occasionally, longer than that. Those are primarily meetings to -- for me to listen to what the DETCO's have to say, in a receive kind of mode; as well as to clarify directions, or clarify information that is coming down through the command channel.

In addition to those meetings, there is the weekly 1500 on Thursday, mission directors meeting. This is kind of a formalized meeting where it's on this calendar, and we meet -- the mission directors meet with the mission planning cell individuals. We're actually building the ATO, the air tasking order, and discuss the execution and implementation of how the air tasking order should actually be executed; so there's a good cross talk at the 1500 meeting. Sometimes on Thursday, those same individuals usually stick around right as we go into the 1600 meeting, the DETCO meeting.

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In addition to that one, pre-planned meeting, there are oftentimes meetings, as required, with the mission directors. It's not uncommon to have individuals, or a group of them, come in during the week and sit down and discuss whatever the current issue would be. There are -- In addition to that, we have monthly foreign object damage meetings here, with the maintenance folks primarily coming to discuss the foreign objects damage, in addition to the quarterly. We also have monthly SOF, supervisor of flying meetings. We have their scheduling meetings which usually takes place weekly after the DETCO meetings; and sometimes that's gone into a biweekly schedule. So over the last year, it's gone from weekly to biweekly. Where the schedule functions that are done by OSS, the squadron, meets with the same individuals after the DETCO meeting to discuss the following week's, and the subsequent weeks, schedules; and what their desires are, in terms of training -- if we can, training on them, or what type of turn schedule. The schedule usually has a minimum contract that we set up with the individual DETCO's that come in. If there's any variations, due to swap outs or problems they're having with maintenance, then that would be where it would be discussed and negotiated.

In addition to those meetings -- those are more my meetings working down; there are meetings going uphill also. Currently, there's a 8 o'clock meeting that C-3 has. C-3 is the current ops staff on the Operation PROVIDE COMFORT staff. He holds a meeting with, basically, our mission planning cell individuals to discuss where they're going for the next day and half to two days, in terms of target tasking for the intelligence gathering functions, the reconnaissance, specifically; as well as how the flow for the next 2 day look; and they may even discuss long range. That's a lower level meeting where one of the TDY mission planning cell individuals may go over there.

At 8:30, there is a CTF C-2 meeting, every single day that flying has occurred prior. That meeting is where I attend occasionally. If I don't attend, my deputy or if they don't attend, either Colonel Kula, the Vice Wing Commander, and Colonel Emery in the past. One of us will attempt to attend that meeting. Our intelligence function will almost invariably always be at that meeting also. So we try to get the intelligence purview from the CTF commander's perspective, and it gives a little bit more flavor to the ground order of battle. Similarly, at -- every single day at 8 o'clock, there is a briefing to Colonel Emery, the Wing Commander briefing, at his staff. So at 8 o'clock, there is the weather update, the intelligence update from the -- from the Wing intelligence, presenting that information, to include what the target tasking is for the day, as well as an overview on what the current tasking, the air tasking order looks like; in terms of a pictorial flow chart; that's reviewed. That information also goes up in the form of a folder in the mornings. So what is brought up to that meeting is the ATO, the air tasking order, the flow chart, the current intelligence brief that was produced from the day before, a synopsis of what happened in the area, and also included in the package are all the reports that have come out from CTF, the Joint Operations Center, as well as the C-3 reports, C-4 reports, the mission coordination center

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reports, as well as any other stovepipe reports that would come out from AWACS for C-2. That information goes up daily and is presented to the Wing commander, either at 7:30 or 8 o'clock during the course of that meeting.

From the 8 o'clock meeting on Monday, Wednesday, and Friday, the CT -- 39th Wing, either myself, Colonel Emery, or the vice commander -- usually the commander or vice commander would attend a Monday, Wednesday, or Friday meeting at CTF at 9:30. And that meeting is a coalition meeting with all coalition heads to basically go over and review the status of the last day and a half to two days, as well as where we're going in the future; and to cover more of a coalition flavor meeting, to include the British, French, and Turkish representatives. It's a co-hosted meeting with the CTF commander, as well as the Turkish commander, and all of the other coalition heads are there.

13Q: With that information flow, number of meetings, are you comfortable that the information that's needed to conduct your operation is flowing up and downhill?

13A: Yes.

14Q: Is your manning, the manning under you, permanent party manning?

14A: No. And I've described the TDY manning that were directly under me. In the OSS, there are a number of augmentees, as well as what we call OPC billets, the differential being -- we used the term "augmentee" to describe someone that is here basically to support the Wing because of the extra duties we picked up for OPC, Operation PROVIDE COMFORT, as opposed to someone who is directly TDY here filling in Operation PROVIDE COMFORT billet that have come here to support the staff functions, or directly tied to Operation PROVIDE COMFORT. Sometimes the distinction is gray, so it's more of a manpower manning document. Under me directly, I have the four mission directors and the QA maintenance officer.

Under OSS, there are a number of billets, to include all the mission planning cell, ATO, air tasking order folks; as well as stand eval areas, and four or five other manpower billets that can, or have been in the past, filled to support the operation, OSS, additional workload; as well as a Wing safety fly -- a flight safety officer that is occasionally filled.

15Q: With respect to total numbers, is your manning adequate for the mission?

15A: Yes. I believe the combination of stability, formed by the permanent party folks that we have here, provided adequate manning to make sure this flow of information goes up and down. To the degree that we have no overlap in TDY support in the key areas, that has always been an area of concern that we worked on, and I think we got that pretty well under control right now.

16Q: So you're comfortable that the swap out rates, and things, you're able to keep key personnel in key positions?

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16A: Yes. We keep on that if we see a void coming -- currently, the Wing flight safety officer is not filled, so we're going to look at that, and that's being -- We'll work with C-1 to increase the tempo to get a fill in there, maybe an urgent action fill.

17Q: What are your normal duty hours personally?

17A: Normally, at work at 7 and at home 7:30 to 8, somewhere in there.

18Q: Do you perform any other functions, other than those that you listed in your primary duties?

18A: The traditional functions that are assigned to a group commander in an objectivized Wing to support the Wing commander; such as acting in his absence at ceremonies or speaking engagements, or running the Wing stand-up, or occasionally inspector general duties, as required basis.

19Q: Would you consider your participation in those events normal for any other Wing?

19A: Yes, sir.

20Q: And the frequency also normal?

20A: Yes.

21Q: Do you have written guidance or directives that govern your operations now with respect to OPC missions?

21A: Yes, we do. We have numerous written guidance. The key written guidance that we have, that we use to communicate with the detachment commanders is a briefing, that basically piggy-backs off the briefing that CTF commanders use also, that starts with the basic -- a basis of what the mission is, and flows through the command and control, and differentiates between command and control, and the orchestration of that; and goes down to discuss the organizational flow, a diagram, to what the current commanders guidance is, in terms of how he would like to see this mission executed. And it goes into the rules of engagement with a brief synopsis of what those are, and then talks about some other specifics, some of the pitfalls of working around a TDY base, and living in TDY in Incirlik.

From that, functionally, as we get into the actual air operations, the primary vehicle used to govern operations here is the airspace controllers -- which are in two volumes right now. Volume I designed to be something that we can hand out to everybody that they can put in their pocket, read quickly. And Volume II in all encompass some things that they should read. That shows -- it shows everything that Volume I has in it, but it goes into a lot more detail on the specific coordinates, and other procedures, alternative procedures that include a lot of operations that may or may not be going on at the time. From those two airspace control orders, which basically talk about how we safely fly from here into the area of operation, or area of

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responsibility, and back again would flow into the air tasking orders which show the daily actual missions that are flown -- when they're taking off, who they're going to refuel off of, and how long are they going to be actually in the area of operation.

From that overview, there is a series of what we call aircrew read files that expand upon guidance from a command or control perspective, that amplify how we want these missions executed, or changes to the ACO. And the way we brief the folks is the airspace control order is changed by aircrew read files, ARF's; and the air tasking order is changed by battle staff directives, BSD's, and/or specific verbal guidance, as given by the mission director for real time. There is one alternative way, a real time information of a classified nature could be passed to the sector -- the sector operations center, the SOC, by virtue of Sentinel Byte, a electronic media. And that has addresses very similar to E-mail that we could send down to the SOC or send up to C-2. So in the communications of the -- of how we do business out there, the ACO, lines one two, as well as the ATO, as changed or modified by ARF's and BSD's, is how we basically communicate the daily mission.

The day in and day out operations of the Operations Support Squadron is also governed by operating instructions, and the operating instructions -- I've already mentioned the ones that cover maintenance, but there's operating instructions that are focused on how we do different things. Some of them are 39th specific, such as administration; other ones have impact on the operation, such as targeting, how we do their targeting, how we interface and coordinate with C-2, the intelligence staff. There's a scheduling operation instruction that tells how we do our 3 month schedule, our 1 month schedule, and how we coordinate that with the coalition, how we get it briefed, and coordinated among all the other players. And that's outlined in an operating instruction. There's a operating instruction on how we do intelligence, how we make sure the swap out -- when the unit come in -- are done to make sure there's not a gap; how the briefings on the -- to the pilot should be done, and how they should be debriefed afterwards, and how the flow of information should be correlated from each of the SOC's, and each of the detachments, by the -- by the intelligence function, and how that information should go up.

There is operating instructions and procedures to govern weapons and tactics, and how they should -- how the unit, if they're requesting an ordnance change, how that should be worked with the ATO section, as well as coordinated with logistics group. The sum total, I'm not sure how many operating instructions we do have. There is a mission director operating instruction that the head mission director is basically OPR for that. He or she keeps a -- as well as a training -- I would say a training outline that they are supposed to run, and they keep that up to speed. The ACO -- the way I've run it for the last year, is the ACO, the OPR for that is the mission director; and the OPR for all the OI's is the specific unit that's responsible, and they'll run mostly through the -- either QA for maintenance, or through the OSS commander. But the mission director, however, he owns right now the OI on what they do and how they train; and the

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mission director also owns the ACR. The reason behind that is even though they're TDY folks, that is the document that -- that's most detailed, and the one that needs the most attention; so if the mission directors are there, writing it and typing it, and reading it, and modifying it, they'll know it better than the other folks; and that's why it's done that way.

(Loud noise from aircraft going by interrupted the interview.)

COL FAIN: Go ahead and turn off the tape recorder (to court reporter).

REPORTER: (Complied.)

COL AT LEE: The tape was off briefly for aircraft passing overhead.

22A: (Cont'd.) And the last component of that is down at the unit level -- of which I'm most familiar with, with the F-16 operation -- is the unit DETCO will take the information that he gets from the DETCO meetings, and he'll write his own DETCO comments that's occasionally printed up and put in a folder for folks to read.

22Q: What was your involvement in the direction, initiation, or development of the OI's that you're referring to?

22A: I directed the implementation of almost all OI's and the review of all of them, starting about August or September of last year. And my review process as the standard operations group commander, where it will come through me for signature on most of them.

23Q: Are those OI's in effect, finalized at this time?

23A: Most of them are. There's some that are currently in the process. There are some that are currently in the process. There are some that are up for signature right now, for rewrites; so they are continually a living breathing kind of documents. They've been in all different phases.

24Q: Would you consider that a normal administrative process?

24A: Yes.

25Q: In discussing the briefings for the aircrews, you stated that you gave a mass briefing. Do all aircrews participating in OPC receive that mass briefing?

25A: No. Only -- When we have a major unit swap out, such as when the Air National Guard came in, or when there's a definitive break in units that come in, and we can get them all together at one briefing, that's when we'll give that briefing. That lends itself easily to the AWACS, the Airborne Weapons Warning and Control System because they come in as a team, so they're normally given a briefing, and lends it easy to, when there's a unit swap out.

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26Q: For crews rotating in and out that aren't part of that, how do they receive information on such subjects as intelligence threats and the rules of engagement?

26A: The primary things, though, to get on that is the ARF, which is down in the reading file, go/no go items, and ARF 183 has been in effect since I've been here, that outlines the rules of engagement. There's again other ARF's that have clarify that, as a -- clarify or additionally, by whatever notes the current DETCO would have in there. The threat is briefed every single day by the threat intel specialist at the specific SOC, and he will give them an update brief on that as they come in.

The airspace control orders, Volume I, are made available for everybody to look at, so as an individual comes in, he should get the ACO, Volume I, for him to read.

27Q: Do you have a quality assurance of standardization functions in place that would ensure you, as the CFAC DO, that each of the aircrews has reviewed the appropriate information?

27A: We had a stand eval function come in and check that to make sure we have go/no go criteria in each of the SOC's to ensure that that's done. And I, from flying with them, have a go/no go checklist that all the current flyers are on, and signed out, that I've seen and talked to.

28Q: So members of your staff fly with the participating units?

28A: Major White flies with the F-4's as a back seater. I've flown with the F-16, and my deputy, Colonel Daugherty, flies with the F-16.

29Q: Are you -- I'm sorry.

29A: And the weapons officer, Major Wilson flies with the F-16.

30Q: Are you confident that the required information is reaching the aircrew prior to the participation?

30A: Yes.

31Q: With regards to the Operation PROVIDE COMFORT daily flight activities, what are your duties as the CFAC DO; that's the daily operation?

31A: Can you repeat that.

32Q: With regards to the Operation PROVIDE COMFORT daily flight activities, the daily flying operations, what are your duties as the CFAC DO, duties and responsibilities?

32A: My primary duty when I'm -- if I'm flying, of course, I'll fly as a crew member, and my primary duties would be to attend some of the meetings that I've outlined. If it's the DETCO meeting, I will usually run that. I will attend the meetings that I outlined at the Wing level, and update, or provide, or amplify any of the questions that are going on; in terms of what the flow ,

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is, what the ATO, the air task order looks like, what's the current intelligence, participate in those meetings. I'm also available all the time via UHF or direct land line, or the FM "brick." When I'm on the ground, as a direct liaison with the mission director who is in the command post, or with the SOF who is in the tower, the supervisor of flying. In a day to day basis, that direct liaison will go from me, chain of command, through the Wing commander, and then again to the CTF commander.

33Q: In completing the chain of command, too, the aircrew that's actually flying an OPC mission, who do you have communications, and who is responsible for what portions for that mission?

33A: The line of communication from the aircrew goes from him, directly to other aircraft, or to the AWACS to the mission -- or the weapons director that he or she is talking to. The onboard mission director, who we call the Duke, sits in the center console right abreast the weapons controllers, and the MCC, the mission -- I forget what the acronym stands for right now -- the senior mission coordinator ----

COL AT LEE: Mission crew coordinator.

33A: (Cont'd.) --- mission crew coordinator. -- is usually at the console in the same bank at AWACS, as well as sometimes stands in the oversight of the whole operation. The Duke, the onboard weapons director, who also serves as a mission on the ground on a rotational schedule, is the -- is available to receive communications also; and primarily monitors the area frequency. He can overhear any calls that are made on UHF, as well as if there's a question on what's going on, one of weapons directors or the MCC can talk to him directly by just going over and tapping him on the shoulder and talk to him. From that, he has satellite communications available to directly communicate with the mission director who is in our command post; and it's also monitored-- those communications -- by anyone who is on that frequency and has the correct frequency that's secured, and that is -- also the Joint Operations Center monitors that. They also -- So from that communications net, the mission director will usually pick up either a land line, or use through our command post, the FM that -- or on occasion when I'm mobile in the truck, I have a radio, both in my office, UHF, and in the truck to communicate.

34Q: Your UHF radio has a range of approximately what?

34A: [Pause.]

35Q: Your truck.

35A: Ah-hh.

36Q: My question is ----

36A: Anywhere on base, I've always been able to contact them.

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37Q: My question is will you have contact with aircraft operating in the AOR?

37A: No. It requires satellite communications.

38Q: And your link -- recap your link for communications to those aircraft as the CFAC DO?

38A: Through the mission director satellite communications to the Duke, from the Duke to -- directly to the pilot or through the weapons director to the pilots.

39Q: And in the tactical AOR, who is responsible for making real time decision regarding tactical considerations?

39A: The pilot in the cockpit or his flight leader.

40Q: Let's go momentarily to the ATO process for some more specific information. You've described the building of the air tasking order. How do you receive inputs from units that are not collocated at Incirlik; specifically, from the MCC, military coordination center, or from Eagle operations?

40A: The air tasking orders has the Eagle lines on it as an as required basis, and the -- What the actual -- what actually Eagle Flight is doing out at Diyarbakir on any day in and day out basis is passed, my understanding, on a weekly or biweekly basis. It's a -- passed weekly, showing a two week flow, I believe. Directly from the MCC, mostly likely via fax, but it could be hand carried, I guess ----

COL AT LEE: Excuse me. For clarity, this MCC is referring to what?

WITNESS: Zakhu house, the Mission Coordination Center.

COL AT LEE: Military Coordination Center at Zakhu.

WITNESS: Military Coordination Center at Zakhu.

40A. (Cont'd.) It outlines a generic 2 week schedule and sends to the Joint Operations Center at OP -- at Operation PROVIDE COMFORT. My understanding is from there, it goes to -- it's reviewed by the C-3, and if there's any special requirements, then it would require approval by the CTF CG. As far as the air tasking process of that, the "as required" lines in there don't specify specific takeoffs and landings, they're are as required; and they're put in the ATO primarily to show the proper IFF, identification - friend or foe frequencies, as well as to allow a more convenient way for them to coordinate with the Turkish aircraft control to originate a flight plan, so they can takeoff.

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Questions by General Andrus:

41Q: You said if there are special requirements, they are coordinated with and approved by the CG?

41A: Yes.

42Q: Would that include flights into the AOR prior to fighters having swept the area?

42A: My understanding is the special requirements would include missions that would be outside the security zone; that is, they understand it. For instance, a mission that would go down to Irbil, or a mission that would take it primarily out of the security zone.

43Q: So a flight of the UH-60's from Zakhu to Irbil would be coordinated with and approved by the CG; is that correct?

43A: That's my understanding.

44Q: And in order to pass the information on that flight, and the fact that it had been approved, that would go where? What would the process be?

44A: The actual process, I do not know, how that would -- that approval would get back to MCC, or to the UH-60 operation at Diyarbakir. I'm not sure. I believe it's probably passed verbal over the phone from C-3, or from one of his representatives directly to the MCC commander.

45Q: Would the information on that flight be passed to the JOC?

45A: I believe it would be passed through the JOC, probably has a communication element, but I'm speculating, where they would be possibly only as an intermediary where they are saying the C-3 or the General has approved this, notify MCC that it's been approved.

46Q: And if the JOC had that information, would they also notify the people that build the ATO, so it can be entered on the ATO?

46A: Probably not. No, sir. Probably not. I've never seen that happen that way. The air tasking order, to my knowledge, has never showed any specific flight plan or route of flight within a security zone or outside a security zone. It's only reflected as required with the squawks.

47Q: Is there any provision for ensuring that the -- specifically, the Duke and the fighters are aware of one of those flights outside the security zone prior to the fighters entering the area?

47A: Unless somebody picks up the phone, or someone on UHF radio tells the mission director or the Duke that this helicopter is going from these -- into the -- flying into the security zone or outside the security zone, to my knowledge, there is no written provision to get that information over to the Duke or the mission director. So the primary vehicle that has been used for helicopter operations has been the helicopter unit, originating communication with AWACS by UHF contact after it's airborne, and establishing communication with AWACS prior to entering Iraq

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and landing at Zakhu. There is an operating instruction that has been in effect, I think since '92, that delineates specifically ending points or code words that are primarily in the -- I believe in the security zone, that are used to communicate with AWACS on where the helicopters flight and what it would be doing during the route. Similarly, that can also be -- those code words can be put down in this faxed copy to say that the helicopter will be going here on this day and visiting -- (The witness was interrupted by aircraft flying by.)

Similarly, the helicopter flight plan, if you will, or this faxed paper that I'm referring to could also show -- again, my understanding -- that it can show the actual points that they going to visit, or the towns and the villages that they going to while they're in the security zone. Whether that piece of paper that shows all these points has areas outside the security zone pre-planned, I'm not sure. I'd have to look.

48Q: The specific problem is this, the ACO says that no aircraft will enter the No-Fly-Zone prior to the first fighters. The fighters are briefed on that. The fighters then have the understanding that if they find aircraft in there, they are not frag, they are not part of the ATO system; and therefore, the presumption would be that they are not authorized in that area. If there is a special requirement for Eagle to fly there and if they have received approval to fly there -- that is, the standing order has been waived by the commander, how is that information passed to the fighters, so that they will be aware that there is a friendly helicopter flight in the No-Fly-Zone?

48A: My understanding is the only way the fighters would know that would be by the helicopters themselves establishing UHF communications with AWACS, who has to be on station, and the data link established -- the JTIDS, as we refer to it -- prior to any fighters taking off.

49Q: And how would the AWACS know that that mission by the helicopters, which is contrary to guidance, has been approved?

49A: I do not know. They would probably, by virtue of talking to them on the radio, assume that this mission has been approved; so they would assume that since they are on a flight plan, that it's an authorized mission.

50Q: And would it be the Duke on the AWACS that would conduct that process that would clarify that situation?

50A: It could be, but I would believe it would be the primary enroute monitor aboard AWACS. There is a airspace surveillance officer section of AWACS, there's an enroute frequency monitor, there is a tactical AOR frequency monitor, and then there's a station also that the Duke sits at. I believe the initial radio contacts that Eagle would use would probably be the enroute frequencies because they're taking off from Diyarbakir, and they're in friendly territories; so they would be on the enroute frequency rather than the tactical frequency during that time, and squawking the appropriate friendly codes that are in the ATO, vice the enemy codes.

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I would only assume that their operations are similar to the fighters, in that if my IFF codes are not -- if I don't make a radio call first at the appropriate spot that I should, at the ATO, I'm usually queried by AWACS; for instance, our ACO says we'll make a radio call at a place called K-Town and tell them that we're as fragged with our altitude. If we don't make that after a certain amount of time, usually they'll come back and query us. Similarly if our squawks are not good, they'll come back and question to make sure that we've either reset them properly. So there's a -- some sort of exchange that goes on, usually with every single fighter enroute to the AOR, and I would assume that that same exchange would go on when they see or hear of a mission that's taking our of Diyarbakir with a helicopter.

Does the Duke specifically hear it, sir? I'm not sure. I've flown on the helicopters when I was here in a previous capacity in '92 when I was on OPC; and my recollection, there was a lot of communications going on. But were they talking with the Duke or with the -- who onboard AWACS, I can't recall.

51Q: Are you aware of any instances in the past year, since you've been here, of Black Hawk helicopters being intercepted by OPC fighters?

51A: No, sir. But I am aware of this, in the ACO, especially in Volume I, since I've been here -- and this came about through the DETCO meetings. And at my DETCO meetings for the last year, there was a UH-1 representative, and he's the liaison officer. Now, who it is currently, I don't know. But in the past, he's always been at the DETCO meetings; and through the exchange of information coming up, the DETCO and the F-111 pilots, so we're dating -- we're back into the July/August time frame, sir. The F-111 pilots were flying low levels in the security zone at that time, had indicated that there were a high potential for mid-air with the helicopters, so that's why the ACO was changed at that time to specifically say that the helicopter will remain below 400 feet AGL, and any fighters operating in the security zone, or the low fly area, would ensure that AWACS is again notified, even though it's on the ATO that shows that they're scheduled to go down low, if they enter that airspace, they'll double check and make sure that everyone knows they're going down; and that they'll establish communications with Eagle Flight if they're operating in that area. So there's a certain, I guess you'd say, level of uncertainty whether Eagle is always where it's supposed to be, or whether Eagle is following the flight plan that it may have pre-planned, so that's why the ACO has the pilots contacting AWACS before they go into the area. I believe in the ACO there is a provision that says, "or you can contact Eagle directly."

52Q: To your knowledge, though, there's no specific document that would contain the route of flight and times when Eagle Flight is operating in the No-Fly-Zone area. Is that correct?

52A: Other than that one fax copy that I've heard about, that comes from MCC to the CTF headquarters that says this is what our plan is for the next 2 weeks, I know of no document.

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Questions by COL Fain:

53Q: Do you have operational control of Eagle Flight?

53A: No, I do not.

54Q: Do you have tactical control of Eagle Flight?

54A: To the extent that they are in the DETCO meetings, and they bring issues up and resolve, or that they are on our frag, as an "as required" line. That is the extent of the tactical control that I have over them. To the extent of when they fly and where they fly, that is not in my element.

55Q: Who do you consider to be the approval authority for their flight plans or route of flight?

55A: That goes through MCC to CTF.

56Q: And what means would you expect for you to be provided information regarding a daily flight plan, if that information were available?

56A: Through a -- only through what I've just described, AWACS. If there was an issue going on that would be out of the ordinary, the usual guidance that the mission directors have is to -- if they see anything out of the ordinary, they would contact through the command link. And "out of the ordinary" is one of these terms that I guess you can say is embraced by the Rules of Engagement, as well as the ACO, as well as the ARF, and these define what ordinary operations are around here. And if there's something that would infringe upon those, a violation possible, or something that is an emergency, or an airspace violation, then they would institute the communications to work the command chain.

57Q: More specifically on the week of approximately 9 to 14 April, there were two flights outside of the security zone by Eagle Flight, one was on the 11th and one was on the 14th. Were you aware of either of those flights before their taking place?

57A: Not to my recollection.

58Q: Had you been aware of those flights, as the CFAC DO, would you have had the obligation to ensure they were conducted in accordance with the ACO as you have tactical control of the aircraft?

58A: I'm not sure I understand the thrust of the question.

59Q: The question, to give an example, is if you were given information on a flight, say the 14th, that were to occur prior to the first fighter sweep, in accordance with the ACO, what would be your responsibility at that point?

59A: I would treat it similar to an any other flight, make sure that the -- that the-- [paused.]

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Maj Gen Andrus: Rephrase the question again; will you.

WITNESS: I'm trying to -- it's kinda with a -- With what I know about what happened, it's hard to say what I would I have done; and, of course, I would have done a lot of things if I had known it was going to happen.

Questions resumed by COL Fain:

60Q: But you've already stated that you were not aware of the flights before?

60A: Yes.

61Q: Who in the chain of command has waiver authority of the provisions of the ACO; for example, who could approve flights without AWACS coverage or without fighter coverage, as specified in the ACO?

61A: If we're going to do anything that's out of the ordinary in the ACO, that would run up through the command chain, right up to the General, I guess is the way I'd say it. The normal operations are conducted day in and day out, almost in an automatic thing, unless there's something that requires out of the ordinary, and then the command chain is energized; is the best way to say it.

62Q: And in the way of a recap to the events onboard the AWACS, with respect to the Duke on the morning of 14th April; if he were to be made aware of the Eagle Flight activity, how would that happen?

