

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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MEMORANDUM

October 2, 2007

To: Members of the Committee on Oversight and Government Reform

Fr: Majority Staff

Re: The Crash of Blackwater Flight 61

On November 27, 2004, a flight operated by Blackwater Aviation and designated "Blackwater 61" crashed in a canyon in a remote area of Afghanistan, killing the members of the flight crew and three U.S. military personnel who were passengers. According to government investigative reports and other documents obtained by the Committee, the crash and the deaths of the crew and passengers were caused by a combination of reckless conduct by the Blackwater pilots and multiple mistakes by Blackwater, including hiring unqualified and inexperienced pilots, failure to file flight plans, and failure to have proper equipment for tracking and locating missing aircraft.

This memorandum summarizes what is known about the crash of Blackwater 61. It is based in large part on two federal investigative reports. One report, by a joint U.S. Air Force and Army task force, has never been publicly released. The other report, by the National Transportation Safety Board (NTSB), has been publicly released, but has received little attention. The Committee staff also reviewed internal Blackwater e-mails in examining the causes of the crash.

Both the joint task force report and the NTSB report find that the pilots of Blackwater 61 acted irresponsibly. According to the NTSB report, the Blackwater captain and first officer were "behaving unprofessionally" and were "deliberately flying the nonstandard route low through the valley for 'fun.'"

The reports and the company's internal e-mails also identify a series of mistakes made by Blackwater. The pilots assigned to the flight lacked flying experience in Afghanistan. They had

never flown the route before. Blackwater did not file flight plans and did not have any way to locate or track the aircraft after the crash. The failure to have tracking systems was particularly serious because one of the military passengers survived the crash and was probably alive for at least 10 hours before dying from internal injuries complicated by prolonged exposure to the cold.

The Blackwater flight crew lost their lives on Blackwater 61, but there does not appear to have been any sanctions or consequences for Blackwater as a result of the crash. Just last week, the Defense Department awarded the company a five-year \$92 million contract renewing and expanding its services in Afghanistan to Kyrgyzstan, Pakistan, and Uzbekistan.

I. Background on Blackwater Aviation

Blackwater Aviation's services are provided by sibling companies to Blackwater USA. According to Blackwater's website, Blackwater Aviation consists of the assets and services of Presidential Airways and Aviation Worldwide Services, companies which are holdings of The Prince Group, LLC, which is also the parent company of Blackwater USA.¹ All of these companies are wholly owned by Erik Prince.

The flight that crashed in Afghanistan was operating under Blackwater Aviation's contract with U.S. Air Force's Air Mobility Command to assist its mission in Afghanistan, Uzbekistan, and Pakistan. Under this contract, which was worth \$35 million over two years, Blackwater transports personnel and equipment on short flights within the region.

Blackwater Aviation also provides air support for its security convoys in Iraq under Blackwater's Worldwide Personal Protective Services contract. Under that contract, Blackwater operates a fleet of helicopters that are known for aggressive flying and heavy firepower.² The "little bird" helicopters carry two Blackwater door gunners and can respond rapidly to incidents. These services are provided as part of Blackwater's \$1.2 billion contract with the State Department to provide security for the U.S. diplomatic mission in Iraq.

II. The Crash of Blackwater 61

On November 27, 2004, a Blackwater flight took off from Bagram Air Base en route to Farah, Afghanistan. The flight, designated "Blackwater 61," was carrying a cargo of mortar rounds and three passengers. The aircraft was a CASA 212 with the tail number N960BW, which was operated by Presidential Airways and owned by Aviation Worldwide Services, both of which are Prince Group subsidiaries.³ Approximately 40 minutes after take-off, Blackwater 61 crashed into a canyon wall.

¹ Blackwater, *Blackwater Aviation* (accessed on Sep. 29, 2007) (online at www.blackwaterusa.com/aviation/).

² *Blackwater's 'Little Birds' of Baghdad Pack Quite a Sting*, *The Virginian-Pilot* (Mar. 1, 2007).

³ U.S. Air Force/U.S. Army, Joint Task Force, Collateral Investigations Board, *CASA 212, N960BW* (Aug. 23, 2005).

There were six people aboard Blackwater 61. The members of the crew consisted of Blackwater Captain Noel English, First Officer Loren Hammer, and Flight Mechanic Melvin Rowe. In the rear section of the plane were three passengers who were active-duty U.S. Army personnel, Lieutenant Colonel Michael McMahon, Chief Warrant Officer 2 Travis Grogan, and Specialist Harley Miller.⁴ Everyone on board perished.