62A: He would probably -- I'd get UHF radio call from the weapons director or the enroute frequency that says we have Eagle Flight airborne, he's enroute to Zakhu. And then if after he takes off to Zakhu and works in the AOR, his Eagle Flight operating instructions require him to maintain radio contact and keep the squawks, in accordance with the ATO, on and notify them when he's going to land and give them, I believe, an estimated time of departure, when he starts up again; attempt to re-establish immediate radio contact as soon as he's airborne again. That would be passed to AWACS. Now, what the -- whoever that individual is and what he does with that information, I'm uncertain.

63Q: Is there, without specifying who, a responsibility to pass the Eagle Flight information to fighter crews entering the AOR?

63A: Not-- is to my knowledge, written anywhere in the ACO.

64Q: Do you think that's valuable information for the fighters?

64A: Yes, I do.

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COL Fain: I suggest we take just a short recess. Let's take a break.

(The interview recessed at 1026 hours, 28 April 1994.)

(The interview reconvened at 1036 hours, 28 April 1994.)

COL AT LEE: The time is 1036 on the 28th of April 1994. All individuals who were present when we recessed are once again present.

Questions by Maj Gen Andrus:

65Q: I have just a couple of questions to clarify some of the things we were talking about before, and perhaps go into them a little deeper. We talked about the passing of specific information, such as takeoff times and route of flight for the helicopters departing Zakhu and going to places like Irbil, and how that information was to get to the fighters and to the Duke on the AWACS. If I understood what your answer was, there is no specific written way in which that information is passed. Is that correct?

65A: Yes. The only written procedures that I've seen or understand exists is the -- is an operating instruction for Eagle Flight that delineates communication and IFF requirements for the route of flight into Zakhu and through the security zone; and embraced in that is that they will establish communication with AWACS.

66Q: But there is nothing that would take information that was available in the JOC regarding those flights and pass that to the people making the ATO, so that it could be included in the ATO, and ensure that the fighters and the AWACS were aware of it. Is that correct?

66A: That's correct, to my knowledge.

67Q: We talked about training aircrews, and you mentioned that in the process, they were also trained on the Rules of Engagement. Who is responsible for training aircrews on the Rules of Engagement?

67A: The individual aircrew has a responsibility when he flies to do the go/no go items prior to flight which includes reading the aircrew read file, which has ARF 183 in it.

68Q: How do you ensure the aircrews understand all of the ROE?

68A: I do that in meetings, by flying with them, by myself briefing and reading with them, discussing with them; and through the mission directors meeting and the DETCO meetings, continually discussing issues that come up in conjunction with day in and day out operations.

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69Q: Do you have any way to ensure that all of them understand all of the ROE without misinterpretation, any formal way of checking?

69A: I do not have a formal way of me personally doing that. I use the detachment commanders down through this go/no go system to do that.

70Q: How would you avoid misinterpretation of the ROE by different units and aircrews within those units?

70A: By listening to the feedback that would come back that would come through, either flight briefs when I'm flying with them or hearing something that's out of the ordinary, or listening to the mission directors in their debriefs with me, or through the DETCO's, or through a number of these meetings that I attend; something that smacks that they are not doing something in accordance with the Rules of Engagement, or the ACO, or any of the OI's, that would send a flag; and then we'd get on it.

71Q: When aircrews receive training on the ROE, are they briefed to look for medical markings, or national markings on aircraft that are visually identified?

COL At Lee: Excuse me, sir. Could we take a brief recess?

Maj Gen Andrus: Sure.

(The interview recessed at 1040 hours, 28 April 1994.)

(The interview reconvened at 1041 hours, 28 April 1994.)

COL AT LEE The time is 1041. We're back on the record. This section will be classified, releasable to multi-national forces.

Questions resumed by Maj Gen Andrus:

71Q: (Cont'd.) Let me repeat the question. When aircrews receive training on the Rules of Engagement, are they briefed to look for medical markings or national markings on the aircraft that they intercept?

71A: The aircraft markings and briefings that the -- that I know that are done, mainly at my level, are discussed at DETCO meetings or at the mission director meetings, and with the -- with the focus on the fact that we have had incursions into the No-Fly-Zone of UN helicopter that have been marked white -- painted white. And that in all cases, sometimes there has been confusion in the past; not in all cases, but in some cases, there have been confusion in the past

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that their flights didn't exactly match where the UN helicopter were supposed to go. Their squawks were right, but their takeoff times were wrong. And in that case, not an Eagle Flight, but UN helicopters have been VID'd, visually identified, by fighters in the area because of the mismatch between the flight plans and what they are in fact either squawking or their location takeoffs.

The knowledge that there are UN helicopters down there painted white, and the knowledge that there are U2 flights going overhead, seems common by virtue of the -- it's kind of a day in and day out operation. And the fact that the U2 flights are in fact on the -- on the ATO, the fact that helicopter operations are going, I would think are common knowledge to the aircrews by virtue of it being in the ACO, that you deconflict if you enter there, to ensure that -- And also the fact that in DETCO meetings, we talked about making sure we don't run into helicopters and birds that are operating in the security zone in support of the humanitarian mission.

The actual specific markings, I do not -- I cannot recall without revisiting the ROE or the ACO, if there's any specific thing in ARF 183 or in the ACO that talks about that; but they'll be marked specifically a unique way. So I'm not sure of it, sir.

72Q: According to your understanding of the ROE, is there any requirement for pilots to consider the possibility of aircrews defecting from Iraq; and, therefore, giving any special treatment to an Iraqi military aircraft, considering that possibility?

72A: I could talk in another forum, sir, more classified, about this issue; but probably not in a -- not right now.

73Q: Let me use a different example. Would there be, in a requirement ----

73A: Let me answer this, sir. There is the -- Let me answer it this way, if I may. The Rule of Engagement -- (The witness was interrupted by aircraft flying by.)

The Rules of Engagement in ARF 183 provide the guidance that accounts for their possibility that you could have a defector there, and provides the appropriate actions to take. But there could be that, and that the pilots may be confronted with that kind of situation.

74Q: Do the Rules of Engagement also require the pilots to consider the possibility that the aircraft could be on a valid medical mission?

74A: Absolutely. There could be civilian aircraft unidentified, unknowns, in the area of operations. It could be an Iraqi unknown, and I think it could be -- based on our situation awareness -- what's transpired in the area; it could be a number of different type aircraft, other

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than Iraqi military aircraft. It would be Iraqi civilian, it could be UN, it could be a mis-identified Syrian or Turkish aircraft, as well as one of our own aircraft mis-identified.

75Q: If it's an Iraqi military aircraft, with medical markings, would the pilots be required to take special considerations for that?

75A: I'm not sure right now what the ROE specifically -- things that's -- says on that, but I believe if there's medical markings of any kind, that would put us in the precautionary kind of area, room for more -- communications room for more situation awareness development, so not an auto response. There is an area of grey when the Iraqi paints a military aircraft with this marking, depending on how visible it is and how it's not -- that playing with this kind of thing that they run some risk, I would assume. But to the degree that a very visible unidentified aircraft would come across that is marked with medical markings, I think the ROE is pretty specific in that, describing the appropriate actions.

76Q: That brings me back to the original question on medical markings.

76A: Yes.

77Q: To the best of your knowledge, are the aircrews trained on what the medical markings would be on an Iraqi military aircraft?

77A: I do not know, sir. I would have assumed that the standard red cross or a white plane, other than a camouflage thing, would have been the appropriate type markings, but I have not myself received specific training on unique Iraqi medical type markings.

78Q: Who is responsible in the command and control chain for ensuring that aircrews are trained on friendly and Iraqi aircraft recognition?

78A: Each of the units in the command and control chain, going down to the detachment commanders that come in here, and the intelligence functions that are in those sector operations center have identification charts that are up on the walls that are pre-briefed to the pilots before they go out. The SOC 2, which I'm most familiar with, has the Iraqi military aircraft that are predominantly flying out of Quyyarah West and Kirkuk -- the Fishbed, Fitter, and other aircraft that are there, the silhouettes to show what they look like. There is also a -- units that come in and will include those in their smart packs, too. So each unit has a different way of showing the silhouettes and the typical aircraft, and those are part of the daily step briefings, from my understanding.

79Q: Does the Wing have any responsibility in ensuring that the aircrews are trained in recognizing the difference between the two aircraft, Iraqi and friendly?

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79A: We -- In this regard, sir, we did put the -- our operating instructions out through their intelligence, and our intelligence folks -- I think in the operating instruction does delineate what should be briefed at the step brief, and as well as the debrief. And to the degree that -- the DETCO meeting, we talk about when there was, for instance, F-1 here for the French. We would spend an inordinate amount of time, looking at the flow diagrams to ensure everyone knew when F-1's were airborne, that the possible confusion could exist between Iraqi F-1 that were at Qayyarah West at the time and the French F-1 that were here, to make sure that folks knew that the unreliability of a NCTR or the silhouette alone is not good enough to deconflict; so an extra precaution in that area.

The command and control elements focused on that, that being through the DETCO, as well as through the intelligence step briefings.

80Q: Do you know of any organization above the squadron level that has put out any information to the squadrons on such things as the paint color scheme on Iraqi versus Black Hawk helicopters?

80A: I know of none above the squadron level.

81Q: Is there any one above the squadron level that has the responsibility for providing that sort of information to the aircrews?

81A: It was requested. I'm sure we can get that, sir. But at this point, it's not in an auto mode where we would automatically do it. But if requested, I can get that information, I'm sure.

82Q: Let me put it a different way, and this is on the classified portion of the briefing. The ROE specifically requires that the pilots prior to engagement be -- [sure of the correct target.] The Iraqi helicopters have a unique paint scheme, the Black Hawk helicopter has a different paint scheme. If someone above squadron is responsible for ensuring that the pilots comply with the ROE, would it also be logical that the pilots understand the information and have the information required to allow them to comply with the ROE; that is, to allow them to identify the aircraft?

82A: Yes, I think that's logical, sir.

83Q: Who above the squadron level, what organization, would have that responsibility?

83A: Right now, I would believe the intelligence function should identify what type of requirements they'll need to have, and the crews will be the first ones to probably identify that; that they'll need to -- to have some specific information about the paint scheme or the silhouette,

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or whatever the case may be, the intelligence -- put an intelligence request up through -- if it's not already available there in documentation, probably put it up through SENTINEL BYTE, or through other classified means; and we'll go about getting the information. Once I've identified it, then I would go about getting the information down and trying to make sure that everybody has them.

84Q: Since it is a specific requirement in the ROE, would that not also make it a specific requirement on the leadership above the squadron level to ensure that aircrews has the information, rather than waiting for the pilots to request that information?

84A: I believe the -- I would have to go back and look again at the -- exactly what the Rules of Engagement is saying there and -- as well as the ACO to see what guidance we did put out on that, sir. And, again, the common understanding is that the red cross or white, signifying humanitarian, type markings on the aircraft. Again, to the degree that they may or may not have some specific triangular shape, or some unique thing -- yes, I say that if we knew of something that was specifically unique, we would do our damndest to get that information to them.

85Q: Are you aware at the present time of the color scheme used on Iraqi Hind helicopters?

85A: After the fact of this crash that we had, I've heard intelligence subsequent to the fact in the last -- in the two or three days following the incident of the crash, I've heard quite a bit of information, trying to be -- We determined that the former Soviet Union had sold the Hind helicopters [Classified portion deleted (4 words)] -- was an initial concern and ----

86Q: Excuse me. I'm specifically referring to the color scheme on the Hind helicopters used by the Iraqi Air Force.

86A: Yes, sir. And in conjunction with that, I had heard that they had found out -- our intelligence folks had found out that the Iraqi helicopters -- and this is strictly hearsay, I haven't seen anything in writing -- were a brownish camouflage scheme, as opposed to the dark green helicopter scheme.

87Q: As an individual that flies mission in the AOR, would you find that that would be valuable information in assisting, in identifying the difference between a friendly helicopter and an Iraqi helicopter?

87A: Yes, I would. Or as you've mentioned, sir, any information about any identifying features for any of the type of aircraft that fly in there would be valuable for any of the aircrews that would fly in there, sir; to include the Syrian and the Iranian, and the difference between those two.

88Q: Would the CTF C-2 have the responsibility of providing that information to the aircrews?

88A: I believe the CTF C-2. It's primary responsibility is to the CTF commander to inform

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him of the overall situation that's going on down there, both politically and militarily, to the degree that something like that would be surfaced to them, I believe that. But I would find it unusual, I think, that they would break that piece of information out and send it down without somebody asking for it. I guess -- ah-hhh.

89Q: If the aircrews were required to consider the medical markings on a -- on an Iraqi military aircraft, would it be significant for the aircrews if those medical markings were a red crescent versus a red cross?

89A: I think they would probably assume, sir. I think they would assume that if there was anything unusual, not camouflage, but red or white markings that look like something like -- out of the ordinary, a cross, or the red crescent, or a -- other than a -- the red star or the triangular shape Fin Flashes that we normally see in the smart packs; by exception then, if it wasn't in the military markings, that would raise a curiosity level significantly to query if they're uncertain, to get more situational awareness on what that actual marking is. I think that would be understandable. And to the degree that the -- for instance, the white helicopters at UN have been intercepted, they're getting darker and darker with dirt. It's very -- It's getting tougher and tougher to see that they are white. That kind of process would go on. You would ask more questions on -- or look a little closer, I would say.

90Q: Do you know if any of aircrews had been briefed on the fact that the Black Hawk helicopters had U.S. flags painted on the doors and the drop tanks?

90A: Prior to the incident, I can't say with any validity that I knew that, and didn't know to what degree they were briefed. Of course, subsequent to that, at least at my level, it's very common exactly where they are and what they have because I've gone out and actually looked at them, subsequent to that. So I guess I'm clouded at that after going out on the ramp and looking at the UH-60 and seeing where the flags are actually painted on it. You know, you personally ask yourself a lot of questions that you didn't ask before the event.

91Q: And, again, what organization above the squadron level would be responsible for ensuring that the aircrews were aware of markings on friendly aircraft, such as the American flag painted on the Black Hawks?

91A: I believe that if there's those unique markings, it should have been aware through the CTF, if they knew that the MCC in Diyarbakir were doing unique things with any of the aircraft, then that information probably should have come down in writing, and then passed out to everybody in some sort of formal briefing or writing, or some way to let everybody know about them.

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92Q: Would there be an intel function in the 39th Wing that would be responsible for briefing the aircrews?

92A: Right now, my intel folks do not actually brief the aircrews. It's delineated down to each of the individual units that come in ----

93Q: Have you provided the information to the squadrons, so that the squadrons could brief the aircrews?

93A: If that information, sir, came down from CTF or was even made present a number of ways, I could have passed it out in an ARF, or I could pass it through the intel functions, down to intel, so that they can brief it to the step briefs, but -- or I could pass it out at the DETCO meetings in the briefing. But I think probably in writing to ensure that it's over and over again would be a better way of doing it. I could use either the intel function to do that, or a -- or an ARF, the aircrew reading file, or put it into the ACO.

94Q: But to your knowledge, that never happened?

94A: Ah-hh.

95Q: On those specific items we talked about, the markings on the U.S. helicopter and markings on the Iraqi -- medical markings on the Iraqi helicopters, or the difference in colors between the U.S. Black Hawk and the Iranian Hind?

95A: To my knowledge, sir, I don't know what they have down in the SOC on those specific questions that you asked right now, in each SOC. I wouldn't be surprised to go down there and find that, that somewhere on already posted information that it shows the silhouette of a UH-60; it may show it now. What it was before the incident, I'm not sure. To my recollection, nowhere have we written in the ACO, in those two volumes -- or I'm pretty darn sure in the ARF -- have we specifically said that the UH-60 helicopters had U.S. flags on them.

Now, does that information exist down there, I don't know. To my knowledge, I don't know.

96Q: Okay. That's all I have.

96A: I would add one other thing, sir. The -- As you asked questions about the silhouettes and the markings -- (The witness was interrupted by aircraft going by.)

As you ask the question on the silhouette markings, the smart pack that -- if I look right now, I'm pretty sure does have a section in it of colored markings that are on the aircraft, that identifies the markings of each of the possible aircraft that could be in there -- the Fin Flash, and

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that -- And in that Fin flash, it may in fact have -- or in that smart pack, it may in fact have the appropriate humanitarian for each of the Syrian, the Iranian, Turkish, and American, as well as other -- or Iraqi -- Off the top, I can remember, other than there's a page in there with a lot of Fin Flashes in it.

COL FAIN: Follow up?

COL AT LEE: Yes.

Questions by COL At Lee:

97Q: In that connection, you said the mass briefings are done of incoming personnel, at least for the unit changeovers?

97A: Yes.

98Q: Who does those briefings?

98A: I've done many of them; Colonel Daugherty, my deputy; Major Wilson, Colonel Pinter, Major Wright ----

99Q: Are these all people ----

99A: Those are the primary people who would be present or do the briefing, usually there's more than one. In some occasions, there's the group of us.

100Q: And these are all people who work for you?

100A: Yes, permanent party.

101Q: You referred, in the conversation you were just having with General Andrus, to information being in each SOC.

101A: Yes.

102Q: In that sense, you meant squadron operations center?

102A: Yes.

103Q: I understood you earlier to say that you fly F-16's in the theater.

103A: Yes.

104Q: Is there anybody in the Wing leadership position who flies F-15's?

104A: No.

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105Q: Is there anybody in the Wing leadership ----

105A: Well, there was before my watch. The previous group commander flew the F-15, Colonel Smith.

106Q: As it stands now, since your arrival here, there's been no one who flies the F-15?

106A: That's correct.

107Q: Would you have any means of knowing what was being briefed and what information was understood within the squadron operations center for the F-15's?

107A: The primary means I've had is through the DETCO briefings. The DETCO briefings -- the same information is passed out to all the DETCO's at this one briefing. So to the degree that we discuss how we do business around here, and we listen to everybody else's -- we say, problems or concerns, whether they'd be flying or whatever, the detachment commanders all share the same information, and go down. To the degree that what is actually said in the flight brief, I do not know. What they actually get in the SOC, the F-15's, I do not know. I have walked through the SOC on a once a month basis, not mainly on an inspection to see what's being done, but more of a, "Hi, how are you doing; what are the concerns; are the facilities good; are you getting support that you need; do you have any questions about anything?" -- those kinds of things, but not in a specific ---- (The witness was interrupted by loud aircraft.)

108Q: When the aircraft was coming overhead, I think you were saying, "not in a specific"

108A: --- With the specific intent of conducting an inquiry of what the crews were getting in a step brief. The quality of the step brief is given through an operational OI by CFAC IN that works for me, that delineates what the crew should get and shouldn't get as a baseline for a brief and debrief, and then the units that we have here, you know, expand upon that based on what's actually going out in the AOR, and what the mission is on the day, and what the tasking is for that day; and, of course, what the current situation is.

109Q: The OI's that you referred to earlier in your testimony, over what period of time have those OI's been put in place?

109A: They started, I believe, around August and September with directions that start -- were focusing on these, and over the period from then until now, they've started to come into final -- at different phases, final forms. So here again, as I mentioned earlier to Colonel Fain, some of them are still in the living, breathing process, signatures have been -- you know, changes have made; and where they are right now and in what phase, some of them might be on the desk right now.

It's the same process with the ACO. Every 3 to 4 months, or 4 to 5 month, all the ARF's,

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the aircrew read file notes that make changes to the ACO, are reviewed, and the significant things are consolidated and put in the ACO and marked that this is new information.

110Q: Do you know whether draft OI's awaiting final approval have been provided for people's guidance?

110A: No, I don't. I don't know if they are. But to the degree that my folks will do what's said to do in the OI, know that they -- I want them to do it, they know that. So they're not waiting for the final OI to do what's told, to my understanding. They're pressing ahead. There's a -- There's some other operating instructions I wanted done at the time that this incident occurred concerning, for instance the set targets which is a program I wanted to outline. So that has never quite come to finalization; the set targets did for us -- special emphasis targets, and that OI delineated where they would occur, how often they would occur, which ones would be for precision guidance, which ones would be for conventional, what kind of requirement you'd need if these targets were located in the known threat risk, and those kinds of things. So that OI, I believe, is still in draft, and I think every single -- or all the other ones may be either signed, final form, or in a -- some form or redraft. The other ----

COL AT LEE: Excuse me just a minute. I'd like to take a brief recess. The time is 1111.

(The interview recessed at 1111 hours, 28 April 1994.)

(The interview reconvened at 1114 hours, 28 April 1994.)

COL AT LEE: The time is 1114 on the 28th of April. All persons who were present at the time we recessed are once again present.

Questions resumed by COL At Lee:

113Q: And when we recessed, there was something that you wanted to add, or was saying. I'm sorry, I didn't hear enough of it to ----

113A: I can't recall.

114Q: Okay. If you think of it, please say so at the time you think of it.

114A: I've thought of it now. I was going to say there's two other meetings that we do a month that are important communication meetings, and those are the CFM's, the composite force mission or combined force mission; it goes by either. Those occur twice a month for us to train at how we'd go and do this if we had to go on a real mission. And "by real mission," I mean a

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bomb-dropping mission; scenario being things have significantly changed and the UN had approved us going back into the area and using force, and the coalition members all agreed to that. Twice a month we plan these missions, usually against the same types of target set that we would consider realistic target sets. The mission commander for that mission is selected and jumps around from DETCO to DET, so the French would have it one week, the British would have it another week, the F-15 unit would have it, the F-16 unit; and it jumps around. They would pre-brief the meeting -- the mission with their counterparts, and also pre-brief me and my representative two days before the actual CFM briefing which is an opportunity for everybody to get into the base theater and receive an entire briefing, so there is -- that happens twice a month. And from that meeting, we go out and do the mission, and then there's a mass debrief twice a month. And this is another opportunity to talk about -- and we often do in the debrief -- talk about better ways to work together and to communicate, and to understand who is doing what out there, and address things that -- to keep the thing going as we want it going.

115Q: Are ROE matters covered in this briefing?

115A: If they are appropriate, ROE matters will be covered. I can't, right off the top of my head recall specific things, but there are always comments to the fact of what we're always doing out there, remember it's always a real -- we're training over at Nellis, per se; we're at -- If something shoots up at you -- (The witness was interrupted by loud aircraft.)

115A: (Cont'd.) Let's re-emphasize, after we cover the training scenario. It's re-emphasized that you're flying over actual enemy territory that is filled with 15 to 20,000 troops with high AAA concentration and active known SAMS, and that you all have to be situation aware of what's going on, and prepared for either -- to enforce the No-Fly-Zone, or to defensively react against a real world threat. So that kind of an overview is reinforced every two months, I say some pretty strong words from usually myself or -- I cannot think of a time that the Wing commander or rarely the CTF commander has not gotten up and said some words to the entire group, at that time, about what we're doing, how we do it, the approach we're in; and kind of encapsulated the whole Operation PROVIDE COMFORT mission there.

116Q: You're telling us that the briefings that you used to disseminate and receive information -- you referred to the DETCO meeting?

116A: Yes.

117Q: I understood that to be a principal means of communication for you.

117A: Yes.

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118Q: Is there an Army representative at that DETCO meeting?

118A: Yes. In the past, we've always had a joint special operations task force commander there who is either Colonel -- usually Colonel Terry Curtis was the representative. And in the past, his -- since he's been gone, there's a Lieutenant Colonel -- I think his name is Pat Allen who has been the representative for JSOTF up there. And to my knowledge, there's always been a UH-1 liaison officer -- a UH-60 liaison Army rep there, as well as British and French representatives, who are not necessarily the DETCOs, but the DETCOs are there. Occasionally, and more on the non-attendance than the occasional, a Turkish representative will come.

119Q: You referred to the UH-60 representative ----

119A: A liaison officer from ----

120Q: Is that the representative of Eagle Flight?

120A: Yes.

121Q: And the grade of that individual?

121A: First Lieutenant and -- I believe he's been a First Lieutenant in the past. It may have been a Captain, but mostly a First Lieutenant, I believe.

122Q: Do you have any command representation of the UH-60, the Eagle Flights, there?

122A: No, not to my knowledge. There's never been any, other than the liaison officer.

123Q: Are ----

123A: The command representation for Eagle Flight, my understanding, goes through MCC through the senior Army rep who is also dual hatted as the deputy OPC commander under General Pilkington.

124Q: You're referring to Colonel Hassell?

124A: Currently.

125Q: If an Army representative were not present at that meeting, would you consider that significant?

125A: No.

126Q: Why not?

126A: I don't conduct an attendance usually at the meeting, so with the meeting -- 50 to 60 people in there, I'll walk in and get right into business, and I may or may not catch the fact that

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an Army representative was not present. So as I go -- usually at the end of the meeting when I go around -- we go around the room traditionally and address the issues; and to the degree that there are UH Army issues, I'm aware of his presence. And to the degree that there are no issues, I guess I would not be aware of whether he was there or a VC-10 rep was there, a C-3 rep, or whatever, the same kind of thing; but -- So it's more kind of like the squeaky wheel.

127Q: Is there a record of who attends and what's discussed?

127A: There is no record of who attends or what's discussed, other than a sheet of paper that shows who all the detachment commanders are and the current time, which is usually updated and sent around for an update; and I maintain that sheet of paper on a computer. The file of that is down there, so it should reflect the current detachment commander's representatives, their telephone numbers, and beeper numbers to get a hold of them.

128Q: And that would provide a record of who is there at each meeting?

128A: No. That would just show who is currently in -- (paused).

129Q: If that's a significant -- if that's your means of communication between the various DETCO's, why would it not be significant to you whether the Army attends or does not attend -- why the Eagle Flight, in this case, attends or does not attend?

129A: Well, no. I didn't mean that it wouldn't be significant. I would hope that they would attend all the meetings, just like we'd hope the F-15 and -- I guess, what I would say is I don't have a -- If he's not there, it wouldn't be readily apparent to me, since there are twelve DETCO's and about 30 -- up to 30 other people around the room there.

130Q: Are you familiar with Operation Order for PROVIDE COMFORT 91-7?

130A: I'm not sure if I am. Off the top of my head, the number doesn't ring up.

131Q: It's an operation order that was published in 1991, laying out the responsibilities of the various elements of Operation PROVIDE COMFORT, who's responsible for what, and how in broad terms it would be accomplished.

131A: To my knowledge, right now, I'm not aware of it. Sometime in the past, maybe I've seen it, back a couple years ago or a year ago in '92.

132Q: Accepting, for the sake of discussion, that within it, there's a reference to the effect that CFAC has TACON, referring to air operation within the -- referring to the air operations of Operation PROVIDE COMFORT. What would you understand that to mean?

132A: My understanding -- and that's in balance with what my understanding is -- is our current operations, even though it was written in '91, was that tactical control underneath the CFAC

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incorporates all those folks that are here flying in the area of operations that are not in positive operational control under the 7440th Composite Wing, so the -- Any JSOTF, joint special operating task force missions, any UH-1 MCC support missions, or back in the '91 time frame and '92 time frame when 130s were still going into Silopi area to support the Army contingent that was there, any of those operations would be coordinated through the chain of command and monitored appropriately.

What went on, in terms of an ATO in '91 and '92, to coordinate all those operations, where the Army element was the predominant element in there, the helicopter ops and the MC -- not the MC, but the C-130 resupply point, that focused primarily in the security zone at that time. How that was controlled, and how that ATO process worked at that time, I'm not familiar with ----

133Q: Let me focus on ----

133A: What's evolved from -- I guess, from the '91 time frame to now, the whole operation has evolved from one focused on the humanitarian relief effort in the security zone to one of enforcing the No-Fly-Zone, the sanctions from the UN.

134Q: Let me focus down on current operations. What are your understandings of the CFAC responsibility for control of all of the air operations in the TAOR, the tactical area of operations, northern Iraq, north of the 36 parallel?

134A: Our primary responsibility is to ensure that the air tasking order is put out daily, and that the airspace control orders that govern that are clear and concise, and are distributed and are made available. On a positive day in/day out, command and control thing, my role in that is making sure that I'm available, or my representative is available as a conduit of command and control information stemming, as we talked about before, from the AWACS through the mission director, through me, or if necessary -- if I'm not available, right to the CFAC commander.

135Q: Do you believe that you have any responsibility for the operation of Army helicopters while they're within the TAOR?

135A: No. I believe the primary responsibility that we have is to make sure that there is a framework on the air tasking order, as it is right now, that shows that there is a squawk, that there is an "as required" line. As we've done it prior to that, any responsibility to show what they are actually flying, and where they're actually flying, and when they're actually flying stem through the MCC, directly into the CTF side.

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136Q: Do I understand correctly that you consider Duke to be your representative, airborne, in the AOR?

136A: Yes.

137Q: If Duke were to be apprised that an Army helicopter was about to do something unsafe, or contrary to the directions in the ACO, or contrary to the Commanding General's direction, do you believe that Duke would have any responsibility to instruct the helicopter in any way.

137A: Yes. Duke's guidance is that if there's anything out of the ordinary, as he understands it, and he learns what the ordinary is by his checkout program, one-on-one briefings, and through his duties as a mission director, and through his understanding by presence in the meetings we have. If he sees anything that's out of the ordinary there, to include a helicopter operation that he's been made aware of, or anything that stems -- of a ROE type thing, whether it's a missile guidance radar coming up, or a violation of the 36 degree line, or something that's going on in the airspace that he cannot control, or he's lost control, or he senses that people are telling him that there's confusion out there; then his responsibilities are to call back to the mission director who gets a hold of someone in the command chain, usually that's me, going directly to Colonel Emery, and then right to the General. And if he can't get a hold of me, he goes right to the General or the command chain, and informs them, apprises them what the situation is.

In the event of lost comm which has happened frequently, especially in the previous 6 months, the Duke onboard there -- and the reason this happened is because of SATCOM communication problems. SATCOM in the previous 6 months has been unreliable. It's only been recently, in the last 3 to 4 months, that we've improved that, a new satellite. He had the authority that I've given him to make decisions, to involve safety of flight, to -- and to also terminate OPC and bring the entire operation back.

138Q: Where does that authority derive from?

138A: It comes from my briefing in giving him that authority.

139Q: And what's your authority?

139A: Mine comes from discussions through the CFAC chain Commander and the General, sir. And this is amplified by the fact that a -- it's very similar to the SOF in the tower, the supervisor of flying, where he has a responsibility to ensure the aircraft are safely on the ground or diverted. And then when he has an opportunity, he backbriefs the director of operations or the operations group commander, "as required;" but in essence, not really a commander himself.

140Q: You are a commander; is that correct?

140A: I'm a commander; yes.

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141Q: And the CFACC, currently Colonel Kula, is a commander?

141A: With different "hats" ----

142Q: I'm referring to ----

142A: --- In the CFAC world, the director of operations. We have never -- Air Force lingo for -- of course, being -- We have never "objectivized" this JCS/CTF operations, so I have no command authority in the CFAC world. The only commander is the CFAC commander, Colonel Emery, up -- or Colonel Kula ----

143Q: In the combined role, what is your responsibility in relation to the CFAC command responsibility?

143A: In the command and control, I'm the controlling element you would say.

144Q: Is it accurate to say that you are the individual responsible for the control aspect of the air operations?

144A: In director of operations, the whole thing is the way you described it.

145Q: You're the individual who implements the CFAC air operations responsibility?

145A: Yes.

146Q: Regarding the CFACC, referring to the combined forces air component commander ----

146A: Right.

147Q: --- Currently Colonel Kula. Regarding his responsibility, what do you understand his responsibility for the air operations of the combined task force to be?

147A: Okay. His responsibilities are to use the air power that's available -- okay?-- to fulfill the mission, and to complete the mission in accordance with the Commanding General's tactical guidance.

148Q: Do you feel that he, and through you, has any responsibility for deconflicting the aircraft within the AOR?

148A: Yes, and we feel we do that.

149Q: Do you feel that he, through you, has any responsibility for the safety of flight of the aircraft in the AOR?

149A: Yes.

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150Q: Do you feel that he, through you, has any responsibility for compliance with the Commanding General's directives?

150A: Yes.

151Q: Do you feel that that responsibility encompasses the flight of Army aircraft, as well as Air Force or Navy aircraft within the AOR?

151A: Yes.

152Q: Understanding that, what do you consider to have been the responsibility of the CFACC, through you, towards the Army aircraft -- Eagle Flights, specifically -- or the Eagle Flights operating within the AOR?

152A: I would assume that we would set up a structure from which a situation like this could not have occurred, and the structure would be in -- there is the AWACS presence to monitor and surveil the entire area; communications are established prior to entry to ensure that those procedures are followed; that the air tasking order is executed as planned; that if the ATO is changed, the mission director and the Duke onboard AWACS is apprised of the changes; and that the overall situation awareness is kept up at a high level there. And that's the responsibility that we all feel we have, day in and day out missions out there.

153Q: Do you think to fulfill that responsibility receipt of information from Eagle Flight, regarding their intention and activities, is significant?

153A: Absolutely. It's a -- to my knowledge now, especially after reviewing it, the only conduit of information on what they're actually doing on a real time basis is their UHF communications and IFF communications with AWACS.

154Q: Prior to the incident, did you appreciate that that was the only means of communication of their intentions and activities?

154A: Prior to the incident, my understanding was that was their means. We had no formal ATO process in existence for the MCC helicopter operations, other than what I've already described. The "as required" lines, the squawks, and the fact that there's always an ever -- there's always the possibility being on the ATO, with an "as required" line, that the helicopter can be operating in the AOR.

Questions by COL Fain:

155Q: What is your understanding now?

155A: My understanding, as of right now, is General Pilkington has prohibited all helicopter flights, other than Zakhu resupply. As far as overall helicopter operations, sir, we're also aware

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that there is a high probability of Turkish Air Force helicopter operations within the security zone, too.

156Q: I was specifically referring to, and following up on the question previously asked.

156A: Um-huh.

157Q: Where you indicated that prior to the incident, your understanding was that the radio center ----

157A: Yes, sir.

158Q: --- Was the means by which that information would be passed. And I was asking then, is that your same understanding, or do you understand that there are other means, or different ways for getting that information into the system?

158A: Okay. The first thing is -- are the communications radio that I was referring to was basically the UHF, and not the satellite. So what I meant by that, is the primary way of letting the system know that a helicopter is airborne is the UH-60s talking UHF to the AWACS, and that -- and then the system being real time, the controllers onboard AWACS made aware that there is a helicopter, and what he is doing out there in the area. The fact that that information would not necessarily come back to me, and saying we have helicopters operating in the area, that link of the command and control would not necessarily be activated because nothing unusual would be occurring if they were in fact doing what is normal operations in the security zone, which is operating below 400 feet in the security zone on a valid flight plan, et cetera, et cetera.

159Q: I was just trying to clarify the difference between what the procedures were before the accident and what the procedures would be now.

159A: Yes, sir. Okay. Right now, the procedures, subsequent to the accident is the OI -- We've done three things. The operating instructions have been changed, and the operating instructions now states that all operations in the AOR will be scheduled in the same manner through a 3 month process refined by a one month overview, refined by a weekly process; and that all operations in the AOR by the MCC will be specifically briefed in the -- annotated in the ATO and on the flow diagram -- the flow diagram, a pictorial depiction of the ATO. What I went further to do after that, the code words that have been used be redacted and reclassified, and this was before General Pilkington directed all flights stop -- but I'll go into that. And so they reclassified the code words, and that on the flow diagram, where the aircraft stops will be above that point, in time will be the actual code word where he's stopping. So that every pilot flying theirs, as well as the AWACS controllers and Duke, the mission director, will be able to see what

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time and where, by looking down and looking and cross reference in a set of code words that they have. Subsequent to that, of course, the General did say no flights further east of Zakhu, primarily I think to deconflict with the ongoing task afterwards.

COL FAIN: And that was the information we were looking for, appreciate it.

WITNESS: Yes, sir.

Questions resumed by the COL At Lee:

160Q: What did you understand to be the purpose of the "as required" helicopter lines in the ATO?

160A: That is twofold. We use "as required" here for all our lines primarily in the fighter -- in the fixed wing to allow us to accommodate changes due to maintenance in air traffic control, and that's to accommodate the host nation requirements to take off within a 15 minute window of your fragged time.

Our air tasking order is declassified and sent to 2TAF -- which is the Turkish control element in the eastern sector of Turkey, in an unclassified format to put into their computers, so that they can monitor our actual flight activities. So every single takeoff that we have from Incirlik has to take place within a 15 minute window. If it doesn't, we have to activate an "as required" flight plan to get it airborne. In Diyarbakir, my understanding of the "as required" line, as opposed to a hard fixed takeoff, is to allow the flexibility for them to support MCC as an "as required" basis, and to accommodate ATC delays that are unique to Turkey and working through Diyarbakir.

161Q: Did you understand it to have any role in deconfliction of aircraft to a creating situation of awareness amongst aircraft to the presence of each other?

161A: No.

162Q: Did you have any information prior to the 14th of April that the military coordination center flights may not have been following ACO procedures or Commanding General guidance.

162A: Absolutely not.

163Q: Would you describe your understanding of when AWACS assumes responsibility and your representative, Duke, assumes responsibility for control of the airspace during a flight, at what point do they accept responsibility?

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163A: The normal mode of operation out there is the Duke is in a monitoring situation where he is monitoring the execution of the ATO. If the ATO goes as fragged, his role is simply in the receive mode to listen, to watch, to have overall situation awareness. His situation awareness is built by him monitoring the radio frequencies, of which I understand he can monitor four. The primary one that I'm concerned with is the AOR frequency which is on a Have Quick secured net. He has the capability to monitor tanker frequencies, the enroute frequency, and one other frequency which in the past has been what we called the Duke frequency.

In the last 3 to 4 months, we've activated the Duke frequency and make it active, so we can pass a little bit more secured information along that frequency, in terms of variations to the ATO. So the normal process, if everything goes completely as fragged, he is in no other mode, other than a monitoring mode and ----

164Q: Regarding his communications capability?

164A: Yes.

165Q: The frequencies that you've described in using the last 3 to 4 months ----

165A: Yes.

166Q: Are those Have Quick frequencies?

166A: The two that were Have Quick are the Duke frequency, and that's -- that could be either plain or active, and he's monitoring active right now; and the AOR frequency, those are active. The two plain ones are the AOR frequency plain and the AOR frequency -- I'm sorry, and the Duke frequency.

167Q: Did you have any knowledge prior ----

167A: So ----

168Q: --- To the 14th of April what the Eagle helicopters communications capabilities were?

168A: No, I did not. Now, I think one thing that I've learned subsequent to that has been interesting, is that -- and I've known this. The impact is subsequent, but Duke does not monitor -- I've known this all along, and all the pilots know, that Duke does not monitor enroute frequency; AWACS controllers monitor the enroute -- or somebody on AWACS monitors the enroute frequency. So when we check in at K-Town and say that our call sign is fragged, we're talking to someone other than the Duke, and the Duke is not listening to that. If we don't check in radios, then somebody, other than the Duke, calls us and ask -- and queries us. Similarly if our squawks aren't right, it's somebody other than the Duke. Similarly, my understanding is that Eagle Flight when they takeoff out of Diyarbakir -- and this is subsequent to the incident, I understand it -- they take off whatever the departure control; but then they contact AWACS on

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the enroute frequency which is not monitored necessarily by the Duke. So with this understanding -- my understanding now is something has to -- some additional communications has to take place for the Duke to know that Eagle is airborne out of Diyarbakir into Zakhu.

169Q: And that communication can be ----

169A: Someone -----

170Q: --- Within the AWACS?

170A: An intercom, or somebody enroute going over and saying we have Duke airborne. So something has -- somebody has to make-- To my knowledge, somebody has to make the Duke aware that we have an Eagle Flight airborne.

171Q: The AWACS is within your area of responsibility?

171A: Yes.

172Q: Were you aware of this information before the 14th of April?

172A: I'm aware that they were -- of what I just said on the enroute frequency, and that the Duke does not monitor enroute, and that we have to go over to a separate frequency to contact the Duke enroute. I'm also aware that the Duke does monitor the TAOR frequency, the area frequency. It wasn't -- the impact of this frequency thing, I was not aware of until after the incident that -- that's right, if the helicopters are talking to -- only enroute, the Duke doesn't know the helicopters are airborne unless somebody else tells them. That -- putting this puzzle together only occurred after the -- and asking myself how could something like this occur.

173Q: Do you recall any indications from the CTF C-3 that they wish to be more involved in operational aspects of the CTF?

173A: There is -- I'm not sure I understand the thrust of your question. C-3s -- of which there's been three since I've been here -- have always -- that's the nature, at least -- have always been intimately involved in the operational aspects of the mission, and they have to be. To the degree that they know what's going on, and we know what's going on, there's a continuous source of -- when we have to -- we have to continually work that through the staff process.

So there's all sorts of different vehicles to keep the C-3 and his deputy, and the JOC, and the intel folks apprised of what's going on. The key one being the ARF's and the ATO process.

174Q: Did you have any relatively recent discussions with the current CTF C-3, regarding the respective roles of operations and the C-3? I'm referring to ----

174A: Subsequent to the incident ----

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175Q: Colonel O'Brien, prior to the incident?

175A: Could you rephrase that prior to ----

176Q: Have you had any recent discussions with Colonel O'Brien, current CTF C-3, prior to the incident, concerning the relative roles of that organization and your organization?

176A: Absolutely. We're focused on, I would say, two major things that Colonel O'Brien and I, as well as everybody involved, are focused on. They revolved around, one, fighter tasking of which we -- I'd have to say, there is -- if not daily, let's say weekly, if not biweekly, discussions on how to pursue this special tasking fighter, both from my -- I would guess the best way to overall characterize it, is how do you take this political situation and militarily address it with air power, and how we minimize the risk to airplanes while we're proceeding on this plan. So from that perspective, we've gone for the last -- at least 5 months, since December 19th when the fighter incident occurred, into a continuous cycle of ops planning, to include specific tactics and how we'd phase this operation.

On the other side, we have a continuous dialog on altitudes and threats, in conjunction with ensuring the safe operation of reconnaissance airplanes in the AOR.

177Q: How do you characterize what you believe to be the proper relationship between CTF C-3 and your organization?

177A: I characterized it as a -- very similar to what you'd find at Ramstein, or what you'd find at Langley, where you have a Wing co-located with a headquarters, where I'm an ops group commander and he is a DO on a staff, director of operations or the XO. Where he is -- I guess another way of saying it -- is not in the command and control, in the execution of the daily task; he's in a planning phase where he's looking to tomorrow, I'm looking at the flow of things today.

178Q: Do you understand him to have any responsibility for the daily execution of the mission?

178A: I understand he has none, other than from a staff function, one area. In the area that we have political -- How should I put it? Political dealings with the coalition that affect area operations, he is my primary conduit to the General to apprise him that we have a real ongoing situation that could affect the execution of the AOR. We commonly call that "provide discomfort," where there's elements that are in the AOR, in our area of responsibility, that are not specifically on our ATO; and that's where he'll be immediately activated to apprise the General of what's going on.

179Q: That's the only area that you feel he has a daily operational role?

179A: That's right.

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180Q: Most of these are just intended to be quick clarification questions. If you feel more is required, please say so. You referred to 0830 CTF CC meetings that you attended. Were those daily?

180A: I'm sorry. I didn't hear the first part.

181Q: You referred to 0830 CTF CC meetings that you attended, were those daily?

181A: The 0830 C-2 meetings ----

182Q: C-2.

182A: --- Those meetings -- Right now, my understanding is they take place daily if the previous day was a Friday, and not on Saturdays and Sundays. They don't take place on that -- now, that's changed back and forth. Sometimes, they've been on Saturday and Sunday, when the General has decided to -- depending on what the activity level is. It seems like it's his call over there. I attend those to the degree I can, and if I can't, I try to get -- our intel functions always attend that, but I try to get either myself, Colonel Daugherty, or Colonel Pinter to attend those.

We had a security clearance issue with that because it required an SCI clearance, of which I only had one until recently, in the last month or two. If I can't attend, then basically the meeting went unattended, other than my intelligence folks. And by that, I mean, based on the meetings that were ongoing at the Wing level, at the CFAC level in this dialog, there was concurrent meetings going on at the 8 o'clock daily and 8 -- at the Wing level, while there is an 8:30 C-2 meeting going on at the General.

COL AT LEE: Do you have any further information, statements, or evidence that may be helpful to this investigation that you wish to present?

WITNESS: I think it's important; you'll have to be the judge. When I was called into the command post on this, I was the first person to interview the pilots, to my knowledge in this, at the 0-6 level or above ----

COL AT LEE: Let me caution you at this point. At this juncture, we do not want you to relate to us information that you received from the pilots ----

WITNESS: Okay.

COL AT LEE: --- In that interview.

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WITNESS: Good. Then I don't have ----

COL AT LEE: If you feel that there is significant information, we'll make arrangements to receive it.

WITNESS: Not significant, so I won't say it. It was -- He characterized ----

COL AT LEE: There are things which this board, at this point, should not properly hear.

WITNESS: Okay. Then I have no other statements.

COL 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 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. You may report it to a board member.

COL AT LEE: Do you have any questions?

WITNESS: No.

COL AT LEE: The time is 1157. This interview is concluded.

(The interview terminated at 1157 hours, 28 April 1994.)

RICHARDSON

REPORTER'S CERTIFICATE

I certify that the above sworn statement given by **COLONEL DOUGLAS J. RICHARDSON** 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.



JANET R. CHARLES, SSG, U.S. Army
Court Reporter
Incirlik Air Base, Turkey

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V-023

TAB V-033

V-024

PILKINGTON, JEFFREY

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VERBATIM TESTIMONY OF

**JEFFREY SCOTT PILKINGTON, BRIGADIER GENERAL
CTF PROVIDE COMFORT, COMMANDING GENERAL
Incirlik Air Base, Turkey**

COLONEL AT LEE: The time now is 1314 on the 2nd of May 1994. The persons present are the witness. In addition, Major General Andrus, Colonel Bennett, Colonel Velluz, Colonel Armen, Group Captain Doggett, Colonel Fain, Mister Brummell. I'm Colonel At Lee.

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 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 under AFR 127-4. It is an Aircraft Accident Investigation conducted under AFR 110-14. The purpose of this accident investigation is to obtain and preserve all evidence for use in claims, litigation, disciplinary action, administrative proceedings of an adverse nature, 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 their 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.

COLONEL AT LEE: Do you understand the purpose of this investigation?

WITNESS: Yes.

COLONEL AT LEE: Do you have any questions?

WITNESS: No.

COLONEL AT LEE: Your testimony will be recorded and transcribed so that a written

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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 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. The investigation to date indicates that you may have been negligent in the performance of your duties. Therefore I must advise you that you are suspected of dereliction in the performance of your duties, in violation of Article 92, 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.

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 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 can statements made in the belief that they were provided under the 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.

COLONEL AT LEE: Do you wish to remain silent or will you answer our questions?

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WITNESS: I'll answer your questions.

COLONEL AT LEE: Do you want a lawyer?

WITNESS: No.

COLONEL AT LEE: Sir, would you please rise and I'll swear you in.

(The witness was sworn)

EXAMINATION

(Questions by Colonel At Lee)

1Q: Would you state your name and grade?

1A: My name is Jeffrey Scott Pilkington, grade is Brigadier General.

2Q: And your organization?

2A: My organization is Combined Task Force, Operation PROVIDE COMFORT.

3Q: And that's at Incirlik Air Base, Turkey?

3A: Yes.

COLONEL AT LEE: Sir.

(Questions by General Andrus)

4Q: What is your current duty title?

4A: My current duty title is Co-Commanding General, Combined Task Force, Operation PROVIDE COMFORT.

5Q: How long have you held that position?

5A: I've held that position since the 12th of July, 1993.

6Q: As Co-Commanding General, what are your primary responsibilities in that job?

6A: My primary responsibilities are execution of the mission of Operation PROVIDE COMFORT and safety and welfare of all the personnel involved in the mission.

7Q: What is the chain of command under which you operate?

7A: My chain of command is from the President to the Chairman of the JCS to USCINCEUR to me.

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8Q: And what organizations or elements come under your command?

8A: The organizations under my command are, of course, the staff of -- of the Combined Task Force, the Military Coordination Center at Zakhu, under that organization, MCC Rear and Eagle Flight, the JSOTF, under the JSOTF, both the Army and Air Force elements of the Joint Special Operations Task Force, Combined Forces Air Component, which consists of U.S., Turkish, French and British aircraft, the Office of Foreign Disaster Assistance which we normally refer to as the Relief Coordination Center in Zakhu, Iraq, and, notionally, a carrier battle group which has not been assigned here since my arrival.

9Q: Would you describe the structure of the staff that serves under you?

9A: The staff is organized along doctrinal lines of Joint Task Forces. It's a Combined Task Force, so my staff organization consists of, from myself to the Chief of Staff, then the C-1, which is personnel; C-2, Intelligence, C-3, Operations and Plans; C-4, Logistics; and C-6, Communications. We do not have C-5 which would be Plans because under some previous commander, the C-3 and C-5 were combined into one.

10Q: Okay, with regards to the Operation PROVIDE COMFORT mission, what directives do you operate under?

10A: I operated under primarily USCINCEUR Op Order 003 which is a July of '91 document stating the mission, command, relationships. It's a typical joint, combined Op Order.

11Q: And is the combined force Op Order 91-7 then the guidance or the plan that was put out by the CTF for organizing and carrying out the mission?

11A: Op Plan 91-7, which I'm only vaguely familiar with, was a transitional document used to transition from Operation PROVIDE COMFORT I to Operation PROVIDE COMFORT II. I'd say the most significant things that I can remember in Op Plan 91-7, there were some command relationships referred to, I believe. Rules of Engagement were addressed. And then -- the normal details of an Op Plan, of a transitional Op Plan, moving from a fairly significant ground force and the elements, the Silopi elements at Diyarbakir, Princirlik, fairly large elements on the ground in northern Iraq to primarily an air operation with a small Military Coordination Center at Zakhu. So that -- that document was referred to, as I recall, as a residual force transition Op Plan.

12Q: Okay. Do you feel that the guidance that you've received is clear?

12A: Yes.

13Q: Have you been provided with any additional informal guidance pertaining to the organization, conduct, command and control of the OPC mission?

13A: Well, I have received guidance, obviously, from General Shalikashvili via General Boyd, but as far as dealing with the organization, no. Only mainly in terms of dealing with the Turkish, British and French members. Nothing counter to Op Ord 003 in that guidance.

14Q: So the guidance, verbal guidance you've received, would just be amplification or

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clarification of the written guidance; is that correct?

14A: Yes.

15Q: Have you provided written guidance to your subordinate units covering their responsibilities in regards to the OPC mission?

15A: Yes.

16Q: And have you also provided informal guidance to . . .

16A: Yes.

17Q: . . . your subordinate units? I'd like to address some of the functions on the staff that come under you, first of all, and other organizations that come under you.

What do you consider to be the responsibilities of the CTF Chief of Staff?

17A: Well, the CTF Chief of Staff, along with those other people, operate on job descriptions of which I have signed off on over the past, probably three months, as I remember there was an update by C-1. His duties are primarily to orchestrate the daily staff functions in accordance with my guidance.

18Q: Okay, so he primarily orchestrates, coordinates the various staff . . .

18A: He, in fact, serves as the deputy -- as my deputy commander.

19Q: Okay. As your deputy commander, if you are not on station, would he have approval authority for various actions?

19A: Yes sir.

20Q: Is the Chief of Staff also responsible for ensuring that the staff functions are carried out properly?

20A: Yes.

21Q: Would the Chief of Staff have any responsibility for ensuring that either C-2 or C-3 passed relevant information to the CFACC -- relevant Operation PROVIDE COMFORT information to the CFACC?

21A: Well, he would -- only as directed by me, actually.

22Q: What do you consider to be the responsibilities of the Commander of the MCC?

22A: The responsibilities of the Commander of MCC, actually he's the co-commander, as I'm a co-commander. His responsibilities are delineated in his mission statement for the most part, which is to monitor compliance with U.N. Security Council Resolution 688, assess the compliance by the government of Iraq with that resolution and various demarches associated with that resolution and to look after the safety and welfare of -- of those people assigned to him.

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23Q: Under the CTF, would he also serve as the ground component commander?
23A: Yes sir.

24Q: Would you explain in a little more detail the relationship between the MCC and the CTF? How do they fit in the organization and how do they work with the other components of the organization?

24A: Well, in terms of the organizational structure, which is -- which is standard as far as joint doctrine is concerned, there is a -- in terms of the wiring diagram, the -- the commanding general of the -- of the Combined Task Force has a line which goes into all the major -- the major components which, under normal joint doctrine, would be a -- a COMMARFOR, COMMARFOR, a COMNAVFOR, a COMMAFFOR and a Joint Special Operations Task Force, so the relationship between the CTF Commander and the MCC is that he serves as the -- as the ground component commander.

25Q: Okay.

25A: On a direct line from -- from me to him.

26Q: With regard to the helicopters that come under the MCC, are those helicopters under the OPCON of the CTF?

26A: Well, that's -- that's a good question. Yes as far as Op Ord 003 is concerned. All U.S. forces assigned to Combine Task Force are under the OPCON of USCINCEUR which is executed through the Commanding General of the CTF. However, when that Op Ord was written, it further stated that command relationships other than that were as stated in -- in various other joint documents and that, I believe, Strategic Air Command, which existed at that time, forces would remain under the OPCON of Strategic Air Command with TACON CTF. However, 91-7 stated, as I recall, that Army and Navy forces remain under the OPCON of the parent units. That USAFE forces are under the OPCON of the CTF. Other Air Force units I don't remember being addressed other than tankers, probably addressed in the same way, that they remain under the OPCON of SACEUR.

27Q: How about TACON of the helicopters? Would the TACON, under current guidance, come under the CTF?

27A: Well, yes, as -- as far as relationships are concerned, yes. TACON is under CTF. In fact, yes. That's -- I was going to say, for all practical purposes we exercise OPCON, but that's not, in fact true. We exercise TACON.

28Q: Along those same lines, what is the relationship then between the MCC and the CFACC?

28A: The CFACC and the MCC Commander . . .

29Q: Speaking of the organization, not . . .

29A: The CFACC and MCC Commander are on an equal footing as far as the "wiring diagram" is concerned. So the commander's responsible for integration and coordination among -- among

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those levels of the organization.

30Q: How are the daily MCC flying operations integrated into the OPC flying operations? That is . . .

30A: Yes.

31Q: . . . the flying operations that come under the CFAC?

31A: Now, or prior to the . . .

32Q: Prior to the fourteenth.

32A: They are integrated through, as I recall and as -- and as stated in the -- in the SOPs, they are integrated in various ways. The Eagle Flight operations were coordinated through Eagle Flight Ops at Diyarbakir -- from Eagle Flight Ops at Diyarbakir, through the MCC, normally operations officer and commander, through the CTF C-3 by virtue of the joint operations cell.

Then either through the CFAC frag shop or through C-2 channels into the Squadron Operations Centers. So that would be the line of -- of -- of coordination.

33Q: Okay, if I can recap that. You said it would go from the MCC . . .

33A: No, it would start -- it would start with the detachment commander at -- at Eagle Flight, go through MCC operations officer and commander, to the CTF C-3 . . .

34Q: Through the joint . . .

34A: . . . to the JOC, to the Joint Operations Cell, and then to the frag shop or the Mad Dog, whether it was current or future . . .

35Q: That would be from the C-3 to the frag shop and/or the Mad Dog.

35A: Yes. Yes. And then through C-3/C-2 interface out to the Squadron Operation Centers.

36Q: Okay. Who then would be responsible for integrating the MCC flight operations into the ATO?

36A: Well, responsibility for integration into the ATO would be jointly shared by the -- by the C-3 and the CFACC, and the CFACC would be responsible but he could only integrate those things he's aware of.

37Q: Okay. But once the C-3 had provided that information to the CFACC, the CFACC would include that in the ATO. Is that correct?

37A: Yes, that is correct.

38Q: Do you recall a discussion with Colonel Thompson regarding deleting the requirement for AWACS or fighter coverage for helicopters operating within the security zone?

38A: Yes.

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39Q: We've been provided a document, unsigned . . .

39A: Yes, which is fairly standard because commanders change so often. We normally don't like to leave a name on those documents because then the people refer to them as old and out of date.

40Q: And . . .

40A: But it is dated, I suppose.

41Q: It is dated 1 September '93. The subject is UH-60 flight policy. It reads, "I have implemented the following policy for UH-60 flights supporting the Military Coordination Center, MCC." "A. All UH-60 flights into Iraq outside of the security zone require AWACS coverage." Is that the guidance that was in effect prior to 14 April?

41A: Yes.

42Q: Prior to 14 April?

42A: Yes. And I don't recall what -- what the genesis of that document, but I recall having -- given that guidance personally based on something that was -- either had occurred or was about to occur in the past, possibly.

43Q: Would that document have been related to the discussion that you and Colonel Thompson had about flights operating within the security zone?

43A: That Colonel Thompson, that was -- that was the MCC Commander at that time.

44Q: At that time.

44A: I'm -- but when you asked me the previous question about Colonel Thompson, I thought you were referring to a different Colonel Thompson.

45Q: You're right. There were two . . .

45A: Yes.

46Q: . . . Jerry Thompsons assigned as commanders . . .

46A: Yes.

47Q: At this time I'm referring to the Colonel Jerry Thompson that was the commander in the August/September time frame.

47A: I do not recall discussions with that Colonel Thompson about operating outside the security zone without or with AWACS coverage. But there -- by virtue of the fact that that document was -- was put out by me, there may have been one.

48Q: Okay.

48A: But I do recall discussions with the -- the following Colonel Thompson the morning of the -- the morning of the accident.

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49Q: Okay.

49A: On the same subject.

50Q: Do you know if any guidance was put out to either the AWACS or the fighter crews or a change to the ACO that would have informed them of this policy on UH-60 flights in regards to AWACS coverage?

50A: Would you ask that again, please?

51Q: The helicopter pilots were clearly aware of . . .

51A: Yes.

52Q: . . . this guidance.

52A: Yes.

53Q: And it appears that the guidance was directed to them.

53A: Yes.

54Q: Do you know if there was any guidance then passed on to either the AWACS crews or the fighter crews informing them of the guidance to the helicopters?

54A: Well, I believe that the ACO directs that all coalition aircraft, operating in the TAOR which is inside northern Iraq, would be under the control of AWACS. In fact, I'm sure it does. It's in the Airspace Control Order.

55Q: Okay. But specifically the requirement -- or particularly the requirement when they're operating outside of the security zone would have required AWACS coverage; is that correct?

55A: The question is, did AWACS personnel know of this requirement?

56Q: That's correct.

56A: I don't -- I don't know. I don't know if we gave them any written guidance about that.

57Q: Do you know if the MCC flight operations people had been provided a copy of the Airspace Control Order?

57A: Yes sir.

58Q: And were they required to comply with that?

58A: Yes. In fact, in their own SOPs, that's mentioned, quite -- covered quite extensively and in detail.

59Q: According to your understanding, prior to the 14th of April, was the MCC or the Eagle Flight detachment required to pass any mission information, such as takeoff times, route of flight, destination inside the AOR to anybody at Incirlik?

59A: Yes. My understanding since sometime last summer or fall, was that mission information

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on MCC Eagle Flight operations were coordinated by Eagle Flight into both the JOC, the frag shop and the Current Operations Cell.

60Q: Would that information have gone to all three in a shotgun process or would it have gone to the JOC to then be distributed to the other organizations?

60A: Well, I believe it would have gone through the JOC to be distributed but -- but the reason I say that is based on a 1 April '93 document which I had in my file which I had -- had read upon arrival here and possibly one or two other times since, which discussed the routes of flight of Eagle Flight and this document came from the detachment commander at that time, of Eagle Flight, that said, "The following CFAC units should receive coordinates and designated locations: CFAC operations, C-3 at CTF headquarters and Mad Dog operations."

61Q: Did the route of flight or routes of flight mentioned indicate, for instance, what route would be followed if a UH-60 were to fly from Zakhu to Irbil?

61A: Yes sir. It did. This document that I just referred to from 1 April '93 went into that in terms of code words for the various locations and the SOP that they operated under, dated 18 March '94 and signed by Captain McKenna, went into more detail on that.

62Q: Could we have copies of those documents?

62A: Yes sir.

COLONEL AT LEE: Sir, for clarity, if I could mark those.

GENERAL ANDRUS: Let's take a time out.

(The interview was recessed at 1340 hours, 2 May 1994)

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(The interview was reconvened at 1343 hours, 2 May 1994, with all parties present who were present when the interview was recessed)

COLONEL AT LEE: We had a brief recess. The time is 1343. For purposes of clarity, I would refer to the 1 September '93 letter which General Andrus made reference to as 33A (Attached) which correlates to the witness number that relates to you, sir. And with your concurrence, I'll mark the April letter that you referred to as 33B (Attached) and General Pilkington, you've given me two pages together. Was one an attachment to the other?

WITNESS: Yes.

COLONEL AT LEE: And you made reference to a third document, sir, which I believe was a March . . .

WITNESS: 18 March '94 Standard Operating Procedure for Eagle Flight.

COLONEL AT LEE: And I'll mark that as 33C (Attached).

(Questions by General Andrus)

63Q: You indicated that the UH-60 operations would pass mission information, such as route of flight, takeoff times, landing times, so forth, to the JOIC for distribution.

63A: Yes.

64Q: Did those times and did that information also pertain to flights out of Zakhu into the AOR or only flights from Diyarbakir to Zakhu?

64A: It pertained also to flights in the AOR. And I can expand on that a bit.

65Q: Please.

65A: From the standard operating procedures of 18 March '94 -- okay, now, I will skip the parts that deal with flights strictly from Diyarbakir to Zakhu.

COLONEL AT LEE: Sir, you're making reference to what we've marked 33C?

WITNESS: Yes.

65A: They flight follow with AWACS while in the TAOR using the Eagle Flight checkpoints, Alpha through Xray, which are in document 33B, the attachment to what you just took from me, and I'd like to get a copy of.

COLONEL AT LEE: Surely.

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65A: I.e., Eagles off Whiskey enroute to Sierra. Flights will follow the procedures outlined in the most current special operations notices. All aircraft will flight follow within the TAOR with one of the following: ATC, AWACS or another aircraft within the flight who's in contact with ATC or AWACS. Upon arrival at landing sites, notify AWACS, request a return gate time. If aircraft are to be shut down, advise AWACS that you will be on the ground for an indefinite amount of time. The return gate and time may be requested through the Arrowbase along with updated weather required.

I think everything else here deals with flights from Diyarbakir to Zakhu.

66Q: You mentioned that the AWACS was to -- I believe you mentioned the AWACS was to provide flight following.

66A: Yes.

67Q: ... to the helicopters. Do you know if the AWACS crews were aware of that guidance?

67A: Well, my experience from flying dozens of times on Eagle Flight, which that -- for some eleven hundred and nine days prior to this event, that was -- that was normal procedures for them to flight follow. So, I don't know that they had something written about it, but I know that it seemed very obvious and clear to me as a passenger on Eagle Flight numerous times that that was occurring.

68Q: If, for instance, the pilot of Eagle 01 were to call AWACS, call sign Cougar, and report that he was departing Whiskey for Lima, would you then have expected Cougar or AWACS to have provided flight following for that helicopter as the helicopter proceeded along that route?

68A: Absolutely.

69Q: Would you have been surprised if the AWACS crew had merely noted the radio call and taken no further action to determine the location of the helicopter?

69A: I would be surprised.

70Q: The information that we previously talked about being passed, would that normally be passed prior to the helicopters departing Zakhu or would it be passed only when the helicopters took off?

70A: It would be passed ...

71Q: Or both?

71A: Well, it would -- first of all, let me say it would be passed within seconds after the helicopters took off out of Zakhu to go on their route. But it also, I believe, would have been passed through the JOC to the frag shop to the current ops and to the SOC's what the plan would be that day, along with any changes to the plan.

72Q: Was your understanding that it would be passed -- whenever the information was

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available, that it would be passed in sufficient time to be included in the ATO?

72A: My information was that if it wasn't passed in time to be included in the ATO or changes were made after the ATO was published, that it would be passed on to the crews at the -- at the mission brief and step time.

73Q: In specific reference to Eagle 01 flight on the fourteenth, do you know if that information was passed to the JOIC prior to Eagle Flight taking off?

73A: I know that on the 12th of April, I had approved a mission for the fourteenth and I approved the mission for travel outside the security zone by MCC helicopter to Irbil and Salah a Din. That information would have been passed, I believe, through the C-3 to the CFAC and to the SOC's for dissemination to the pilots.

74Q: So you would have expected, as a part of the C-3's duties, to have passed that information to the organizations you listed. Is that correct?

74A: I would have expected that, yes. Now, whether it would have come from -- whether that went from the C-3 to the CFAC or arrived at the CFAC in some other way, I can't say for sure, but I know I was accustomed to that information getting down as far as the Squadron Operation Centers and being routinely briefed at -- at -- in -- at the step-brief. So by virtue of that, I made an assumption, since it was getting to the lowest echelons, that the other echelons had the same information.

75Q: The flight that you approved listed the departure point and the arrival point.

75A: Yes.

76Q: It did not list the takeoff times.

76A: No.

77Q: Do you know if the takeoff times had also been passed prior to the flight's taking off to the JOIC, to the C-3 or to the CFAC?

77A: I do not know in this particular instance, but I do know that it was routine in the -- in the squadron building where I flew, to know the takeoff time and landing times within the TAOR, the amount of time that we spent on the ground and the location and the amount -- and the time for takeoff and return to Zakhu. And that was briefed on a routine basis.

78Q: So you would have expected that other fighter organizations would have also received that information from the CFAC?

78A: Yes sir, I did expect that.

79Q: With regards to the C-2, what do you consider to be their responsibilities in the CTF organization?

79A: Well, their responsibilities are to keep -- to keep me apprised of all forms of intelligence that affect the operation. In terms of this, their part in the puzzle is that by virtue of the piece of

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equipment they have, you know the SENTINEL BYTE, they pass current information or changes to things or updates to information as a -- as a routine service to the JOC.

80Q: Did the C-2 have any responsibility for disseminating intelligence information to the fighter units and to AWACS?

80A: Well, the C-2 would have responsibilities for disseminating information to the CFAC but, in fact, in this case, by virtue of our organization here, yes there is -- there is direct communications between the C-2 and the fighter units.

81Q: So they would provide information to the CFAC and normally the CFAC would pass that information down, but in this case . . .

81A: In this case . . .

82Q: . . . it also went to the . . .

82A: . . . there's a direct . . .

83Q: . . . fighter squadrons.

83A: . . . because in normal -- in normal organizations, the CTF headquarters and the CFAC may not be co-located. So for convenience, there's a direct line here by virtue of the way that the organization has evolved.

84Q: And they would pass that information through SENTINEL BYTE . . .

84A: Yes.

85Q: . . . if I heard you correctly. Do you believe that the C-2 was aware of that responsibility?

85A: I believe the three or four C-2s that have been here during the -- during my ten months now, have been well aware of that capability and well aware that the -- that the passing of operational information was going on to the SENTINEL BYTE.

86Q: Do you think that the current C-2 felt that he had any responsibility to pass . . .

86A: I don't know.

87Q: . . . information such as air order of battle down . . .

87A: Oh, I certainly believe he felt responsibility to pass air order battle information down.

88Q: Okay.

88A: And whether he felt like he had a responsibility to pass Eagle Flight operation -- I -- I can't say, and if I had to guess, would say he probably was not even aware that it was used for that.

89Q: As the C-2 would pass air order battle information on Iraqi aircraft, would that include Iraqi helicopters?

89A: Yes sir.

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90Q: Does the C-2 have any responsibility for providing information that could be used to conduct visual recognition training?

90A: No.

91Q: Where would that information . . .

91A: The C-2 does not have a responsibility for component training in accordance with -- with joint doctrine.

92Q: If the C-2 had any specific information regarding Iraqi helicopters in this theater, would he be expected to pass that information to the crews as they arrived in theater?

92A: I can't say -- it would normally be the CFAC intelligence organization's responsibility to do that.

93Q: Okay, Let me give a specific . . .

93A: And so it would be the C-2's responsibility to provide that information to the CFAC who would then provide it to the . . .

94Q: Okay. Let me give you a specific example. Friendly Black Hawk helicopters operating under the CTF . . .

94A: Right.

95Q: . . . are painted in a dark green/black camouflaged color scheme.

95A: Yes.

96Q: The Iraqi Hind helicopters are painted in a light tan/brown color scheme. Would the C-2 be expected to provide that sort of information to the CFAC so the CFAC could, in turn, pass that information to the aircrews?

96A: I say yes, but -- but I'd have to jump back three years to say that -- that that was -- would have, in my estimation, would have been something that was important to highlight in April, May, June of 1991. The operation having progressed for over eleven hundred days prior to this incident, where Black Hawks routinely flew almost every day, six days a week, and very often two to three to four days a week in the TAOR, the necessity for highlighting that information may have slipped out many C-2s ago.

97Q: Do you know if that sort of information, in fact, was available in the squadrons?

97A: I know that in the squadron where I have flown, there were various aircraft and -- and -- and ground recognition guides because I've often referred to them. In terms of aircraft, helicopters, radars on the ground and the pieces of ground equipment. But I don't see that as a C-2 responsibility to provide that information. It's normally, in this case, brought with the units, because the components are responsible for that type of training.

98Q: So the units would bring that with them . . .

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98A: Yes, bring that with them.

99Q: . . . when they joined the CTF.

99A: However -- yes -- yes, but -- but you're absolutely right and if there's something that -- that comes up that enters the TAOR that's new, that would affect operations, then the C-2 would disseminate that and -- and does so. If new radars pop up, new threat systems, then the C-2 disseminates that information through the CFAC and, in some cases, directly to the -- to the sectors. So the answer to your question is yes, the C-2 does that as something new arrives, so he highlights that to the -- to the crews. But if it's something that's been going on for the previous three years on a routine basis, then that would not be normally a C-2 responsibility to bring that to the attention of the crew members.

100Q: To clarify, it would not be something that would come under the C-2 because it would have been incorporated into the normal aircrew aircraft recognition program; is that correct?

100A: Yes sir.

101Q: At least it should have been expected to have been incorporated into the aircraft recognition program. Is that correct?

101A: Yes sir, absolutely, you know, and -- and I -- I say that, based on my experience, when units are going to deploy into a theater, there is normally a -- a -- a period of fairly intense review of aircraft types that they're like -- like -- apt to encounter and fin flashes and various capabilities of enemy weapon systems. So in terms of joint doctrine, the component is responsible for that.

102Q: Would you have expected that that intense review, as you describe it, would have been conducted in the F-15 squadron that was involved in the incident on 14 April?

102A: Yes sir.

103Q: Prior to their arrival?

103A: Yes sir, I would have.

104Q: In regards to the C-3 . . .

104A: But -- but only in terms of -- of normally enemy systems primarily.

105Q: Enemy systems would include the Iraqi Hinds.

105A: Yes sir.

106Q: How would you expect that squadron to receive the information regarding the Black Hawk paint schemes and the difference between the two camouflage schemes?

106A: Well, I would expect that to be briefed at the in-briefing by the CFAC.

107Q: Do you know if it was?

107A: I do not know.

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108Q: Proceeding to the C-3, is the CTF C-3 responsible for updated planning documents? I believe you . . .

108A: Yes sir.

109Q: . . . said they had . . .

109A: Yes sir.

110Q: . . . planning responsibilities.

110A: Yes sir.

111Q: So would they have been responsible for updating Op Plan 91-7, for instance?

111A: Well, I will tell you that, in my estimation, the current C-3 would not have felt responsibility for that since that's, I believe, a July of '91 document. There have been some nine C-3s prior to the current one who -- who didn't update it, so I would say it was not something he would expect to be his responsibility to update.

112Q: But would that normally come under the C-3, based on the organization that you currently have with C-3 and C-5 being combined?

112A: Well, yes it would. But only because C-3 and C5 are combined.

113Q: Yes.

113A: It would normally be a commander, chief of staff and C-5 responsibility.

114Q: Some of these questions you've already answered, but just to clarify them. I believe you had indicated that the C-3 would be responsible for receiving the flight information on the UH-60s; is that correct?

114A: Well . . .

115Q: And then would . . .

115A: . . . yes . . .

116Q: . . . disseminate that information.

116A: . . . yes. I can't say the C-3 would be responsible for receiving, but -- but -- but -- but I will tell you that MCC operations were responsible for transmitting and they would transmit to the JOC.

117Q: Okay.

117A: That -- so JOC is the point of reception and then the point of dissemination.

118Q: We discussed this briefly, but again, to clarify, when the C-3 received information on flights requiring your approval, CTF/CC approval, how would they process that request, first to see that you had the opportunity to approve or disapprove, and then, following your decision, to

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provide that information to the respective parties?

118A: I can't -- I cannot tell you how that would happen. I can only tell you that by virtue of my experience, it did happen. And -- and the chain would have logically been from the chief of staff to the C-3 and the C-4, who would be responsible for coordinating the C-12 operations, to the C-3, from the C-3 then to the CFAC. But, there's also that C-2 connection where information went direct.

119Q: By virtue of your experience, in seeing that coordination process take place, that is in seeing the end result of that coordination process, would it be correct to say that you were confident that people were accomplishing the required coordination?

119A: Based on my lengthy discussions with Captain McKenna, who was the pilot of the lead helicopter on the day of the accident and the detachment commander -- who had been the detachment commander basically the same amount of time that I have been here as the commander, except for a month when he went on leave back in -- I don't remember when, December possibly. I was confident that -- that all forms of coordination between Eagle Flight, MCC operations and the JOC were functioning smoothly. Then, by virtue of the fact that -- that I was normally and routinely given information on Eagle Flight operations in a step brief at Squadron Operations Center Two, before I flew, and then based on the fact that I attended Eagle Flight pre-mission briefings at Diyarbakir in their operations where they reviewed the ATO, discussed the squawks, discussed frequencies, discussed code words and discussed the rest of the -- of the ATO and flew, in fact, I know they flew with the ATO in their hand. By virtue of the fact that I often listened to them talk to Cougar immediately after takeoff, listened to them use the code words, listened to them coordinate gate times, I was confident that the coordination was -- was happening quite smoothly and efficiently.

120Q: Do you know if the C-3 was aware of the Eagle Flight on the 14th of April? Specifically that flight on the 14th of April?

120A: Sir, I do -- I am not aware.

121Q: Who is responsible for coordinating fixed wing and helicopter operations and integrating those operations where appropriate?

121A: Well, I am responsible for -- for integration of the forces as the commander.

122Q: How do you do that in a practical sense, to ensure that the forces are all aware of one another's activities?

122A: The -- we do it through -- by virtue of the daily Air Tasking Order, the Airspace Control Order and daily SPINS and then updates to information which -- of which the focal point is normally the JOC, to the CFACC and to the Operations Center.

123Q: We've mentioned the CFACC several times. That's the Component Force Air Command and Air Commander?

123A: The Combined Forces Air Component Commander.

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124Q: Okay. Air Component Commander. What responsible -- responsibility does the CFACC have regarding the Airspace Control Order?

124A: He's responsible for -- for developing and updating the Airspace Control Order.

125Q: And does the CFACC have that same responsibility regarding the ATO, the Air Tasking Order?

125A: Yes sir.

126Q: Does that include responsibility for U.S. Army helicopter operations in the AOR? Incorporating those operations . . .

126A: Well . . .

127Q: . . . into the ATO?

127A: . . . it includes responsibility for providing for those operations in the ACO -- providing for the safety of those operations in the ACO, Airspace Control Order. So, what's your question again? Is he responsible for coordinating those operations?

128Q: Is he responsible for also seeing that they are incorporated into the Air Tasking Order?

128A: Well, yes in a general sense prior to the accident and a very specific sense since the accident, in that all aircraft movements that would take place as part of COMBINED COMFORT were in that ATO every day. Now, the degree of specificity -- specificity of those operations varied.

129Q: Prior to the fourteenth, was it routine for the ATO to include the takeoff times and destinations from Zakhu to points inside . . .

129A: No, no . . .

130Q: . . . the AOR?

130A: . . . it would have as required.

131Q: As required. The ACO specifies that fighter aircraft will sanitize the AOR before other OPC aircraft enter the area. Did you understand that guidance to include helicopters?

131A: That had -- had not occurred to me, but yes, I believe it did, but I -- but that was not something I would have expected or -- or thought about, other than that fact that Eagle Flight could often be there, I would not have thought of sanitizing the area for Iraqi helicopters.

But let me go to back to a previous question and say that -- that the reason there weren't specific takeoff times for Eagle Flight in the AOR was not because the times weren't known or the times changed, they were because, as you will notice in the SOPs, stated in -- in various ways, there were often flight plan problems and tower delays from Diyarbakir for -- for various operational reasons, for coordination problems, for language problems, for many reasons.

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So -- so my understanding, in discussions with Captain McKenna, is that there were often delays of -- of minutes, sometimes longer, taking off from Diyarbakir which then caused the entire operation to -- to shift backwards. My experience with those was that -- that sometimes fifteen to thirty minute delays were -- were -- were encountered. But generally ten minute delays were -- were -- were on average. I know that if -- if fifteen minutes went by, they had to file a new flight plan and notify the JOC now of the new takeoff time, so I was quite aware that that was -- that that was in the plan, as stated in Appendix A of the SOPs. "If takeoff is delayed more than fifteen minutes past filed takeoff time, then a new flight plan must be filed. In addition, the CTF line number must also be updated. This is done by calling Eagle operations and having them notify the JOC of the new takeoff time."

So based on my familiarity with this document and having talked to Captain McKenna about it, I was quite confident that the actual takeoff time was known and disseminated.

132Q: I believe you previously indicated that updates passed to the JOC would then be passed to the CFAC so that the Mad Dog and/or the Duke would be aware of that; is that correct?

132A: Well, I -- I thought that, based on what I heard on the radio and based on document 33B which addressed the three levels of coordination required, which were the C-3, the Mad Dog and the frag shop.

133Q: So, according to your guidance, your discussions and your experience, as a commander, you had every reason to believe that that was happening; is that correct?

133A: Well, I can't say I had every reason to believe that that's what was happening, but yes, I did believe that the coordination was taking place.

134Q: Did you have any reason to believe that it was not taking place?

134A: No sir, I did not.

135Q: When UH-60 missions were conducted outside the AWACS or fighter window, was special approval required?

135A: Well, yes, I believe it was, but that was -- would be -- yes, absolutely, but that would be an unusual process because in the same 1 September document, you'll note that I also said, "Designated non-flying days directed by the CTF will apply to the UH-60 detachment, with the exception of administrative missions."

There is possibly not in writing, but -- but I believe you will find out that it's a well known fact, that the down days of Eagle Flight were -- I directed them some month, six weeks, I don't know, two months ago. Actually three or four months ago and then again a couple of months ago because something had happened to -- it had obviously fallen apart, that they would take the down days on the same days that the rest of us took the down days. So yes, flights that weren't taking place on down days would have absolutely had to have my approval.

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136Q: Okay.

136A: And the only reason there would not have been AWACS coverage was because it was a down day.

137Q: And that's what I was getting at. They would have required your approval; is that correct?

137A: Yes sir.

138Q: Okay. We've discussed at least one previous flight where your approval was requested, you granted that approval . . .

138A: Approval for what?

139Q: For -- let me back up. There was a request on -- for the Eagle Flight on the fourteenth . . .

139A: Yes sir.

140Q: . . . to fly outside of the security zone . . .

140A: Yes sir.

141Q: . . . and they requested your approval for that flight.

141A: Yes sir.

142Q: You'd indicated that information regarding that approval was passed back down to the MCC and also passed on to the C-3 and the CFACC.

142A: Well, I'm not -- I'm not sure of that, because when I mentioned that previously, when we went through the discussion about which Colonel Thompson it was, what I was referring to was that on the morning of the fourteenth, approximately seven-thirty, I received a request from the chief of staff relaying a telephone call Colonel Thompson had made to takeoff prior to having AWACS coverage -- to the make the takeoff from Zakhu on the mission prior to AWACS coverage being -- being on station. And I said, "Absolutely not," was my -- was my answer to the chief of staff and he passed that on -- and I confirmed that he had passed that on to Colonel Thompson this date." So I was not referring to coordination of the C-3, I was referring to direct communication with Colonel Thompson about that specific mission.

143Q: Okay. With that particular mission and the guidance that the helicopters were not to take off before AWACS coverage was available, was there any discussion about the delayed takeoff until the fighters had swept the area?

143A: No sir.

144Q: If there were Black Hawk helicopters operating in the security zone prior to fighters sweeping the area, would you have expected that the fighters would have been informed of that?

144A: Well, no I wouldn't have, because quite often I have arrived in the AOR -- now remember I'm never the first one there because the first one there is always F-15s, so I arrived in the AOR

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numerous times, and specifically back in the past . . .

(There was a pause due to an aircraft taking off)

There have been times in the past when we operated at low altitude in various parts of the AOR. There have been numerous times when I was fragged for the low altitude structure which was down to but not below a thousand feet, when I have flown down in the northern part of the AOR and Eagle Flight has been there, flying down one of the valleys. I was not told prior to going down that they were there, but in accordance with the ACO, I was not going to go below a thousand feet so there was not -- there was no reason for me to be told unless I was going to go down into their block. So, by virtue of the fact that the AWACS would know I was going down to fly in an area where Eagle Flight might be, but they didn't tell me, I would also not expect them to have told the F-15s that they were out there.

Prior to some highlighting of the F-15s back to the AWACS that there was -- there was something out there, if the F-15s had told AWACS there was something there, I would absolutely have expected that -- that AWACS would inform them that Eagle Flight was there.

145Q: If AWACS had been informed that Eagle Flight was departing Whiskey for Lima . . .

145A: Yes sir.

146Q: . . . and given the takeoff time . . .

146A: Yes sir.

147Q: . . . would you have expected AWACS to have informed the F-15s, upon their arrival to the area, that Eagle Flight was operating in the area?

147A: I can't say that I would have expected that but it would seem logical.

148Q: The F-15s . . .

148A: Let me go back to what -- having -- the fact that the Eagle Flight had made contact with Cougar, as it was supposed to do, it would seem logical that -- that Cougar would pass that information on to the first aircraft in the area, yes, but I don't -- I don't know that that was a -- that it's written anywhere they have to do that. But yes, I would have expected them to.

149Q: As the F-15s entered the area and reported radar contacts at a low altitude, would you have expected that AWACS, being aware that Eagle Flight was in the area, would have informed the F-15s

149A: Absolutely.

150Q: We discussed this briefly but if you could amplify. AWACS responsibilities for flight following helicopters in the AOR, do you know if they have specifically been directed to do that?

150A: Sir, I do not -- I do not know. But let me just briefly refer to -- to the ACO.

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WITNESS: Would you ask that question again, please?

151Q: With respect to helicopters flying in the AOR, we discussed that AWACS would provide flight following . . .

151A: Yes.

152Q: . . . for those helicopters. Do you know if they have been directed to do that?

152A: Well, the Airspace Control Order directs that fighters operating in a low altitude environment will contact Cougar for deconfliction with Eagle Flight operations, but I do not know if they have -- if it is specifically stated that AWACS will flight follow helicopter operations, any of AWACS guidance.

There is something that leads me to believe, and I -- I did not bring it with me, that the -- that there are -- because I don't have a copy of the ATO and all the aircrew read files. I'm quite certain that there's -- that there's -- information in the aircrew read file states that all operations in the AOR must be monitored by AWACS, but -- but that's -- that doesn't specifically deal with your question.

153Q: Would the CFAC be the agency responsible for seeing that the AWACS carried out that responsibility? That is, monitored . . .

153A: Yes sir.

154Q: . . . flights in the AOR?

154A: Yes sir.

155Q: Turning to the CFAC again and some of their responsibilities. Is the CFAC responsible for training aircrews in regards to the Rules of Engagement?

155A: Yes sir.

156Q: As a commander, did you expect that the CFAC would ensure that the aircrews knew and understood the ROEs?

156A: Yes sir.

157Q: And would that have included AWACS aircrews as well?

157A: Yes sir.

158Q: Do you know if the CFAC had a procedure or a system in effect to ensure that all aircrews received the same ROE training?

158A: I know that they had a system to in-brief units and I believe the system was that the CFAC was available at any time to brief swap outs of personnel and -- and were on call to do that, but I also believe that their system included that DETCO is responsible for making sure that all the aircrews that were -- were -- had read all and, in fact, had to sign off all -- all aircrew read file

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notes which included the Rules of Engagement, so yes, there was a procedure to do that, whether it was to brief all incoming aircrews. Whether it was followed all the time, I -- I don't know.

159Q: Do you know if there was a procedure to ensure that ROE materials used by the various units to brief crew members were consistent and standardized?

159A: Yes sir. There was a system to do that.

160Q: Do you know if the system was followed? Specifically for AWACS crews?

160A: I have reason to believe that by virtue of the aircrew read file dissemination system that every DETCO received the same information at the same time.

161Q: I'll shift to the regular Monday, Wednesday, Friday, nine-thirty CTF staff meetings. Who usually attends those meetings?

161A: The CTF nine-thirty staff meetings is attended by myself, my Turkish co-commander, the commander of British forces, the commander of French forces, JSOTF commander, CFACC or his representative -- JSOTF commander or his representative, CFACC and his representative, C-1 through C-6, political advisor, primary staff members to including lawyer, chaplain, public affairs, protocol -- the consul, U.S. Consul for Adana, and then normally the deputies of the -- of the -- of the C-1 through C-6. Chiefs of staff also.

162Q: Was information regarding MCC operations routinely discussed at that meeting?

162A: Yes. It was not routinely discussed, it was routinely briefed and occasionally discussed.

163Q: And what information regarding Eagle Flight operations would be discussed in that meeting?

163A: In that meeting we would be shown a slide that would indicate whether flights would be strictly admin to and from Diyarbakir to Zakhu or there would be TAOR operations, and I believe that's all.

164Q: By virtue of attendance at those meetings, would you have expected that the information presented regarding Eagle Flight activities would have been known by the representatives that you indicated attended those meetings?

164A: I would have expected they'd been known by the representatives but -- but there were other coordination meetings between -- between the C-3 and the CFAC agencies, in terms of current ops and future ops that would go into the details on those operations.

165Q: But as a minimum, those meetings would have at least made those representatives aware of the Eagle Flight activities.

165A: Yes sir.

166Q: If not in detail, at least the activity.

166A: Yes sir. Yes sir.

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167Q: At the Monday meeting preceding the fourteenth, was there a discussion of the Eagle Flight on the fourteenth -- that was to take place . . .

167A: The Monday meeting, I was -- I was flying on -- on helicopters in -- in Iraq so I missed that Monday meeting.

168Q: Do you know if that had been an item that was on the agenda, even though you were not able to attend?

168A: I -- I do not know.

169Q: How about the Wednesday meeting? Do you know if there was any discussion on the flight to take place the following day?

169A: I don't remember.

170Q: What measures were in effect within the CTF to ensure continuity of operations between components as personnel rotated through the command and through the staff?

170A: Well, I don't mean to be facetious but I suppose the same measures that had been in existence since the founding of the CTF back in April of '91. There are continuity books and various periods of overlap to ensure that -- that personnel are -- are prepared to take over -- to take over the job.

Now, we have a -- a -- an advantage in that CFAC personnel are generally here PCS so what -- what system they use I -- I don't know. But I know that in terms of the CTF staff is concerned, we have a process of setting up a -- a schedule -- an inbriefing schedule for everyone that shows up in -- which include meetings with -- with all the other key players and myself. There are numerous documents that everyone becomes familiar with and -- and basically, we -- their predecessor is responsible for the training, when they are -- are up to speed and ready to take over the job and then that person departs and then they're -- they're left to go. And so, I can't say -- I don't know what's written, but I can tell you how it has evolved over the years.

171Q: To recap . . .

171A: When I made -- when I made the handoff, it was a rather informal process.

172Q: To recap what you said, there are publications available . . .

172A: Yes.

173Q: . . . and other documents, there are continuity folders, there's an overlap with the individuals that they're replacing, and there are briefings that are provided . . .

173A: Yes.

174Q: . . . to ensure some continuity . . .

174A: Yes.

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175Q: . . . takes place. Okay.

GENERAL ANDRUS: Let's take a break at this time.

175A: And I -- I should also say, in terms of the -- of the key players, there's normally an -- I call it an indoctrination at EUCOM.

GENERAL ANDRUS: Okay. Let's take a break.

(The interview was recessed at 1432 hours, 2 May 1994)

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(The interview was reconvened at 1507 hours, 2 May 1994, with all parties present who were present when the interview was recessed)

COLONEL AT LEE: The time is 1507. Those individuals who were present when we recessed are once again present.

WITNESS: Can I go back before you ask a question and just expand on one thing you asked me?

176Q: Certainly.

176A: You asked me if I would have expected the AWACS to notify the F-15s that the helicopters were in the area. As I recall the timing that happened that day, I would have expected that the F-15s would have been on the same frequency the helicopters were on when the helicopters checked in with AWACS that morning. So, based on the timing they entered the AOR, the time that Eagle checked in with Cougar, they should have heard that check in.

177Q: What frequency . . .

177A: It's enroute frequency . . .

178Q: . . . would they have been on?

178A: . . . Channel 19, whatever frequency that is, which is what Eagle would have been on and - and the Eagles -- they would have all been on the same frequency at the same time, should have been.

And it's routine to hear that. You hear that regularly when you fly in a fighter in the AOR. You hear Eagle Flight checking in with Cougar, giving them the route of flight, asking for gate times to be coordinated. It's -- it's very normal to hear Eagle Flight checking in and talking to Cougar from the fighters.

179Q: It's routine to hear them checking in if the fighters are on the enroute frequency, is that correct?

179A: Exactly. Exactly, yes.

180Q: Would they be able to hear them -- would the fighters be able to hear them checking in if the fighters had already gone over to their primary AOR frequency?

180A: No, but at the time -- but -- but they wouldn't have on that day because the fighters don't go to the AOR frequency until they -- they're just about to enter the AOR.

181Q: I have some other questions to clarify things we were previously discussing. You indicated that the CFAC publishes the ACO. What is the authority for publishing that ACO?

181A: Well, the authority for everything the CFAC does resides in the authority of the -- of the -- of the commander of the Combined Task Force.

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182Q: Do they publish the ACO under your direction and guidance?

182A: Well, yes in -- in -- in the broad sense. Everything that they publish is -- is in the broadest sense under my direction and guidance, because the authority that -- the CFAC doctrinally has no authority except that authority which is vested in the Joint Task Force Commander, in this case Combined Task Force Commander, and then the authority is given to him which generally includes planning, integration, execution, coordination of the various forces, various air forces.

183Q: So the information contained in the ACO would be information that you have approved or guidance that you have approved?

183A: It would contain guidance that has been approved by various commanders throughout the three years of the operation. But yes, by virtue of the fact that I am here at the time, if one is published during my period, I would be the approval authority. However, if I wasn't flying, I would never see that. So if I was not an active flyer, I would -- I would be -- I would not be in the coordination process to sign on that ACO. So I see it by virtue of the fact that I go to the Squadron Operations Center and fly.

184Q: Has there been an ACO published since you've been here?

184A: There have certainly been changes to the ACO, so yes, I believe there's been an ACO published since I've been here. I believed there was one published in the December time frame, possibly one since then, but I don't remember.

185Q: So that one published since you've been here would be under your authority.

185A: Yes.

186Q: Prior to the fourteenth, who knew that Eagle Flight was taking off from Zakhu and going to Irbil? That is, who at Incirlik was aware of that?

186A: I don't know. But by virtue of my experience and by virtue of my experience as late as the Tuesday, two days prior, that information would have gotten down to as low as the Squadron Operations Center to be briefed to the crews, so my assumption would have been that all echelons in between would have been aware of that.

187Q: Because that information apparently did not reach the F-15 squadron, would that indicate to you that there was a break in the communication process?

187A: Yes, in that specific instance, so -- but I don't know who else it didn't reach, so if it only didn't reach the F-15 squadron, I would say yes, there was a break. If it didn't reach many other echelons, then -- then I would consider that there's a -- there's an organizational deficiency.

188Q: Who do you know for sure that it did reach? For instance, did it reach the Chief of Staff?

188A: Yes.

189Q: Do you know if it reached the CFAC?

189A: I do not know . . .

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190Q: I'm sorry, the C-3?

190A: I believed it reached the C-3, but -- but the only reason I say that is because I believe when he came and told me that day that the F-15s had shot down two Hind helicopters, had reported shooting down two Hind helicopters. And I said, "Where would Eagle Flight have been at the time." Something he said to me indicated he knew where they were at the time because I believe he answered, "They should have been on the ground at "X" location," I don't remember which location that was.

191Q: Could . . .

191A: So something he -- something he said indicated to me he knew more about the flight than I did because, as it turned out that day, there apparently was another stop in addition to the -- to the route I had approved, that I was not aware of until, I believe, he advised me of that.

192Q: Could he have been passing information to you that he had subsequently received from the AWACS crew?

192A: Don't think there was time for him to have received much information. From the time he came down and told me, I believe JOC personnel overheard a radio call from the F-15 to the AWACS, told him and he came and told me, so I don't believe he would have heard or had time to reconstruct anything.

193Q: So you believe that the C-3 was aware of Eagle Flight flying in the AOR . . .

193A: Yes, yes. I -- I -- I do in this specific case and by virtue of the fact that he, in fact, gives the briefings that says what's happening with Eagle Flight, whether they are admin only, whether they are TAOR, then yes, I think he would have known they were flying in the TAOR.

194Q: Because he gives the briefing, are you indicating then that he should have known prior to the fourteenth in order to give the briefing on the thirteenth?

194A: Yeah, I would think he would have given the briefing on the thirteenth, therefore he would have know, but -- but I don't remember if he gave that briefing on the thirteenth.

195Q: Would someone from the C-3 shop have given that briefing if he did not give it?

195A: Yes. Yes.

196Q: So someone in the C-3 shop, in order to give that briefing, would have had to known about Eagle Flight going from Zakhu to Irbil; is that correct?

196A: Not necessarily. I don't know if they would have known about where they were going, but they would have known they were operating in the AOR east of Zakhu.

197Q: Okay. Do you know why specifically that information was not in the ATO if it was known several days prior to the actual flight?

197A: Why that specific takeoff time and route of flight was not in the ATO?

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198Q: Yes.

198A: No.

199Q: Would you have expected that it would have been in the ATO?

199A: I would have expected that the C-3 and the CFAC and the AWACS people would have known where Eagle Flight was going that day. But I -- I -- I -- once again, let me tell you. The reason I would expect them to know that is because of the -- because of the fact that it worked it's way down to a lower echelon. So the fact that I knew it and the fact that the Intel officer in SOC 2 routinely briefed me on Eagle Flight operations, led me to assume that other people between myself and that Intel lieutenant in that -- in that operation knew what was going on.

200Q: Okay.

200A: At various echelons.

201Q: Based on the Air Tasking Order and the radio call that the F-15s received from AWACS, the F-15 flight lead expected there to be no friendly aircraft in the AOR. Do you have any idea how that happened?

201A: I have no idea. And that's -- that's news to me. As you know, I've had -- I've had no contact with any of the people directly involved in this as far as AWACS and F-15s are concerned, so I don't know what conversations took place between them on the radio.

202Q: You indicated that you fly with SOC 2.

202A: Yes.

203Q: What aircraft do you fly?

203A: F-16.

204Q: Does anyone in the chain of command fly in the F-15 aircraft?

204A: No. But I will tell you that we have made numerous requests to have the OSS Commander, Lieutenant Colonel Pinter checked out and fly in the F-15 for -- for -- for command and control purposes.

205Q: How often do you have the opportunity to fly the F-16 in the AOR?

205A: I would say average five to six times a month.

206Q: So over the time that you have been here, approximately how many flights have you had in the AOR?

206A: Approximately sixty-five in ten months. Somewhere between sixty and seventy.

207Q: During those sixty-five or seventy flights, how often has AWACS informed you of Eagle Flight activity in the AOR?

207A: I can't recall that they've ever specifically informed me of Eagle Flight activity, but I also

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can't say that they haven't. I -- I -- I -- and I -- this is going back months ago, but I -- when we were operating at -- at low altitude back in the -- the fall, I can remember quite clearly not being surprised when the helicopters were -- were out there, so whether I had gleaned that by virtue of the ATO, by virtue of the briefing, step briefing at the SOC or by virtue of AWACS telling me, I can't tell you, but I can tell you that I was -- it was normal for me to -- to not be surprised when on the radar at twenty or thirty miles, a helicopter showed up.

208Q: And if a helicopter showed up on your aircraft radar at twenty to thirty miles, what would your normal procedure have been?

208A: My normal procedure would have been -- now, I don't know what my normal procedure was the first time it happened, but I can tell you that my normal procedure later on, or routinely, was to avoid them by a mile and tell my wingman to do the same.

209Q: Did you make any radio calls to AWACS when you detected low flying traffic?

209A: I can't recall.

210Q: Within the CTF, who has the primary responsibility for providing deconfliction information . . .

210A: The CFAC.

211Q: . . . to the various flights? The CFAC?

211A: The CFAC.

212Q: And is the CFAC the agency primarily responsible for flight safety?

212A: Yes.

213Q: Going to OPLAN 91-7, what written guidance has been provided to update or replace that document?

213A: Let me -- let me stop a second. I believe the CFAC is responsible for flight safety by virtue of the fact that -- that -- that the 7440th Composite Wing exists and the CFAC is the commander of the 7440th Composite Wing. So, I don't have a flight safety person on -- on the CTF staff. I don't know what happens at SOUTHERN WATCH or -- or at Operation DENY FLIGHT because the CFAC is located in a different place in the headquarters. So I can't say that doctrinally the CFAC is responsible for flight safety. I would say that -- that in this specific instance here at CTF PROVIDE COMFORT, the CFAC is responsible for flight safety.

Now, he's not responsible for flight safety of the Eagle Flight detachment. The Eagle Flight detachment commander is responsible for that. Actually the MCC, American co-commander is responsible for the safety of Eagle Flight and he executes that through his DETCO.

214Q: Referring to Operation PROVIDE COMFORT and not to other operations that are going on, and again referring to flight safety as regards -- regarding deconfliction of aircraft, would the

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CFAC be responsible for deconflicting helicopter and fighter . . .

214A: Yes.

215Q: . . . traffic in the area?

215A: Yes, and that's done by virtue of the ACO and -- and the deconfliction is -- is addressed in detail in the Airspace Control Order.

And, effectively was coordinated for some eleven hundred and nine days prior to this accident through the same set of rules.

216Q: Back to my previous question. What written guidance has been provided to update or replace OPLAN 91-7?

216A: I know of none.

217Q: Have you given any guidance . . .

217A: No.

218Q: . . . to do that?

218A: No.

219Q: What written guidance have you provided to your staff or components or both regarding their duties and responsibilities?

219A: I can't say what written guidance I've provided them. I can say by virtue of -- of notes, I have provided of -- of pieces of written guidance to various staff members in the CFAC over the past ten months. So I've provided lots of written guidance and lots of verbal guidance.

220Q: Have you provided written and/or verbal guidance to those same agencies regarding their relationships with each other?

220A: Yes, oft -- quite often.

221Q: And in what form has that guidance been?

221A: It's been in the written guidance on memos for -- as -- as I have this page here and -- and in both private and open meetings with the -- the various members that have filled those positions throughout my tenure.

COLONEL AT LEE: For the record, the memo that was held up was about a five by eight sheet . . .

WITNESS: Yeah. You're welcome to have one.

(The witness handed the sheet to Colonel At Lee)

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COLONEL AT LEE: Thank you, sir.

(Questions by General Andrus)

222Q: Again, for clarification, reference the memorandum, subject: UH-60 Flight Policy. Did you intend by that memorandum to indicate that helicopters would operate within the security zone without AWACS coverage?

222A: No, absolutely not.

223Q: So your intention was that they could operate neither within nor without the security zone -- let me rephrase that. You required AWACS coverage whenever helicopters were operating where?

223A: Helicopters were required to conduct flight following with AWACS anytime they were in the TAOR.

224Q: Okay. By that, do you also mean that AWACS was required to conduct flight following with the -- that is provide flight following for the helicopters anytime they were within the AOR?

224A: Well, the helicopters were not allowed to fly in the AOR without being in contact with AWACS. By virtue of their SOP, they could not fly unless they were being flight followed by AWACS.

225Q: Okay.

225A: I do not know if there was an -- and SOP to AWACS that -- that required -- that -- that -- that required -- that made them aware of that. But, I believe the ACO dictates that no aircraft would fly in the AOR without being in contact with AWACS and under the control of AWACS.

226Q: Did the letter intend in any way that helicopters could operate in the security zone before the fighter -- first fighter sweep?

226A: I did not intend that, and as I stated earlier, I don't remember exactly what -- what initiated this letter, whether it was a request from the previous Colonel Thompson or it was a discussion, or whether I found out, in fact, that -- that flights outside the security zone had occurred without AWACS coverage. I can't -- I cannot recall.

But I suspect that -- that at this time, on the 1st of September, it may have been routine for helicopters to operate inside the security zone without AWACS coverage, but I don't remember. It's certainly not for the last five or six months been routine for them to operate inside or outside the security zone without AWACS coverage, so that's been an evolutionary process. And I suspect that something that occurred back in November probably caused me to give the guidance to Captain McKenna that resulted in the SOP that said they required flight following all the time. And I believe that something was -- was shots being fired at a helicopter, either in Turkey or in northern Iraq. They thought shots had been fired at them. And then certainly, after February, where a helicopter was actually hit by small arms fire, everything was then quite

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tightened up. And, by virtue of the fact that there were Turkish helicopters conducting military operations in northern Iraq at the time, no one in -- in the chain of command of Eagle Flight would have allowed or even considered allowing helicopters to operate in the TAOR without AWACS coverage.

Now, I can't say that -- well, I actually -- no, it is -- it is in writing, and we -- those of us in the chain of command had numerous discussions and there was much traffic between higher headquarters and -- and myself regarding those issues.

227Q: And in regard to fighter coverage, do you believe that they would have understood that they were not to operate in the AOR without fighter coverage?

227A: Not necessarily. The fighter coverage was there primarily to defend the AWACS and the tankers. So I think that sometime over the last few years, up until about September, based on the threat that was perceived out there, I think that it's -- it's -- as I remember, helicopters used to fly, apparently, around the TAOR on no fly days, when no one else here was flying, which would indicate to me that they did fly in the past, and I believe I remember this. They flew in the past without AWACS or fighter coverage.

228Q: But it's your belief that since September, they have not been flying in the AOR unless they had fighter coverage; is that correct?

228A: I can't say that that's since September. Now probably -- probably some time later than September so, as I said, in September I gave them guidance not to fly outside the security zone without AWACS coverage. Probably November time frame when I told them they couldn't fly at all without AWACS coverage. But I -- I can't, you know, that is in the March SOP. You'd have to go back and look in -- in -- at when that appeared in their SOPs or their -- or -- because it should be there. There should be an initial document of when I passed word to McKenna, as the DETCO, that he could not fly in the TAOR without AWACS coverage. I can't remember.

229Q: You said without AWACS coverage. How about with -- without fighter coverage?

229A: No, I never -- I didn't address fighter coverage.

230Q: Would they or would they not be allowed to fly in the AOR without fighter coverage?

230A: Well, AWACS would not be on station without fighter coverage, so the two equate to the same. The AWACS enters the ROZ after the fighters are in the AOR, so by -- by -- under normal circumstances -- and AWACS would not have entered the ROZ without fighter coverage, so they could not have had AWACS coverage generally without having fighter coverage. So one would equate to the other.

231Q: So the AWACS would have to be in the ROZ before they could officially provide fighter -
- AWACS coverage.

231A: I can't -- I can't say that that's -- that that's absolutely true, but -- but prior to this incident, that's -- that's the way I thought it happened. I don't believe, as you look back through the Eagle Flight takeoff times, you will -- you will find very many, with the exception of this one, where the

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helicopters took off out of Zakhu before AWACS was actually in the ROZ. I think this was an exception and a very rare exception, possibly the only one of its type.

232Q: Earlier we were talking about the Air Tasking Order and information contained in the Air Tasking Order. What specific helicopter information is normally contained in the Air Tasking Order?

232A: The Air Tasking Order lists every aircraft that -- that will fly during Operation PROVIDE COMFORT that day by call sign and includes many call signs of flights that, in fact, will not fly because of the coordination required with the Turkish Air Force, that nothing on the ATO will be allowed to fly, so -- so the Eagle Flight with the call sign would be on the ATO normally with an as required takeoff time.

233Q: Would it normally not have the takeoff time from Zakhu?

233A: I can't say. It has the takeoff time now from Zakhu, but I believe in the past, the takeoff times were as required based on what I told you, that -- that there was so much leeway in taking off from Diyarbakir that the entire mission then would slip, so I don't believe we published exact takeoff times in the ATO for Eagle Flight.

234Q: What I've been getting at with all of these questions is whether or not there was a flight plan with sufficient information . . .

234A: Yes.

235Q: . . . on the Eagle Flight . . .

235A: Okay, that's a different question. Because of the flight plan requirements stated in the normal standard operating procedures, there would -- there absolutely would have had to have been a flight plan coordinated through Eagle Flight Ops to Arrow Ops and then back to the JOC, an original flight plan with a time and then a flight plan with the changed time if the time occurred differently that was planned.

236Q: But, would there have been a flight plan on file with sufficient information to indicate the intermediate stop at Zakhu and the route of flight and the . . .

236A: I think so.

237Q: . . . projected land time at Irbil?

237A: Yes, I think -- yes, I think so. But I can't say that with -- with great certainty, but I think there would have been, because I know that -- that the Operations officer would brief me and other passengers on the proposed times when things were going to happen during a helicopter flight and it would be normally his -- his -- he would pass that to the -- to the JOC.

238Q: Do you know of any reason why he would not have included that information in the flight plan?

238A: No.

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239Q: And it's your belief that on the four -- for the flight on the fourteenth, that that type of information was all passed to the JOC?

239A: I don't know. I cannot say what happened on the fourteenth, but it's my belief that that type of information was routinely passed from the Operations officer at Zakhu to the JOC.

GENERAL ANDRUS: Okay. Any questions for clarification?

COLONEL AT LEE: Just some varying terminologies here.

First, I note that the notepad paper is marked 33D (Attached) for reference.

(Questions by Colonel At Lee)

240Q: Sir, you used the terms TACON and OPCON in the discussion. Would you define those terms please?

240A: I define them as Operation Control, giving me authority to -- to direct missions, direct assets to be used in certain roles for certain purposes. I define Tactical Control to be essentially the scheduling of aircraft movements and -- and the authority to -- to determine times and places that aircraft movements will occur.

241Q: You referred to some standard operating procedures, SOPs . . .

241A: Yes.

242Q: . . . within CTF. Were there any others in addition to the Eagle Flight SOP that you would make reference to for this board's consideration?

242A: Well, I'll make reference to the -- the ACO being an SOP, that there are various aircrew read file notes that equate to SOPs. I don't know what -- what JOC SOPs exist so that's -- that's the only ones I would refer to.

243Q: When you were talking about the JOC, you referred to it as the Joint Operations Cell. Is that also known as the Joint Operations Center and currently as the Joint Operations and Intelligence Center?

243A: Yes. Yes.

244Q: You referred to receiving a briefing at SOC 2, that's Squadron Operations Center 2, and do the F-15s work out of that center?

244A: No.

245Q: You were talking about the role that C-2 plays as far as dissemination of information . . .

245A: Yes.

246Q: . . . concerning operational changes.

PILKINGTON

246A: Yes.

247Q: Were you referring to their role being one of providing the means of communications through SENTINEL BYTE or did you mean that they played an operational function, a substantive function in disseminating the operational information?

247A: I mean simply that they provide information by virtue of SENTINEL BYTE.

248Q: They -- they provide the wires and . . .

248A: Yes exactly, they just provide the wires.

249Q: When you were talking about overhearing the helicopter aircrews as you were on helicopter flights briefing frequencies and other information, do you recall what they briefed as the frequency they would be using in the AOR?

249A: I do not recall that, but I recall many, many flights on helicopters when it -- when it appeared to me, by virtue of my experience listening to his radio calls, that they were sometimes on the enroute frequency, Channel 19, and sometimes on the TAOR frequency, Channel 5.

251Q: Referring to . . .

251A: When we had flown outside the security zone on the Monday prior to this, I can say with some certainty that they were on the TAOR freq by virtue of all the fighter calls that I heard on the radio.

252Q: Your other reference is to sometimes on enroute and sometimes on TAOR . . .

252A: Yeah.

252Q: . . . referred to missions within TAOR -- T-A-O-R . . .

252A: Yes, they would never -- they would never be on TAOR freq unless they were in the TAOR, or northern Iraq, . . .

253Q: But not outside the security zone.

253A: Well, we went outside the security zone so rarely, very, very rarely, possibly four times during the ten months I've been here, maybe only three. I can't remember the other ones, but I can tell you I've been on most of them with the exception of probably one other one besides this one which occurred back in January when we picked up some -- some interagency working group people from -- from Washington at Irbil. In fact, we didn't pick them up because they didn't go -- so this may be the only TAOR mission in the last ten months that occurred that I wasn't on, so I can -- I'm used to hearing radio calls, when we're outside the security zone, that seemed to be on TAOR freq.

254Q: Were you aware that the Black Hawk helicopters do not have Have Quick radios that are compatible . . .

254A: Yes sir.

PILKINGTON

255Q: . . . with the fighters?

255A: Yes sir, I'm aware of that.

256Q: I think I may have helped muddy the waters there, sir. You're referring to TAOR and that you had been on most of the missions that had been outside.

256A: Yes. And I will tell you that with the exception of the one Monday, I think McKenna was always the pilot.

257Q: What I need to clarify is that in that context, you're referring to flights in the TAOR but outside the security zone.

257A: The security zone, yes. I can tell you that I paid more attention to what's on the radio when I'm outside the security zone because it's such a rare thing when we do it, that I am -- and there's nothing else to do back there as a passenger but listen to the radio, and -- and it's easy to listen to the radio because quite often the co-pilot informs the pilot that the IFF is being interrogated. This happens routinely and frequently during operations both in and out of the TAOR that the IFF Mode IV is interrogated.

(Questions by General Andrus)

258Q: On the flight . . .

258A: And I don't know if that's by AWACS, fighters. You never know -- you don't know who's interrogating, all you know is it's happening.

259Q: On the flight of the eleventh, do you remember if the Mode IV on the helicopter . . .

259A: Yes.

260Q: . . . was interrogated?

260A: Yes. Yes. Yes. Quite frequently.

261Q: Do you remember if they made a specific check of the Mode IV with AWACS prior to . . .

261A: No, I do not remember, but I can remember the co-pilot regularly and frequently informing the pilot, with some degree of annoyance, that the Mode IV was being interrogated.

And we have a procedure that's -- that's well known and it's in -- if it's not in the ACO, it's certainly in the -- in the -- the aircrew read file -- mandatory aircrew read file and permanent aircrew read file, that you don't lock on with your radar to aircraft inside of the -- inside of the AOR, and that includes helicopters. So when I've flown out there, and I've seen helicopters on the radar, I would not lock onto them because we don't lock onto our own aircraft in the AOR.

262Q: And how would you determine that they were helicopters prior to locking on?

262A: I don't -- I can't recall that because it's been so long since we've flown at low altitude, but I can tell you that when I saw two things out there at very low altitude, my assumption would have

PILKINGTON

been that that was Eagle Flight.

(Questions by Colonel At Lee)

263Q: Do you have any further information, statements or evidence that may be helpful to this board that you wish to present?

263A: Well, yes, but -- but I -- I -- I have -- I have probably had more experience operating with Eagle Flight than anyone except the Colonel Thompson that's -- that's at MCC now. And by virtue of the fact that he's not a pilot, I think I have a -- a unique perspective on Eagle Flight operations that nobody else here has. And my perspective is that they -- that they were very professional, followed the rules and -- and didn't make rules up as they went along.

I've flown many times with McKenna. He was, I believe, a very respected -- I personally had great respect for him as a -- both a pilot and as an officer, so I don't believe that he would violate any procedures or make -- or forget to do things.

(Questions by General Andrus)

264Q: In your experience flying with Captain McKenna, did you ever notice a time when he did not follow procedures as outlined in the proper documents?

264A: No. Negative. No.

265Q: Did you ever observe him checking the Mode IV?

265A: I cannot say that I ever observed him checking the Mode IV, except as I indicated that it was, I believe, quite routine to -- to be aware that the Mode IV was being interrogated.

266Q: Do you believe that if the Mode IV on his helicopter was not operational that he would have been aware of that?

266A: Abs -- yes, I believe he would have been aware.

267Q: In your personal opinion, do you think he would have flown the mission?

267A: I do not think that he would have flown the mission. And the reason I say that is because he personally added the -- the bottom line to the SOPs of Eagle Flight helicopter operations which says, "Nothing precludes a pilot slash crew member from aborting the mission if conditions are not right to safely conduct the mission. Do not press any restrictions since we're in peacetime conditions and we can return later to complete the tasking. If it doesn't look right, feel right, abort the mission, fly smart."

But, I'll tell you that -- that he could have been under some pressure to complete the mission that day.

268Q: In what way?

PILKINGTON

268A: It was a very important mission. People were -- were in place for the things that were supposed to happen that day. Some very important people had arranged their day to be certain places at certain times so that the people on the helicopter would be able to make contact with them and meet them and make introductions. The most important political leaders of the autonomous region of the northern three governments were assembled at Sal Adin to meet them. The senior UNHCR representative from the region was at Irbil to meet them. And that was a pretty aggressive schedule for the day. And they also -- I, after the fact find out that they -- they had, for some reason, apparently arranged for another stop, somewhere in the Barizon valley.

And let me tell you that standard procedures for them would have not been to call Whiskey to Lima if they were going to go somewhere else in between. Standard procedure would have been to call pretty much direct routing, so if they were going to go out to the Barizon valley, they would normally have used the -- an indicator for -- for the area around Accraw or Barizon or -- or somewhere in that vicinity.

So I'm not sure if McKenna was -- was aware of that other stop when he took off, but he should have been aware of it, because normally they won't fly in the TAOR without a full mission briefing conducted in -- in the Ops building at Texaco which is the landing place for the helicopters.

269Q: Do you know if, in fact, there was another stop?

269A: I don't know if there was another stop, but I was . . .

270Q: Do you think . . .

270A: . . . I was told, later that day, that they had planned a five to ten minute stop somewhere in the vicinity of Barizon, but I don't know if that actually occurred or not. Possibly because I wouldn't let them take off early, they skipped that stop. I don't know.

271Q: Do you believe that Captain McKenna would have taken off from Zakhu, regardless of the pressure or importance of the flight, if he would have thought that both Mode IVs, that is the Mode IV on each helicopter was not operational?

271A: Negative. Absolutely not.

272Q: You indicated that the co-pilots at times were annoyed at the Mode IV interrogations. I would have thought that they would be pleased that their Mode IV was being checked. Could you comment on that?

272A: I cannot comment on it, other than to say that I suspect that they were -- it in some way may have made them a bit concerned.

273Q: Would that concern have been at the frequency that it was being interrogated?

273A: That's possible. I -- I don't know.

PILKINGTON

GENERAL ANDRUS: Okay.

274A: And when I say, you know, it's -- it's -- let me say exactly what the one would have been. It would have been sort of a -- I don't know if I maybe said annoyed as -- as a concerned tone. It was not just matter of fact that our Mode IV is being interrogated. It was with a sort of a sense of urgency that the Mode IV was being interrogated, some sense of -- of -- of alarm, surprise, so annoyance may not be the proper word, but it was something that they were paying great attention to.

275Q: If their Mode IV was not keyed properly, I understand they would get a caution light.

275A: Yes.

276Q: Do you recall ever being aware of a caution light for the Mode IV on any of the flights that you were on?

276A: No, never.

277Q: Do you know if these were the same aircraft on the flight that you were referring to?

277A: I do not know. I do not know.

278Q: And by that I meant between the eleventh and the fourteenth.

278A: No, I do not know.

COLONEL AT LEE: Sir, 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, 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. You may report it to General Andrus.

COLONEL AT LEE: Do you have any questions, sir?

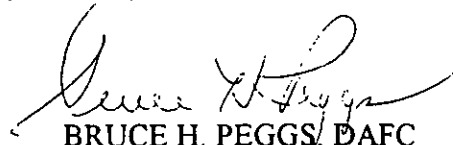
WITNESS: No.

COLONEL AT LEE: The time is 1556. This interview is concluded.

PILKINGTON

REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by Brigadier General Jeffrey Scott Pilkington 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

PILKINGTON

33a

HEADQUARTERS
COMBINED TASK FORCE PROVIDE COMFORT
INCIRLIK AIR BASE, TURKEY
APO AE 09396

CG

1 September '93

MEMORANDUM FOR CFACC

Commander, Military Coordination Center (CCMCC)

SUBJECT: UH-60 Flight Policy

1. I have implemented the following policy for UH-60 flights supporting the Military Coordination Center (MCC).

a. All UH-60 flights into Iraq, outside of the security zone require AWACS coverage.

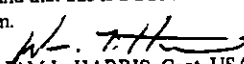
b. Designated non-flying days directed by CTF will apply to the UH-60 detachment with the exception of the administrative missions.

2. POC is the Deputy C-3, 6-3014.

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.

12 May 94
Date


WILLIAM L. HARRIS, Capt, USAF, MSC
Evidence Custodian, Incirlik Air Base, Turkey

Item 33a

DEPARTMENT OF THE ARMY
EAGLE FLIGHT DETACHMENT, 12th AVIATION BRIGADE
PIRINCLIK, TURKEY, APO AE 09825

AETV-AVA-EAGLE

1 APR 93

MEMORANDUM FOR FLIGHT CREWS

SUBJECT: Eagle Flight Coordinates

1. The attached sheet contains the destination coordinates with coordinating letter designations. These letter designations will be used to transmit the locations and destination to AWACS (Cougar).
2. The route of flight will be straight line from point to point unless otherwise indicated. In the event of a "round robin" or to a destination that does not have a letter designation notify AWACS appropriately. i.e. "Eagle 1 will be enroute to vicinity Delta".
3. The following CFAC units should receive the coordinates and designated locations.

CFAC OPNS	Rec'd 31 Dec 92
C-3 CTF HQ'S	Rec'd 31 Dec 92
MAD DOG OPNS	Rec'd 30 Dec 92
4. If there are any questions contact the detachment IP at DSN 676-7085

KJ Koch
KENNETH J. KOCH
CW2, AV
Detachment IP

EAGLE FLIGHT CHECKPOINT DESTINATION COORDINATES

A = AL AHADIYA	N37'05.6	E043'28.8	38S	LG	6555	0645
B = BARUSHKI	N37'04.1	E043'04.5	38S	LG	2900	0410
C = BARZAN	N36'55.5	E044'02.7	38S	MP	1500	8700
D = BATOPAH	N37'10.7	E043'00.7	38S	LG	2350	1650
E = AQURAH	N36'45.5	E043'54.0	38S	MP	0145	6905
F = BASHUR AFLD	N36'32.0	E044'20.5	38S	MP	4100	4335
G = DARUK	N36'51.5	E043'00.0	38S	LP	2220	8070
H = DIYAKAH	N36'39.8	E044'32.7	38S	MP	5934	5769
I = FIDAB	N36'48.9	E042'54.6	38S	LP	1350	7650
J = QAL'AR CHIN	N36'38.6	E044'19.4	38S	MP	3920	5410
K = HARIK	N37'02.5	E043'40.1	38S	LG	8176	0041
L = IRBIL	N36'13.0	E043'58.5	38S	MP	0800	0862
M = KAMI HASI	N37'13.8	E043'26.5	38S	LG	6180	2165
N = KANGESH	N37'02.5	E043'08.0	38S	LG	3096	0065
O = SALAH A DIN	N36'21.3	E043'16.0	38S	MP	3420	2350
P = SHALADIZA	N37'02.3	E043'48.1	38S	LP	9345	9995
Q = SHAQAMA	N36'23.5	E044'19.9	38S	MP	2875	2689
R = SURI	N37'01.1	E043'49.7	38S	LP	9575	9770
S = SARSENK	N37'02.4	E043'20.7	38S	LG	5275	0065
T = SIRSENK AFLD	N37'06.0	E043'16.2	38S	LG	4630	0735
U = SPINDAR	N36'58.4	E043'19.1	38S	LP	5100	9310
V = DAM (BEKMA)	N36'40.4	E044'14.1	38S	MP	3380	6030
W = ZAKHU	N37'08.5	E042'40.7	38S	KG	9331	1353
X = ZAWITA	N36'54.2	E043'08.2	38S	LP	3394	8588

EAGLE FLIGHT INTERNAL FREQUENCIES (Secure capable UHF/PM)
PM #1 41.45 UHF 300.000 VHF 141.800 PM #2 30.30

LLTR COORDINATES

DIYARBAKIR	N37'53.8	E040'11.6	37S	PB	0502	9518
TURN POINT # 1	N37'43.5	E041'47.5	37S	GB	4602	7918
TURN POINT # 2	N37'25.5	E041'51.8	37S	GB	5350	4600
TURN POINT # 3	N37'25.1	E041'13.1	38S	KG	5382	4498
GATE # 1	N37'12.1	E042'36.8	38S	KG	8816	1998

LTCC FREQUENCIES VHF 122.100 UHF 257.800 VOR 110.0

ITEM IDENTIFIED AS "33c"
IS REPRODUCED AT TAB AA

(Eagle Flight Detachment Standard
Flight Operating Procedures)

Item 33c

33d



Office of the Commander

Headquarters, Combined Task Force
Operation PROVIDE COMFORT
Incirlik Air Base, Turkey

Date: 1994

Memo To:

JEFFREY S. PILKINGTON, Brig Gen, USAF
Commanding General

ITEM 33d

V-022

V-023

TAB V-034

V-024

KULA, JAMES D.

V-025

V-026

V-026A

V-027

V-028

V-028A

V-029

V-030

V-031

V-032

V-033

V-034

**TESTIMONY OF
COLONEL JAMES D. KULA
39th WING COMMANDER
INCIRLIK AIR BASE, TURKEY**

COL AT LEE: The time now is 1617 on the 2nd of May 1994. The persons present are the Witness; in addition, Major General Andrus, Colonel Bennett, Colonel Velluz, Colonel Armen, Group Captain Doggett, Colonel Fain, Mr. Brummell 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 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. It 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 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 AT LEE: Do you understand the purpose of this investigation?

WITNESS: Yes, I do.

COL AT LEE: Do you have any questions?

WITNESS: No, I don't.

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 reporter, please avoid

COLONEL KULA

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 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's necessary for you to discuss classified information, you need to identify it as such.

Do you have any questions concerning these matters?

WITNESS: No, I don't.

COL AT LEE: Would you please rise so that I can swear you in?

(The witness was sworn.)

EXAMINATION

1Q: State your name and grade.

1A: James D. Kula, Colonel.

2Q: Your organization?

2A: 39th Wing.

3Q: That's at Incirlik Air Base, Turkey?.

3A: At Incirlik, Turkey, yes.

COL AT LEE: Thank you.

Questions by General Andrus:

4Q: What is your current duty position?

4A: I am currently the 39th Wing Commander, the 7440th Composite Wing Provisional Commander and the CFACC under Operation PROVIDE COMFORT.

5Q: How long have you held that position or those positions?

5A: I've held those since the 12th of April 1994.

6Q: What are your primary responsibilities in your current job?

6A: As the 39th Commander, I am responsible for maintaining Incirlik Air Base, the caring and feeding for the folks that live here. As the 7440th Composite Wing Commander, I assume

COLONEL KULA

responsibility for the American forces that deploy to Incirlik in support of PROVIDE COMFORT. As the CFACC, I'm responsible for the Combined Forces, the tasking and the fragging and the total flying operation of the four nations that are involved in PROVIDE COMFORT.

7Q: What is the chain of command under which you currently operate? Who do you currently report to?

7A: As the 39th Commander, I report to General Ashy, 16th Air Force Commander. As the 7440th Composite Wing Commander, that reports directly to USAFE, CINCUSAFE who has the 7440th. As the CFACC, I report to General Pilkington, the Operation PROVIDE COMFORT Commanding General, US.

8Q: What organizations come under your command?

8A: As the 39th, we have the operations group, the medical group, the support group and the logistics group. Now also under HUB support, we have four GSUs that don't come directly under the 39th Commander, but through subordinate group commanders we have Izmir--the site at Izmir, Pirinlik, and then the two MUNN sites at Balikishir and Akinci.

9Q: Would you explain, for the record, what are GSUs?

9A: I'm sorry. GSUs--Geographically Separated Units--they're stand-alone units that are USAFE units that are at other locations in Turkey.

10Q: And MUNN sites?

10A: MUNN site is a Munitions Support Squadron.

11Q: As the CFAC Commander, what organizations come under your command?

11A: As the CFACC, Combined Forces, there are no--I don't see any of the organizations strictly coming under the Command. Now, as the 7440th, the Composite Wing Commander, the American units that are here come under my command, but as the CFACC, the British, the French and the Turkish forces that fly here come under the tactical control of the operation so I have no command over the Combined Forces.

12Q: But you have tactical control of the flying forces. Is that correct?

12A: Yes, Sir--that are located here at Incirlik.

13Q: How about tactical control of the UH-60 helicopters that fly in Operation PROVIDE COMFORT?

13A: We have tactical control in the sense that they are on our Air Tasking Order, that they fly under the guidance of the Airspace Control Order and the SPINS that we publish.

14Q: With regards to the Operation PROVIDE COMFORT mission, what are the directives under which you operate?

COLONEL KULA

14A: We operate under EUCOM directive that guides the ROE that we fly under. There is a--I don't know the exact names--the UN resolution that we support that, from what I understand, then got translated to a EUCOM directive stating our mission that we do here which is to protect the northern No-Fly-Zone.

15Q: Do you feel that the guidance you received is clear?

15A: Yes, Sir.

16Q: What other Operation PROVIDE COMFORT experience do you have or what other positions in Operation PROVIDE COMFORT have you held prior to the 12th of April?

16A: Starting in July of 1992, I came here as the Vice Commander of the 39th Wing and in that capacity, in the absence of the Wing Commander, I did fill in or assume the position of the commander in the absence of the actual commander.

17Q: Would that have meant that you also filled in as the CFACC?

17A: Yes, Sir.

18Q: What were your responsibilities as the Vice Wing Commander?

18A: As the Vice Wing Commander, I assumed the traditional roles of the IG and I took care of the environmental programs--again the traditional vice commander duties of the Wing.

19Q: As the Vice Wing Commander, did you have any responsibilities in the CFAC organization?

19A: Only by virtue of being the Deputy or the Number 2 man to the CFACC so I acted as his Number 2 man.

20Q: Would you expand a little on the organization, on the staff organization, that you have in the CFAC? What are the various functions that the staff performs and who performs those functions?

20A: Okay, as the CFACC, the primary duties rested in the operations group where he and his staff, which is augmented by TDY personnel responsible for the ACO, the Airspace Control Order, for developing the--taking the mission guidance that comes down from the CG for daily flying and translate that into an ATO or an Air Tasking Order which then would task the various units that are here flying into what their mission would be for the next day. I do that again through the Ops Group Commander and then under him, he has an officer that's in charge of scheduling. There are TDY "Mad Dogs" and "Dukes" who are the command and control element both on the ground in our command post and then airborne on the E-3 during the mission--Mad Dog on the ground and Duke in the air.

21Q: Is there any informal guidance--you indicated there was written guidance. Is there any verbal or informal guidance to you regarding the conduct or command and control of the OPC mission?

COLONEL KULA

21A: There's tactical guidance that is issued by the CG which states the minimum he requires in the AOR, the Area of Responsibility, during the mission. Current guidance would be two primary DCA, Defensive Counter Air flights and then a Wild Weasel aircraft or pair in the area so under that tactical guidance, that helps us develop the flow of the aircraft as they fly into the Area of Responsibility.

22Q: You previously spoke of several documents that provided written guidance. Have you received written guidance from the CTF Commander, in addition to those other publications or documents regarding the conduct of the OPC mission?

22A: Nothing comes to mind right now on that, Sir.

23Q: What systems do you have in place to pass formal guidance down to your subordinate organizations for those units that are attached to the CFAC for OPC operations?

23A: We use our ATO which can have guidance in it and again, the Airspace Control Order and then more real time--we have battle staff directives and ARFs, Aircrew Read Files that we use to pass information to the aircrews.

24Q: Do you have any system for providing briefings on a regular basis to the guest units?

24A: Yes. When a unit deploys in on a rotation, a full unit rotation, we provide, through the Ops Group Commander, we provide a briefing on ROE update, local area operations, tempo of what is currently happening in our flying operation.

25Q: That covers units that are rotating in as a unit. How about when individuals aircrews rotate in and out? Are they provided also with that briefing?

25A: No, Sir. They are not provided it as a formal ops group briefing. We leave that up to the detachment commanders to pass along any of the current guidance. Of course, when an aircrew member does come in, he is responsible for reviewing all of our Aircrew Read Files, Airspace Control Orders and what not, before they start flying.

26Q: Do you have a system to ensure that those individual detachment briefings in fact cover all of the items that are covered in the briefing given by the ops group?

26A: I'm not familiar with a means to ensure that all those items are covered.

27Q: Do you believe that each one of the detachments provides their incoming aircrews with the same information that is provided by the ops group in the ops group briefing?

27A: I can't say positively that that is passed, but I do assume that the detachment commanders take that responsibility and brief their aircrews.

28Q: Are you aware of any method for standardizing those briefings to the individual crews as they come in?

28A: Unless they got the lesson plan and the briefing slides that the ops group briefs from, I'm not aware of a standard briefing outline--no, Sir.

COLONEL KULA

29Q: You indicated the CFAC publishes the ATO. Is the CFAC also responsible for the ACO?
29A: Yes, Sir.

30Q: Would you describe the relationship that exists between the Combined Forces Air Component and the MCC; that is, the Unit at Zakhu?

30A: On a daily basis, I don't have communication with the MCC at Zakhu. I have traveled there. I've spent the night. I've been on the ground and have flown into the AOR as an observer just to see what that operation does there; but on a daily basis, I don't have any contact. Now, through the C-3 and the JOC in PROVIDE COMFORT, there is information that is discussed back and forth between the schedulers where they pass information but as the CFACC, personally, I do not communicate with the MCC.

31Q: Where does the information that is contained in the ATO originate?

31A: From what I understand, the helicopter data originates from the MCC where they make their own flying schedule and that information was then passed to the JOC C-3 and then passed to our schedulers where the information would be put into the ATO.

32Q: Do you believe that the UH-60 operations were somewhat autonomous, separate, from Operation PROVIDE COMFORT?

32A: I would say that those terms would reflect the way the MCC helicopter flying operation--it was not driven by us. They did their own scheduling. As far as autonomous, there were procedures in the Airspace Control Order on how to operate while in the AOR and also transiting and they had their own operating procedures on what they would do so to say they were autonomous, they did have guidance as to what their procedures would be when flying in the various locations.

33Q: Was the UH-60 flying operation required to comply with the guidance contained in the ACO?

33A: Yes, Sir.

34Q: Did the ACO guidance apply to them?

34A: Yes, Sir.

35Q: And the helicopter information that was contained in the Air Tasking Order you indicated originated with the MCC. Is that correct?

35A: As far as when they were going to be flying. Now, in the ATO, the IFF squawks and the frequencies that were used when flying in the AOR was information that did apply to them. That came from us--the squawks and the frequencies and in reading the ACO, then they would glean that information so that was for everybody that was flying in the area.

36Q: I believe you previously indicated that the CFAC has tactical control over the UH-60 flying operation. Is that correct?

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36A: Yes, Sir, tactical control from the standpoint of establishing the procedures and the guidance for flying in the area and they would come out on our Air Tasking Order.

37Q: Would that mean that the CFAC would have any responsibility for deconflicting helicopter flights and fighter flights in the AOR?

37A: Yes, Sir, and we do that again through the ACO in publishing guidance on altitudes to fly and procedures when--in this case, flying low altitude in the low-fly areas.

38Q: Would you expect that the guidance that you provided in the ATO or the ACO would be complied with by the pilots flying UH-60s?

38A: Yes, Sir.

39Q: You indicated that the information regarding UH-60 operations was provided to the CFAC by the C-3. Is that correct?

39A: When they were going to be conducting flying operations, yes, Sir.

40Q: Did you receive information on helicopter operations from any other source?

40A: No, Sir. I'm not aware of another source.

41Q: What is the relationship between the CFAC and the CTF C-2? What function does the CTF C-2 provide and what do they do for the CFAC?

41A: They are the source of reconnaissance tasking that comes down in our mission order that we get everyday and they orchestrate the data collection that comes from our recce platforms and from our fighter visual platforms. They also provide some information that goes through our intelligence channel that gets passed to the individual flights.

42Q: What type of information would they pass through the intelligence channel that would go to the individual detachments or flights?

42A: They would pass on possibly troop movements or vehicle movements, but more importantly for our flying operation, it would be the location of threats, enemy threats.

43Q: Would they be responsible for passing any information on Air Order of Battle, Iraqi Air Order of Battle?

43A: Yes, Sir.

44Q: Would they be responsible for passing any information that they may have regarding color schemes used on Iraqi helicopters?

44A: I don't know. If there were something out of the ordinary, I would think C-2, from that standpoint, would pass that down. Normal identification markings on aircraft, I think would be more in the unit intelligence function.

45Q: Let me use an example. The Black Hawk helicopters, UH-60s, that are flying in Operation PROVIDE COMFORT are painted in a dark green and black camouflage scheme with

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American flags painted on the doors, the underside and the fuel tanks. The Iraqi Hind helicopters are painted in a light sand and brown camouflage scheme. Would that sort of information which would enable the pilots to more easily identify a Black Hawk or a Hind helicopter, would that sort of information normally be passed from the C-2 to the CFAC and to the detachments?

45A: If there was something that was out of the ordinary and was found by C-2, I think that would happen. The normal--again, the normal color schemes and paint jobs on Iraqi aircraft, if it was the standard intelligence data that was in the files, I think would be briefed by the local unit intel. Whether C-2 would actually generate that as a piece of information, I wouldn't think so.

46Q: If that was not information that was readily known, readily available in the flying units, would you expect that the C-2 would provide that information?

46A: Yes, Sir, if it was not a common piece of knowledge that the unit intel shop would have, then I would expect C-2 would have that information and could pass it.

47Q: Could you tell us what the duties of the CFAC DO would be?

47A: The CFAC DO is who the CFACC uses as his focal point to orchestrate and supervise the day-to-day operation of the coalition aircraft--as I said, the building of the ATO, the monitoring of the Airspace Control Order.

48Q: I believe you indicated previously that incoming aircrews are provided information regarding the Rules of Engagement. Is that correct?

48A: Yes, Sir.

49Q: Who provides that information to the aircrews?

49A: The information is in an ARF, an Aircrew Read File--I believe it's 183-- and with updates as we feel explanations are needed or any current guidance that comes out through the ARF so it's basically provided in an ARF, however, the original documents are available.

50Q: Who is responsible for ensuring that the ARF, Aircrew Read File, is current and contains applicable information?

50A: That's the responsibility of the CFAC DO.

51Q: What are the duties of the CFAC DO regarding the daily flying mission of OPC aircraft?

51A: He monitors the flying operation through the SOF in the tower through the DETCOs or the designated SOF in the individual DETs. He monitors the flying operation again through the Mad Dogs and the Dukes.

52Q: Is the DO also responsible for publishing the ATO?

52A: Yes, Sir. Through his frag shop, they publish the ATO.

53Q: Would he also be responsible for publishing the ACO?

53A: Yes, Sir.

COLONEL KULA

54Q: What is the command and control relationship again between the Duke, the Mad Dog, the DO and the CFAC commander?

54A: Sir, the Mad Dog is the ground element in our command post that monitors the operation here at Incirlik and takes the ATO and works any ROLEX's or slips, NTOTs or delays for weather or say problems with the JTIDS hookup with the E-3. He is our on-the-scene individual that's monitoring that. He does work directly for the DO in that standpoint and anything that would come up out of the ordinary, he would let the DO know. The Mad Dog is in communication through SATCOM with the Duke who is on the E-3 and is flying out on the mission. Anything that would happen out in the area that would need some type of decision or information that needed to be brought back here to Incirlik that would be relayed through the Mad Dog and then either we'd go to the command post or it would be related to us via land line.

55Q: The ACO specifies that no OPC aircraft will enter the AOR prior to a fighter sweep to sanitize the AOR. Do you understand that to include helicopter flights that belonged to the OPC operation?

55A: The way that guidance is written that would be guidance for the fighters and I would not see the F-15 sweep be a requirement for the helicopters to enter.

56Q: Do you think that the F-15 unit, which has the responsibility for making that first fighter sweep, knows that there is helicopter traffic or could be helicopter traffic, friendly helicopter traffic, operating in the AOR when they arrive?

56A: Yes, Sir, I would assume so.

57Q: Since the ACO specifically states that no other OPC traffic, no other OPC aircraft will be operating in the area prior to their arrival, do you think that there could be room for misinterpretation?

57A: Yes. I could see where there could be with the definition of aircraft.

58Q: If the fighter aircraft believed that there were no friendly aircraft operating in the AOR when they arrived, do you think that if they detected aircraft flying in the AOR that they would believe there was a possibility that those detected aircraft were friendly?

58A: I would think that they would not be swayed to think that they were hostile. I don't think that would lead them one way or the other to make a determination of what those aircraft could be.

59Q: If, in addition to the ACO specifying that no other aircraft will be in the area before the fighters, AWACS were to not inform the fighters of any additional aircraft in the area, do you think that could lead the fighters to believe that, in fact, any aircraft operating in the AOR would be possibly friendly aircraft?

59A: The last part of the question kind of--when you said possibly friendly?

60Q: What I'm getting at is do you think that they would be under the impression that any aircraft operating in the area would be unfriendly aircraft?

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60A: No, Sir, I don't think so. I don't think the lack of AWACS saying that would, again, sway them or put them in the presence of mind to say a contact out there is hostile. It would put doubt in their mind as to--What is that out there?--especially if AWACS didn't say there was a contact, but I don't think immediately they would make the decision--glean that that was a hostile aircraft.

61Q: Regarding UH-60 flights in the AOR, do you have an understanding that they receive flight following information from AWACS?

61A: I believe that they informed AWACS of what--of their intentions and where they were going, but not real time flight following--

62Q: Would you expect that AWACS would monitor the Eagle flights while they're operating in the AOR?

62A: Yes, Sir.

63Q: Would you expect that the pilots of the Eagle flights would also expect AWACS to monitor their location?

63A: Yes, Sir, through position calls.

64Q: Do you believe that the daily scheduling of the UH-60 aircraft, prior to the 14th of April, provided all of the information required by all OPC players regarding UH-60 flights?

64A: Through the ATO, Sir?

65Q: Through the ATO.

65A: I would say that it did not provide all of the information it could have from all of the players flying in the AOR.

66Q: What information do you think it could have added which would have been beneficial to the other players?

66A: I think it could have added that actual time that the helicopters would be in the area and possibly their route of flight would be good information.

67Q: Do you know if the scheduling shop had any difficulties in getting that sort of information?

67A: I know that it was difficult getting because the flights that the helicopters would go on a lot of times weren't decided til that day on where they were going, what their requirement was. To say that it was difficult to get that information, I wouldn't be able to comment on whether it was difficult. I know that that type of information, I don't think was passed to the frag shop, to the scheduling shop.

68Q: Do you think that information was available in the C-3 JOIC?

68A: I don't know, Sir. I don't know if the detailed information of their takeoff and land times and their route of flight was passed to C-3.

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69Q: Do you know of any reason why that information would not have been available to the frag shop for inclusion in the ATO?

69A: No, Sir, the only thing would be if that was only decided real time and then it would be passed real time to AWACS.

70Q: How would that be passed real time to AWACS?

70A: The helicopters did call when airborne and when down and then they did relay through a series of alpha numerics where they were going.

71Q: And if the information were made known to the JOIC here at Incirlik too late to be included in the ATO, how would the information then be passed to the AWACS crew?

71A: It could be passed real time. It could be passed--one, through a BSD. It could be passed Mad Dog to Duke via SATCOM and then real time by the helicopter crews through contact with AWACS.

72Q: Do you know of any breakdown in passing ATO information from the C-3 to the frag shop? Were you aware of any problems or difficulties there?

72A: I'm just aware of one. It was never brought to my attention that there were errors in passing; other than the daily passing of information. I can't say that I'm aware of any errors. You know there was an omission just here recently that I'm aware of.

73Q: We already alluded to this previously, but let me clarify again. Are the UH-60 helicopter missions in the AOR conducted during times when AWACS coverage is not available?

73A: Yes, Sir.

74Q: Do you know if they are also conducted during times when fighter coverage is not available?

74A: Yes, Sir.

75Q: Has that ever created a problem in the past?

75A: It hasn't created a problem. I think there may have been due to--not helicopter--well, I'm thinking more the fighter ground party. From the helicopter side, I'm not aware of a problem that has created.

76Q: We talked before about the Airspace Control Order requiring a sweep by fighters with AI radar prior to any other OPC aircraft entering the area of responsibility. I believe you said that that did not apply to helicopter traffic. Is that correct?

76A: That would--prior to the incident, yes, Sir.

77Q: If that would have applied to helicopter traffic, who would have waived the restriction? Who would have the authority to waive the restriction?

77A: To waive a restriction that is in the Airspace Control Order?

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78Q: Yes.

78A: That would be a minimum, the CFAC DO, or real time if there was a tactical necessity then the Duke or the aircraft in the area have tactical autonomy to be able to handle real time information, but I don't know why that would apply in this case, but if there's a requirement in the ACO, then we expect the aircraft to comply.

79Q: The problem, of course, is whether or not the helicopters were considered to be aircraft and, therefore, considered to fall under that guidance?

79A: Yes, Sir, but since they've gone into the AOR without us being there, we could assume that that requirement did not apply to the helicopters.

80Q: I suppose the natural follow on question would be that if the JFAC has TACON of the helicopters, why would the JFAC allow them to do that, contrary to guidance contained in the ACO?

80A: I would have to--Sir, that's a logical question. I would have to say in that instance the interpretation of that guidance did not apply to the helicopters. It applied to the fixed wing aircraft that were flying in the AOR.

81Q: Along those same lines, should that information regarding helicopters flying in the AOR before the fighter sweep, should that information be included in the ATO?

81A: Yes, Sir.

82Q: Would it be helpful to the fighter crews to have it included on the aircraft flow sheet?

82A: Yes, Sir.

83Q: Do you know if it was included on the aircraft flow sheet on the day of the incident?

83A: On the day of the incident, I don't think it was, Sir.

84Q: Do you have any idea why it may not have been, on the day of the incident?

84A: That was not our standard procedure to put the helicopter flying on the flow sheet.

85Q: Would that mean that you would not have expected the fighters to be aware of that information, be aware of the helicopter activity?

85A: The specific time that they would be in the area, the fighter would not be aware of that from the flow sheet.

86Q: What knowledge do you have of the approval and coordination process regarding Eagle 01 Flight on 14 April?

86A: I'm not aware of the approval and authorization for their flying. As the CFAC, we're not involved in that process.

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87Q: Did you have any information at all regarding that Flight, you, as the CFAC Commander or for that matter, any member of your staff, that you're aware of, prior to the 14th of April?

87A: Other than knowing that there would be possibly a two-ship AOR sortie by the helicopters, because that is briefed at the Monday, Wednesday, Friday CTF meetings, knowing that there was going to be a sortie, would be the only that I would be aware of.

88Q: Do you recall if the briefing on the Wednesday prior to that flight included takeoff location and landing location or destination of the Eagle Flight within the AOR?

88A: I would think not because I don't remember that information being passed at this briefing. It's briefed as a two-ship admin or a two-ship AOR sortie.

89Q: But the specific takeoff point from Zakhu and destination of Irbil was or was not briefed?

89A: I don't remember it being briefed. I have to say I left the day prior to the incident and I had gone up to Akinci for a change of command and returned about 1400 the day of the incident.

90Q: Are you familiar with the CTF OPLAN 91-70?

90A: As a number, it doesn't stand out, Sir.

91Q: Are you aware of the guidance that has been put out in OPLANs from the CTF governing the operation of Operation PROVIDE COMFORT?

91A: Yes, Sir, if it applies to the flying operation, I am familiar with--

92Q: I misspoke--91-7, not 91-70.

92A: That doesn't help me. Is there a title to that, Sir?

93Q: It's OPLAN 91-7, CTF PROVIDE COMFORT, is the title.

93A: No, Sir, that doesn't help me without seeing the document.

GENERAL ANDRUS: Okay, let's take a break at this time for a few minutes.

(The interview recessed at 1706.)

COL AT LEE: The time is 1729. All individuals who were present when we recessed are once again present.

GENERAL ANDRUS: We have several questions for clarification.

94Q: Previously you talked about TACON and what you understood your responsibilities to be under TACON. When you indicated that you have TACON for the helicopter flights, does that mean that you would have responsibility for the safety of the helicopters when they are airborne in the AOR?

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94A: Responsibility from the standpoint again through the Airspace Control Order and our ARFs and the guidance we put out that those procedures would be followed. As far as their actual flying, the tactics they use and whatnot, no, Sir, we're not involved in that.

95Q: You indicated that you would be responsible for airspace deconfliction and in that manner be responsible for the safety of the helicopters. Is that correct?

95A: Yes, Sir. We had altitude guidance and that was mainly to deconflict our fighters and the helicopters back when we were conducting low altitude fighter flying in the low-fly areas.

96Q: Would that TACON also carry with it, do you believe, the responsibility for ensuring that fighters did not engage helicopters? Let me back up--helicopters routinely operate in the security zone in the AOR?

96A: Yes, Sir.

97Q: During those operations, fighters with their fighter radar, routinely detect that helicopter traffic. What would prevent those fighters from intercepting those friendly helicopters?

97A: I don't think there would be anything that would prevent them. They would deconflict--not deconflict--they would be able to tell, either through situational awareness, the track or through the Identification Friend or Foe system, be able to tell if they were friendly aircraft, but I don't think there's anything that would preclude them from intercepting if the pilot felt that there was an unknown that he couldn't correlate was definitely a friendly, then I would think he would intercept.

98Q: If he could identify the aircraft as friendly by using his Mode IV interrogation, would he normally intercept the helicopters?

98A: No, Sir.

99Q: If he could not determine if the aircraft were friendly by using his onboard identification capabilities, would he normally receive information from AWACS to assist him in determining if the aircraft was friendly?

99A: Yes, Sir, he could call Cougar and say--I've got a contact. He could state that he was not getting a friendly IFF and then he would wait to receive information from AWACS and if AWACS said that is a helicopter or that is friendly, then he would go about his business.

100Q: Cougar is the call sign for?

100A: Sorry--Cougar is the controller on the E-3 that we talk to in the Area of Responsibility.

101Q: Are those procedures for identifying friendly traffic; that is, onboard identification procedures and the use of AWACS, are those procedures established to deconflict friendly traffic in the area?

101A: Yes, Sir. They are routinely used. I fly the F-16 so I don't have a system to identify, but

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in talking to the other crew members that have that system, they are routinely interrogating Mode I, II or IV and if it is friendly, then they just--they know that's a friendly aircraft. In the F-16 we do it a lot by situational awareness, knowing that a flight is capping in this area or is in a certain altitude block--let's say the Weasel Flight that normally transitions in a certain altitude.

102Q: Do you fly the F-16 on a regular basis?

102A: Yes, Sir.

103Q: Approximately how many flights in the AOR do you have in the F-16?

103A: Eighty.

104Q: When you have been flying in the AOR, have you ever been advised of friendly helicopter traffic in the area?

104A: No, Sir.

105Q: Have you ever been aware of the helicopter traffic in the AOR prior to entering the area?

105A: No, Sir.

106Q: Has AWACS ever advised you that there were Black Hawk helicopters operating in the area?

106A: AWACS has advised that there were Turkish helicopters that have been flying in the area but as far as a radio call to tell me specifically that Eagle Flight was airborne as an informational call, no, but I have heard Eagle Flight make radio calls with Cougar and, through SA, that let me know that Eagle Flight was flying in the area.

107Q: What is the Duke's responsibility regarding the OPC helicopter traffic in the AOR?

107A: His responsibility would be, as with all the traffic in the area, to monitor who was in the area and keep track of the assets that were flying that day on the mission. Of course, then he is made aware of any unfriendly--I won't say unfriendly--Turkish activity that is going on in the area.

108Q: Would you have expected the Duke to have monitored the location of the Eagle Flight in the AOR on the 14th?

108A: To say specifically that that was a duty of his to monitor that, I would say that I wouldn't expect that but through again the radio calls and hearing the calls that are made to Cougar--Airborne this location proceeding to the next--he would have an awareness that a mission was going on.

109Q: You would have expected that he would have known approximately where the helicopters were based on the radio transmission you described?

109A: Yes, Sir.

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110Q: With the F-15s advising AWACS that they had contacts in a location along the route of flight that would be followed by the helicopter traffic, would you have expected the Duke to question whether or not those contacts could have been Eagle Flight?

110A: Yes, Sir. If he, at the time, was monitoring that frequency which he does monitor the AOR freq and heard that radio call, then if he had the SA to know that flight was out there, then yes, he would be in a position to say--Hey, you know, that could be Eagle Flight as well as the Cougar controller.

111Q: Would you have expected the Duke to say something in a situation like that?

111A: I would have expected it if he was aware that Eagle Flight was there--yes, Sir.

112Q: What information do you expect AWACS to provide regarding fighters and helicopters in the AOR?

112A: If I'm going out on a CAP or with a Weasel to do that mission, I expect Cougar to provide me with deconfliction if there is a problem and then provide any information to help in my SA if I do call out a contact.

113Q: Would you expect AWACS to advise the F-15s of the presence of Cougar--I'm sorry--of the presence of Eagle Flight if they were aware that the F-15s had a radar contact on two low-flying low speed aircraft?

113A: Yes, Sir.

114Q: What do you believe is the CTF Commander's guidance regarding helicopter traffic in the AOR without fighter and AWACS coverage? Are you aware of any guidance?

114A: Yes, Sir. The current guidance is that--first of all, the current guidance is that helicopters will not go east of Zakhu.

115Q: Do you know what the guidance was prior to the 14th of April?

115A: Sir, I can't specifically say what the guidance was, specifically, if Cougar had to be--or F-15s. Now, I am aware that helicopters did fly into the AOR without us being there so--but, as far as hard, written guidance to them on what was a requirement to go into the AOR, I'm not aware it was at the time.

116Q: To the best of your knowledge, has the CFAC DO ever been advised of the CTF Commander's guidance that helicopters would not fly in the AOR without AWACS coverage?

116A: I don't know, Sir.

117Q: If the CFAC DO had received that guidance, would he have any responsibility in ensuring that the helicopters under TACON to the CFAC complied with that guidance?

117A: As with anything that's in our guidance or our ACO, if anybody is not complying with that, then we take it upon ourselves to correct that.

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118Q: Did you ever consider that the ACO guidance regarding no OPC aircraft entering the area prior to a fighter sweep, might apply to helicopters, prior to the 14th?

118A: No, Sir.

GENERAL ANDRUS: Clarification questions?

Questions by Colonel At Lee:

119Q: Under whose control does AWACS come? Who is responsible for the AWACS operation.

119A: For their operation, it would come under the CFAC.

120Q: What is your understanding of who the Duke represents when he's airborne?

120A: The Duke represents the CFAC.

Questions by General Andrus:

121Q: Would you define SA?

121A: Situational Awareness.

122Q: Do you have any further evidence or information or statements that you believe would be helpful to the board that you wish to present?

122A: No, Sir.

COL AT LEE: You are reminded that this is an official investigation. You are ordered not to divulge the nature of this investigation, 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. You may report it to a member of the board.

Do you have any questions?

WITNESS: No, I don't.

COL AT LEE: The time is 1745 and this interview is concluded.

COLONEL KULA

REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by COLONEL JAMES D. KULA 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.

A handwritten signature in cursive script, reading "Maureen A. Nation", is written over a horizontal line.

MAUREEN A. NATION, DAFC

Court Reporter

Incirlik Air Base, Turkey

COLONEL KULA

TAB V-034A

KULA, JAMES D.

**TESTIMONY OF
COLONEL JAMES D. KULA
39th WING COMMANDER
INCIRLIK AIR BASE, TURKEY
(2nd Interview)**

COL AT LEE: The time now is 1530 on the 5th of May 1994. The persons present are the Witness; Major General Andrus, Colonel Armen, Mr. Brummell, Colonel Fain and I am Colonel At Lee.

This interview is taking place at Incirlik Air Base, Turkey.

EXAMINATION

Questions by Colonel At Lee:

1Q: Sir, would you please state your name?

1A: James D. Kula, Colonel.

2Q: You are the same Colonel Kula who testified previously before this Board?

2A: That's correct.

3Q: At the time you testified previously, you were given an explanation of the purposes of this Board. Do you have any questions concerning that, Sir?

3A: No, I don't.

Questions by Colonel Fain:

4Q: My questions will have to do with the events in the hours after the incident on the 14th of April.

4A: Okay.

5Q: A Safety Investigation Board was apparently convened once it was determined that friendly helicopters had been shot down. Is that correct?

5A: That's correct. Again, I returned about 1400 the day of the incident. Colonel Richardson met me on the ramp and gave me a quick briefing and then we went into the Command Post. When I got in there, I got the lay of the land, the events, and then I called 16th Air Force and talked to Colonel Starbuck who is General Ashy's Executive Officer and said--I think we need to be thinking about an accident board. He said--okay, he'd talk to General Ashy. I think I talked to General Pilkington and said I recommend we convene an interim Safety Board, and he concurred

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and then there was talk on who should be the president, the interim president. I recommended Colonel Emery because he was here and we had already had a change of command two days earlier. He said, "Okay, I need to make some phone calls." He did. He called back and said--Okay. Colonel Emery did convene an interim board and I would say--you know, the time is going to be rough here but now we're talking around 3:30 or quarter til 4. We said--Okay, let's convene the Board--we got Major Goble, the Safety Officer, which is our procedure at Incirlik --let's convene the interim board in the Wing Commander's conference room at 5:00.

6Q: Were you present when first contact was made with the AWACS crews after their landing at Incirlik?

6A: No, I did not talk to--I was not present at any of the meetings of crews and I can't remember when AWACS landed. I was not present with the crews when they landed.

7Q: Are you aware of the circumstances regarding the offer of the AWACS crews to take urinalysis tests and medical examinations at the conclusion of their flight?

7A: I remember discussions on if individuals need to have standard tests accomplished. We discussed it and, to tell you the truth, I can't remember if we just left that up to the interim board or if we made decisions, but I think we did make decisions to get the F-15 pilots to have some tests run, the blood drawn. I don't really remember a discussion about the AWACS crew because I think they were landing--I don't know what their land time was, but it was some time just around this time. I know we were more concerned about--I won't say more concerned--that's not right, but we were equally concerned about getting recording devices of what happened from the mission and we know there was a video recorder that was set up on AWACS. We are also very concerned about getting--I don't even know what it looks like, but their tapes that are in there. I remember getting those and then putting them in the safe that we told you about in the Command Post and also getting the VCR film and what not.

8Q: The information provided to the Board indicates that medical examinations, including urinalysis, were made optional to the AWACS crew members. Are you aware of who made that decision?

8A: .No, I--no, I don't--I--I don't remember it coming to me in the Command Post.

9Q: Was Colonel Emery present in the Command Post as the interim board president?

9A: No--he--he--I remember seeing him in the Command Post for a short period of time after I got there and I got into the Command Post around 2:30. For a short period of time, we discussed the interim board and say--Hey, we think you may be the interim president, and then I remember the decision being made to have him be the president, and I think he again came by the Command Post, since I had been really doing those duties; prior to the change of command, I acted as the interim board president. I told him what we had set up. We had all the material. It usually meets in the conference room and kind of the things to go over about preserving evidence and getting things. We talked a little bit on that and then he left and, I guess, did start the meeting

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at 5:00 or around that time. Then we got tied up with real world--taking care of--we were starting to now work--I guess JSOTF had just taken off and we were working those types of issues.

Questions by General Andrus:

10Q: Do you know who might have information regarding the testing of the AWACS crews, the decision as to whether or not an individual or group of individuals should receive that testing?

10A: No, Sir. Again, I--I don't remember that topic being discussed in the Battle Cab and I would hate to say who, but I would say the only other area would be with Colonel Emery, the interim board president.

However, another point comes up. Sometime after he started, I remember and I can't remember who made the phone call, but there was a call that said--Do not proceed with the interim board. This is not going to be handled as a safety investigation--I hope I'm using the right terms. I'm not really sure what they are--the accident--the preventive part, it's going to be a legal investigation, so stop with the interim board and gather--we had already been gathering--evidence. We really were doing that prior to the interim board. That was a big concern of ours, starting to get the tapes from ATC and what not. So to answer your question, specifically, Sir, I don't know who would have made that decision, but there was some, not confusion, on and off again about which direction we were going right then.

Questions by Colonel At Lee:

11Q: Do you have any further information, statements or evidence that you wish to offer the Board which you believe may be helpful?

11A: No, Sir.

COL AT LEE: You are again reminded this is an official investigation. You are ordered not to divulge the nature of this investigation or 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 matters discussed here, you must report it immediately. You may report it to a board member.

Do you have any questions?

WITNESS: No, I don't.

COL AT LEE: The time is 1538. We're concluded.

REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by COLONEL JAMES D. KULA, 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

KULA

V-034A

V-035

TAB V-035

BICKET, JOHN S.

**SUMMARIZED TESTIMONY
OF
MAJOR JOHN SCOTT BICKET
512th Special Operations Squadron**

The interview was conducted by Colonel Fain at Incirlik Air Base, Turkey , beginning at 1608 hours, 26 April 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

EXAMINATION

My organization is the 512th Special Operations Squadron, Kirtland Air Force Base, New Mexico 87116. I am presently assigned as to Headquarters, CTF, C-3, Search and Rescue Liaison Officer.

To describe my civilian education, I have a political science degree from the University of Central Florida at Orlando, graduated in '78. Distinguished graduate of Air Force ROTC program. Continuing my civilian education, I have a masters in general management and financial management from Webster's University obtained in '87. I had SOS, Squadron Officers' School, correspondence, followed by in-residence. I completed that in '87 and I have Air Command and Staff College by seminar and that was completed in '87.

I have fifteen years, four months time in service. I was first stationed at undergraduate helicopter pilot training at Fort Rucker. Mission upgrade followed that at Kirtland Air Force Base, New Mexico. First operational assignment was the 31st Air Rescue Squadron at Clark Air Base, Philippines. Following that was Detachment 11 of the 39th Aerospace Rescue and Recovery Wing at Myrtle Beach, South Carolina. From there, I went to work for the 23rd Air Force staff as an Air Operations Officer, located at Hurlburt Field, Florida. They MORFD into Headquarters Air Force Special Operations Command and I stayed on that staff. From there I returned to flying to the 55th Special Operations Squadron, stationed at Eglin Air Force Base, Florida. And from there I went to my present assignment at the 512th Special Operations Squadron at Kirtland Air Force Base.

I don't know what my duty title at my permanent duty station is because they just reorganized. At my TDY organization, I am the C-3, Search and Rescue Liaison Officer. I'm the C-3 in the Commanding General's proponent for the search and rescue process. I report to Colonel O'Brien, the C-3. I perform duties as a duty officer in the Joint Operations Center. I supervise the NCOs that are on the shift with me but I am not their reporting official.

BICKET

My normal duty hours would be approximately seven-thirty, eight o'clock in the morning. Normally out of there at five o'clock or so in the afternoon, but it varies widely. I don't always work that shift. Approximately once a week I will be the Joint Operations Center Shift Chief, usually from one-thirty in the afternoon until approximately ten p.m. Depending on the flying schedule, occasionally I'll come in a bit later, maybe ten o'clock in the morning and various duties will have me there until eight o'clock at night, so it widely varies. When I perform duties as the duty officer, I'm the Joint Operations Center Shift Chief.

To train for this position, I read a stack of papers in various notebooks totaling, altogether, about three feet in length. The first time I pulled the shift I was directly supervised by the Senior Joint Operation Center Shift Chief, Lieutenant Colonel Witcher, and that was the basis of the training for two nights. I have pulled duty in the JOC eight times since I arrived in Turkey on the 28th of February. I have not been to Incirlik in this capacity before.

When acting as the JOC Shift Chief, I am basically a conduit of information, receiving schedule changes, mission activations from a variety of sources, ensuring it's coordinated with the Turkish counterparts that we have, monitor what's happening at the C-2, the Intelligence desk, any correspondence coming in and out for anything that would be of interest to the C-3, the Commanding General or any of the other agencies on base, act as a twenty-four hour point of contact for people on base trying to get ahold of key personnel as well as people in their rear areas trying to get ahold of folks here for either an emergency message or just trying to contact people, making sure the daily routine SITREPs, Situation Reports, and messages of that sort are being properly processed. The written guidance for this position is specific checklists expanded by other documentation.

There is a checklist for changes to the Air Tasking Order. The change would be received by the controlling agency for the weapons system. It would be called into us. Usually the information would consist of the call sign, usually highlighted with the original schedule, what the new desired schedule was or change of itinerary, or if it was an "as required" line, what time they would want it activated. Other key information such as for Eagle Flight would be a gate in or a gate out time and we put that information on a sheet of paper and it's processed by our Turkish counterparts.

In the case of Eagle Flight, we would receive a request to activate a line from the schedule. We would usually receive that request by land line from the MCC or possibly Eagle Ops from Pirinlik. The phone call would be along the line of, "I'd like to activate a line tomorrow for Eagle 1 and Eagle 2 with a takeoff time of 0800Z and a gate in time of 0905Z." And that would be the extent of the phone call. I have never received information during those phone calls regarding the route of flight after gate in. When I received the approval from my Turkish counterpart for that flight, I would not pass the information back to Eagle Flight. If there was a problem, we would forward it back to them. Other than that, it's assumed approved, is my understanding.

BICKET

I don't normally pass the takeoff time that I've been given for an Eagle Flight to replace the "A-R" that's on the ATO to any other agencies after approval by the Turkish counterparts. Presently, there is guidance that would indicate that I should do that but there was no guidance prior to the 14th of April. There was nothing in my training to indicate that I should do that. I feel that it was normal procedure to not pass that information prior to the fourteenth throughout the C-3.

I was on duty the evening of 13 April. That was considered a normal shift for me. I recall receiving a request to activate a line number for Eagle Flight for the fourteenth. I processed that request in the same manner that I described, with the only possible difference being I passed the information to my reports NCO and had him do the coordination sheet trying to have him more active in what the Joint Operations Center does. When I received his work, he processed it identical to the way I would have done it. I was not aware of any other information regarding that Eagle Flight.

After that information was processed, he passed it to the C-3s Turkish counterpart. Other than that, it was logged in the Joint Operations Center log book and maintained on the coordination sheet. We passed it to no other agency.

I was aware of Eagle Flight activity outside of the security zone prior to the 14th of April. I'm aware only that Eagle Flight was flying in the security zone and, with the Commanding General's permission, went outside the security zone from time to time. Specific occurrences I have no knowledge of. I remember guidance for that policy being recorded on a commander's guidance white board in the Joint Operations Center across the meeting table from the JOC Chief's desk. That was the one primary place I remember seeing it. As for being in print elsewhere, I do not specifically recall.

I was not aware of any activity that would take Eagle Flight out of the security zone on the 14th of April, only that they would depart Diyarbakir at a set time and cross the gate in at a specific time.

I was aware that Eagle Flights were flying outside the security zone with the Commanding General's approval. The source of that information came from the commander's guidance and general conversation in the Operations Center. I don't remember specific conversations, but I was basically just plugged in to what was going on around me.

All scheduling or restrictions to Eagle Flight I'm aware of, I was not in the channel of. My understanding was they were coordinated by the MCC forward, Colonel Thompson or his representative, on what they wanted to occur and approved by the Chief of Staff, Colonel Hassell, and/or the Commanding General, depending on the profile. As far as I know, to get approval for those flights, the coordination did not come through the C-3 Joint Operations Center. I would not know if those proposed trips were approved or not.

BICKET

I know of this because being in the Operations Center, listening to conversations, being part of the search and rescue proponent, I was just trying to see how one of my potential assets, the pair of Eagle helicopters, was being used, what the routine was.

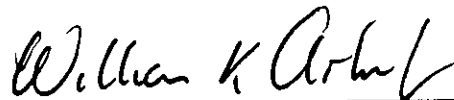
I have heard guidance as to a restriction on aircraft or helicopters regarding their not flying in the No-Fly-Zone prior to fighter aircraft accomplishing a sweep of the No-Fly-Zone. I was aware of that guidance prior to the 14th of April. With the exception of Eagle Flight on a down day going to Zakhu, I did not know of any instances where that might have occurred.

I do not recall specifically what was written on the commander's guidance white board.

The Combined Forces Air Component (CFAC) handles the scheduling, coordination of all the task force tankers, fighters, airlift, JSOTF forces, and MCC assets which are Eagle Flight. In regards to Eagle Flight, prior to the fourteenth, the role of the Joint Operations Center was acting as a conduit. Information we received about Eagle Flight was not tasked to the CFAC by the Joint Operations Center. Normally Joint Operations Center to CFAC would be an item of interest if they heard the Mission Director make a SATCOM call, be it for weather, unusual aircraft activity, something of a general information call, or we received an Intel report or something that might have an immediate impact on their flying operation. The Mad Dog would be our point of contact for that sort of thing.

(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 **MAJOR JOHN SCOTT BICKET**, as given to the Aircraft Accident Investigation board.



WILLIAM K. AT LEE, Colonel, USAF
Legal Advisor

V-034A

V-035

TAB V-036

V-036

WHITE, BARTON W.

**VERBATIM TESTIMONY
OF
SENIOR AIRMAN BARTON W. WHITE
53d FIGHTER SQUADRON
SPANGDAHLEM, GERMANY**

LT COL BLACK: The time is now 1404 hours on 20 April 1994. Persons present are the following ----

COL BENNETT: The date is 21 April.

LT COL BLACK: It's 21 April, excuse me. The Persons present are the following: Colonel Bennett, Deputy Board President, Lieutenant Colonel Black, Major Snyder, CW5 Meline, Ms. Brundage-Clark, Senior Airman White, who is the witness, and CW4 Sousa.

This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft 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. 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.

LT COL BLACK: Do you understand the purpose of this investigation?

WITNESS: Yes.

WHITE

LT COL BLACK: Do you have any questions?

WITNESS: No.

LT COL BLACK: You need to speak up a little bit. Your testimony will be recorded and transcribed so that a written record may be made available to the appointing or higher authority. For the benefit of the reporter again, please avoid the use of acronyms or jargon, speak slowly, clearly and loudly. Remember to explain your testimony carefully so that others that do not have your technical training will be able to understand.

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.

Any questions so far?

WITNESS: No, sir.

LT COL BLACK: Would you please rise so I can swear you in.

(The witness is sworn.)

Please be seated.

EXAMINATION

1.Q. Could you please state your full name and grade.

1.A. Barton Wade White, Senior Airman.

2.Q. What's your current organization and station?

2.A. 53d Fighter Squadron, Spangdahlem, Germany.

3.Q. What's your present duty assignment?

3.A. My work is crew chief.

4.Q. Airman White, a few questions to just establish for the record your experience, how long you've been where you're at, and that sort of thing. How long have you been assigned to "Spang?"

4.A. I've been assigned with the 53d for a year and a half now, but just currently assigned to Spangdahlem.

5.Q. Okay, and how long have you been assigned to the 53d Fighter Squadron?

WHITE

5.A. For just a little over a year and a half.

6.Q. When did you arrive at Incirlik for your current duty?

6.A. February 10, 1994.

7.Q. When are you scheduled to go home to Spangdahlem?

7.A. That would be May 10, 1994.

8.Q. How long have you been in the Air Force?

8.A. Uh, I have to think about it. Almost 4 years.

9.Q. What is your current Air Force specialty code, AFSC?

9.A. 2A353A.

10.Q. Okay, and that's an aircraft crew chief?

10.A. Yes, aircraft mechanic.

11.Q. How long have you been an aircraft crew chief?

11.A. For three and a half years.

12.Q. How long have you been assigned to the F-15 as a crew chief?

12.A. Three and a half years.

13.Q. What I want to do now is establish what the basic responsibilities of an aircraft crew chief are. So, in your own words, for the Board, if you can just tell us what an aircraft crew chief's responsibilities are.

13.A. An aircraft mechanic's responsibilities are to ensure that the aircraft is prepared for flight and there are no safety hazards that exist on the aircraft, all documentation is complied with, whereas if someone else is working on the aircraft, you're there to ensure that aircraft forms are documented properly and to ensure that all work is done and completed within a timely manner. Just ensure that information is carried to a person who is in charge of the operation, and maintenance of the aircraft itself which involves, you know, the mechanical work, inspections, changing parts and things like that.

14.Q. Any other parts of your job as an aircraft crew chief other than preparing the airplane for flight?

14.A. Besides the -- like movement of aircraft and cleaning of aircraft, that would be about all.

15.Q. You're also involved in launching the aircraft? Once you've prepared the aircraft for flight you also have some responsibilities once the airplane is ready for flight, right?

15.A. Yes, you ensure that the -- once the pilot is in the aircraft and you go through a launch procedure to ensure the aircraft is prepared for flight, removing all ground safety equipment.

WHITE

16.Q. And at the end of the flight?

16.A. You recover the aircraft and install the ground safety equipment and help the pilot out with his gear.

17.Q. Okay. You've mentioned a part of it already, but just in your own words, what do you normally do to prepare an aircraft for flight? What would be the process you would go through to prepare an aircraft for flight?

17.A. Immediately prior to launch?

18.Q. From when you come on duty in the morning.

18.A. You do a walk around inspection to ensure that there is no new leaks or anything of that nature, and remove all ground equipment, such as, dash 21 equipment, which is covers that -- protective covers, and set up the cockpits and cleaning of the canopy, this sort of thing.

19.Q. Okay. Has someone else inspected that aircraft prior to you coming to the aircraft for the first time in preparation for flight?

19.A. Not that I'm aware of, no.

20.Q. Okay. And, once again in your own words, what would you normally do during the launch of an aircraft, let's take it from when the pilot walks up to the aircraft?

20.A. I ensure that the pilot gets the forms so that he can review the forms, and then I will usually take the pilot's gear up into the cockpit, and then perform a walk around with the pilot. Once he's through with that I'll help the pilot strap into the seat, remove the canopy lock -- ground canopy lock device, and remove the ladder and then wait for the pilot's signal to start the jet. Once the pilot is ready to start, then you ensure that -- you reset proper equipment that needs to be reset on the ground and remove pins. Once the pilot is ready and all the pins are removed, the missile covers are removed, you're ready for the pilot's signal to go forward.

21.Q. You're in communication with the pilot during the course of the launch of the aircraft?

21.A. Yes, you establish ground communication. That's one of the first things you try to do once the jet is started.

22.Q. So you're talking to the pilot during the launch?

22.A. Yes.

23.Q. Via a ground cord hooked into the aircraft?

23.A. Operating headset, yes.

24.Q. Okay, one more time, in your own words, the process that you normally go through to recover an aircraft after it has returned from a mission.

24.A. Once the aircraft returns you marshal the aircraft into the spot. You will have ground

WHITE

crew to chock the jet, check for hot brakes. Then once the pilot is prepared to shut down you're given the signal to chop whichever engine or shut down whichever engine, you know, the person is ready to catch the fuel under. Once the engines are shut down then you put the boarding ladder up and help the pilot out with his gear.

25.Q. So you're the first person the pilot talks to when he comes out of the cockpit, or as he's coming out of the cockpit of the aircraft?

25.A. Usually, yes.

26.Q. All right, the morning of the 14th of April, the first mission of the day, did you perform your duties as a crew chief during the preparation, launching and recovering of aircraft 84-0025?

26.A. Yes, I did.

27.Q. Okay. Did you have any problems during the preparations for launching that aircraft?

27.A. No, I did not.

28.Q. Describe for me the launch of the aircraft that morning, given that you've already told us what a normal launch is, just walk through the launch of 84-0025 on the morning of 14 April.

28.A. Once the pilot had reviewed the forms, I performed the walk around inspection with the pilot and I carried his gear up into the cockpit and set up the cockpit for him. After a ROLEX we waited for a while and the pilot boarded the aircraft. I helped the pilot strap in. Then we started the aircraft and moved the ground safety pins, went through what we call a bleed air check for the -- cooling air check to make sure that there is cooling air working on the jet and ensure that the JFS, or jet fuel starter, has shut down. Once that is done, then you go around to the rear of the aircraft and the pilot cycles the augmentor or the nozzle through to ensure that the nozzles swing or open and close properly.

Then once that is performed, he will run the speed brake through and lower his flaps, ensure that the speed brakes and the flaps operate. He will do a flight control check to ensure that there is no flight control chatter. After that is complete, he will do a brake check and then another ground bleed air test on the ground test panel and IFR, inflight refueling, door check.

29.Q. And you're describing the launch of 84-0025, you're describing it on that morning?

29.A. On that morning.

30.Q. If you'd drop back one second. A term that needs to be described. You said "ROLEX." What is a ROLEX?

30.A. Where we're put on a wait or a certain time period where we must wait before we launch.

31.Q. Is that a term they use here at Provide Comfort?

31.A. Yes, it is.

WHITE

32.Q. One other term that we used that we need to clear up. You talked about flight control chatter, one of the things you looked for on 14 April was to make sure there was not any flight control chatter. Describe what flight control chatter is, just briefly.

32.A. That would be where the flight control has a jerking movement.

33.Q. The flight control surface?

33.A. Yes.

34.Q. Okay, so that's your recollection of the launch of the aircraft that morning?

34.A. Once that was done then I would ensure that the fire guard had removed the ground safety pins, and do a search and check of the hydraulic systems. There are three hydraulic systems. Close those doors and ensure that all other doors are closed, missile covers are removed. Then I'd wait for the pilot to give me a response that he is close to being ready to taxi out of the spot. I then disconnect the ground cord and close out the ground communication panel. Once that is done, then proceed to the front of the aircraft so I can view the pilot and wait for his signal to go.

35.Q. Did you talk to the pilot that morning about -- anything about the history of the aircraft?

35.A. No, I did not.

36.Q. Did you have any problems during the launching of the aircraft, that you recall?

36.A. On the last question, I do remember one instance that -- the day before there had been a problem with the jet fuel starter. We had a problem with the jet fuel starter, had shut off on its own. We had later found that there had been a fire on the jet fuel starter itself. I had discussed this with the pilot.

37.Q. So before he got in the airplane you talked to him about the jet fuel starter problem you'd had the day before?

37.A. Yes, we did.

38.Q. You just made him aware of the incident?

38.A. I made him aware of what had happened and repairs that we had done.

39.Q. So the question I'd asked before, did you -- do you recall any problems with the launching of aircraft 84-0025?

39.A. No, I do not. It was a better than average launch.

40.Q. How do you describe a better than average launch?

40.A. No problems at all. A very smooth operation.

41.Q. Okay. Did anything unusual occur during the launch, not necessarily related to the process you described by which you launch an airplane?

41.A. No, there was not.

WHITE

42.Q. Once again, given that you've told us what your responsibilities are for recovering an aircraft, can you describe for us the recovery of aircraft 84-0025 after the mission?

42.A. Yes, the aircraft came back into the chocks and we chocked the jet and shut down the engines. The pilot was very excited and he gave me a "thumbs up," which I gave him a "thumbs up" back. At that time we shut down the engines and began putting in the ground safety equipment and put up the boarding ladder and went up to help the pilot out of the cockpit. I brought down his gear and the pilot was met by a group of officers. I don't know who they were.

43.Q. Were you aware before the recovery of what had happened on the mission?

43.A. All that we were told, that there had been helicopters shot down. We were not told what they were.

44.Q. Okay. So, once again, do you recall any problems during the recovery of 84-0025?

44.A. No, there were no problems.

45.Q. Other than what you just described, the group of officers meeting the pilot, did anything unusual occur during the recovery of the aircraft?

45.A. No, other than the pilots coming out and greeting the pilot, which does not usually happen.

46.Q. You said earlier that you're the first person normally to talk to the pilot because you go up the ladder and help him get his equipment out?

46.A. Usually yes, I am, unless someone else has beat me to putting up the ladder or put the ladder up before I've gotten there.

47.Q. Were you the first one up the ladder to talk to the pilot on this mission?

47.A. Yes, I was.

48.Q. What did he tell you about the condition of the aircraft? Did he mention the condition of the aircraft?

48.A. He described the aircraft as code one. Code one means there are no defects on the aircraft.

49.Q. Okay. Did he say anything at all about the mission?

49.A. He just said that he had, you know -- it was a good feeling, you know, to finally do something, to shoot down an aircraft. I replied that's what we had been waiting for.

50.Q. Okay. Did anything else unusual occur during this whole process of preparation, launch, and recovery of the aircraft that day that you can recall? Anything different than what you describe earlier as the normal sequence of events for the preparation, launch, and recovery of an aircraft?

WHITE

50.A. Other than the recovery, you know, with reloading of the ammunition, that was the only thing that was unusual, and the greeting of the pilot by the group of officers and the pilots themselves.

51.Q. Were you the crew chief that proceeded to prepare the aircraft for the next flight?

51.A. Yes, I was.

52.Q. Did you launch the aircraft on its next mission?

52.A. Yes, I did.

53.Q. Can you recall how long the aircraft was actually on the ground from when it came in to when the next pilot took the aircraft up for the sortie?

53.A. Approximately an hour to an hour and a half.

54.Q. Lastly, do you have any other information, statements or evidence which you wish to present at this time?

54.A. No.

55.Q. What was the mood of the pilots and officers that came up to meet the aircraft?

55.A. They were very excited.

56.Q. Are you responsible for removing the video tape off the F-15?

56.A. On the F-15 aircraft no, the crew chief has an understanding with the pilot that the pilot is the only one that handles the video tape.

57.Q. Okay, so on this mission the pilot took the video tape out of the aircraft?

57.A. I'm not aware of that. No, I do not know. There were several people there and I don't remember who removed the tape.

58.Q. One question I meant to ask, you've been in the Air Force almost four years. What training did you receive to be qualified as a crew chief?

58.A. I went through tech school, technical school for basic crew chief training and then specifically F-15 training.

LT COL BLACK: You're 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?

WHITE

WITNESS: No, sir.

LT COL BLACK: The time is 1425, and this interview is concluded.

LT COL BLACK: The time is now 1440 hours, 21 April 1994. We have reopened the interview of Senior Airman Barton White.

Senior Airman White, you're reminded that you're still under oath.

EXAMINATION (CONT)

59.Q. Airman White, we understand that you would like to make a statement to correct something you had mentioned earlier while you were giving your -- during the course of your interview?

59.A. Yes, I would. In reference to the ROLEX or the time that we were -- the time for take-off, push back, I was incorrect in saying that we had a 30 minute rolex that day. There was no ROLEX that day, which was -- A ROLEX is usually a common occurrence, and there was no ROLEX that morning.

60.Q. Okay, so as I understand it then, on that particular day, contrary to what you said earlier, the take off of the Tiger One and Tiger Two mishap sortie essentially occurred on schedule then?

60.A. Yes, that is correct.

61.Q. Okay, anything else you'd like to add?

61.A. No, that is all.

LT COL BLACK: Airman White, you're reminded once again that this is an official investigation. I'd like to remind you again of the order you were previously given not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview.

Do you have any questions about the scope of that order?

WITNESS: No, I do not.

LT COL BLACK: Do you understand that what we've done here is included within the scope of that order?

WHITE

WITNESS: Yes, I do.

LT COL BLACK: Any questions before we close?

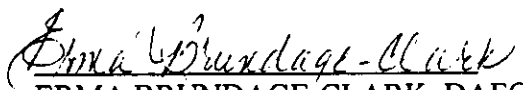
WITNESS: No.

LT COL BLACK: All right. The time is 1442, and this interview is concluded.

(The standard witness caution was given, the witness had no questions, and the interview was concluded 1442 hours.)

REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by SENIOR AIRMAN BARTON W. WHITE 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.


ERMA BRUNDAGE-CLARK, DAFC
Court Reporter
Incirlik AB, Turkey

WHITE

V-034A

V-035

TAB V-037

V-036

SCHMITT, MICHAEL N.

V-037

AFFIDAVIT

The following account reflects the decision process vis-a-vis acquiring blood and urine samples following the downing of the two US helicopters on 14 Apr 94.

Events:

On 14 April 94 I was called to the Wing Operations Center at approximately 1500L and told by BG Pilkington, CTF/CG, and Col Kula, 39 WG/CC, that there might have been a friendly fire incident and that USAFE had directed a 127-4 Safety Investigation and appointed Col Emery to head it. I then went to the Operations Group where the two mishap pilots were located. Given the friendly fire incident during the Gulf War, and the ensuing British litigation, I first ascertained whether they had spoken to anyone yet about the case, particularly non-US personnel. Other than the initial post-mission statements, they had not been questioned. I instructed them not to answer questions until hearing back from me.

I then proceeded to the Wing Conference Room where the interim Safety Board was meeting. Arrangements were already being made to secure body fluid samples. At approximately 1600 Col Emery received a phone call from Col Van Orsdol, USAFE/JA. Immediately after the call I was asked into Col Emery's office and told USAFE had directed the 127-4 investigation be closed and that an AFR 110-14 Accident Investigation be opened. The appointment of the board chairman had not yet been made, but was imminent.

I briefed my staff and then went to the Wing Operations Center and briefed Col Kula. My primary concern at that time was to preserve as much evidence for the Accident Investigation Board as possible. For reasons described below, I deemed consent to be the best way of getting legally sufficient blood/urine samples. Capt Shestko, ADC, was at my office and accompanied me to the WOC. Since I wanted to ensure that the tests were as unassailable as possible, I wanted her available to facilitate securing consent for the blood/urine tests from the two pilots. I discussed this with her on the way to the WOC and told her she would only be there if the pilots had general questions regarding consent; she was not to form an attorney client relationship with either pilot. She was instructed to wait in the outer office at Ops Group and not talk to the pilots until I came over after briefing Col Kula. I briefed Col Kula. I also briefed Col Bauer, the acting MG Commander, and told her the ER personnel should expect to be taking samples that evening.

When I got to the Ops Group after talking with Col Kula, Capt Shestko was already in with one of the pilots. She indicated she had already talked with the other and both were willing to consent after a little more time with her. The Safety Officer, Major Goebel was in the area and offered to drive them over for the tests. I immediately called Capt

Harrison, my Deputy, and instructed him to go to the ER and ensure that all consent forms were executed properly. At some point around this time, I spoke with Col Van Orsdol and briefed him on the game plan of getting consent for the samples. We also discussed the pending brief of the AWACS crew and my proposal to ask if they wanted to provide samples. He concurred.

The samples were taken from the F-15 pilots at around 2100L. Capt Harrison completed the consent to search and search forms. The pilots did not wish to consent when the offense was listed as "dereliction." They changed the form to read "aircraft mishap" and then consented.

The AWACS crew reported to the Ops Group Conference Room around 1930. Following their initial discussion with Lt Col Pinter, I asked to speak with the senior officer on the crew. * [REDACTED] indicated he was and we went into a different office to talk. I stated that we wanted to make the opportunity to provide samples available for his crew if they wanted to consent. He immediately indicated he wanted to and thought the others would as well. Lt Col Fels, AWACS DetCo, also showed up and I explained it to him. * [REDACTED] stated he would talk to his crew and sort it out. I explained that Capt Harrison was at the ER to assist in legal matters and completion of the form.

About 2200L I went back over to the WOC to process evidence that was coming in. In the meantime the crew left, with only two opting to provide samples. I was informed of this by Capt Harrison. Around 2345 I told Capt Harrison he could return to Legal.

Capt Harrison kept originals of the consent forms. He gave them to me and I sealed them in an envelope for the accident investigators. The following evening I briefed Col Wilcox, Lt Col Black and Lt Col Lawler on the status of the blood/urine samples.

Thought Processes:

As soon as the 127-4 investigation turned into a 110-14 investigation, I knew it was essential to secure evidence in a fashion that would stand up in court, whether civil, foreign, or military. At the time there was in my view no basis for an order to search anyone's body fluids. The probable cause necessary for a search requires a reasonable belief that evidence of a crime is in the place to be searched at the time of the search. There was no reason to believe any alcohol or drugs were in the systems of any of the crew members. For example, we had no evidence any of them had been drinking prior to their missions. Even if they had, though, the lapse of time should have meant the evidence (alcohol) would likely be gone.

Another possibility was having the Commander direct samples be taken. However, this would have generated results which were inadmissible in judicial proceedings. Further, in less than 24 hours the Accident Investigation Team was due on base. If drugs had been used which would have affected the crew members at the time of the incident, traces would

*CONTROL WITNESS #10

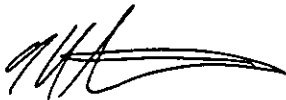
*By Major Nathan
J. Cant Reporter*

in all likelihood still be present when the Board arrived; the Board could make its own decision about whether it felt samples to be so essential that it wanted to direct the seizure despite the absence of probable cause.

The best course was to secure consent since the results would be admissible in any forum. This was done with the two primary "subjects" the F-15 pilots. It was also an option made available to all the AWACS crew, though only two eventually did consent.

The decision not to pursue additional means of securing samples from the remaining members of the AWACS crew was mine. My primary concern was the F-15 pilots. I asked several times whether there was concern the AWACS crew might have been in error, and at that early stage in the process there was not. That being so, I wanted to keep the investigation as legally clean as possible pending the imminent arrival of the Accident Investigation Board. My task was to secure as much evidence as possible for the team and to avoid creating any potential legal issues.

On the evening of 15 April 1994 I briefed all of the above to the Accident Investigation Team judge advocates.



MICHAEL N. SCHMITT, Lt Col, USAF
Staff Judge Advocate
39 WG/JA

Subscribed and sworn to BEFORE ME this 9th day of May, 1994, at Incirlik Air Base, Turkey.



KIRK L. DAVIES, Capt, USAF
Assistant Staff Judge Advocate
39 WG/JA

**INTERVIEW
CANCELED**