Two federal investigations have been conducted since the crash. The first was conducted by a joint U.S. Air Force and Army task force “Collateral Investigations Board” and was concluded in August 2005.⁵ This investigation, the results of which have not been made public, relied in part on the information collected by the military search and rescue unit that located the crash site. The second investigation was conducted by the National Transportation Safety Board (NTSB). The NTSB investigation made a thorough analysis of the flight data, including the voice cockpit recording that was recovered from the wreckage of Blackwater 61.⁶

The two investigative reports and internal Blackwater e-mails portray the crash as a result of a series of preventable mistakes involving the pilots and Blackwater Aviation.

A. Actions by Blackwater Pilots

The NTSB investigation reported that the crash resulted from the “captain’s inappropriate decision to fly a nonstandard route and his failure to maintain adequate terrain clearance.”⁷ According to the NTSB report, the aircraft deviated from the normal route almost immediately after take-off because none of the crew were familiar with the route they were flying. According to the cockpit voice recorder, approximately 14 minutes into the flight, the Blackwater captain said, “I hope I’m going into the right valley.” The first officer responded, “This one or that one.” The captain stated, “I’m just gunna go up this one.”⁸ Later in the flight, the flight mechanic observed, “We don’t normally go this route.”⁹

The NTSB report found that the captain and first officer were “behaving unprofessionally and were deliberately flying the nonstandard route low though the valley for ‘fun.’”¹⁰ According to the cockpit voice recorder, the first officer told the captain, “You’re an x-wing fighter star wars man.” The captain responded, “You’re [expletive] right. This is fun.” He also stated, “I

⁴ U.S. Air Force/U.S. Army, Joint Task Force, *supra* note 3.

⁵ *Id.*

⁶ National Transportation Safety Board, *Aircraft Accident Brief, Accident Number IAD05FA023* (Nov. 8, 2006).

⁷ *Id.*

⁸ National Transportation Safety Board, *Specialist’s Factual Report of Investigation: Cockpit Voice Recorder Transcript* (Oct. 18, 2005).

⁹ *Id.*

¹⁰ National Transportation Safety Board, *supra* note 6.

swear to god they wouldn't pay me if they knew how much fun this was. ... It takes an extraordinary day that you can actually get down ... and do some [expletive] like this."¹¹

During the flight, the captain and first officer discussed what would be the most appropriate sound track to their flight. The captain proposed "Phillip Glass or somethin' suitable new age'y." The first officer disagreed: "No. We gotta have butt rock. That's the only way to go. Quiet Riot, Twisted Sister."¹²

Twenty-five minutes after takeoff, the captain indicated that the plane was approaching the end of the canyon. He stated, "okay, it's about time we're gunna start climbin.' ... yeah I think this valley might peter out right up here."¹³ Even after observing that the canyon was coming to an end, however, the captain did not attempt to turn for 15 more minutes. Approximately 40 minutes after takeoff, Blackwater 61 entered a stall while trying to execute a 180 degree turn and crashed into the canyon wall.

B. Actions by Blackwater Management

Both the military and NTSB investigations of Blackwater 61 identified multiple shortcomings on the part of Blackwater management. These included hiring unqualified and inexperienced pilots and failing to track and monitor the flight in order to rescue potential survivors. The actions of Blackwater management violated its own internal standards and federal regulations.

The military investigation found that Blackwater used an inexperienced flight crew that did not meet its own internal standards. According to the military investigation, neither the captain nor the first officer had more than a month of flying experience in Afghanistan. This was a violation of Blackwater's policy, which required that at least one of the two pilots have 30 days experience flying in theater.¹⁴ The military investigation also found that Blackwater used two pilots who had never flown the route from Bagram Air Field to Farah before.¹⁵

Internal Blackwater documents indicate that the company knowingly hired personnel with "background and experience shortfalls" in order to quickly ramp-up operations on the contract. On November 10, 2004, just sixteen days before the crash, Paul Hooper, Blackwater Aviation's Afghanistan site manager, sent an e-mail to John Hight, Vice President for Operations of Blackwater Aviations. Mr. Hooper stated:

¹¹ National Transportation Safety Board, *Cockpit Voice Recorder Transcript*, *supra* note 8.

¹² *Id.*

¹³ *Id.*

¹⁴ U.S. Air Force/U.S. Army, Joint Task Force, *supra* note 3.

¹⁵ *Id.*

By necessity the initial group hired to support the Afghanistan operation did not meet the criteria identified in e-mail traffic and had some background and experience shortfalls overlooked in favor of getting the requisite number of personnel on board to start up the contract.¹⁶

The two pilots of Blackwater 61 appear to be among the “initial group hired to support the Afghanistan operation.” According to documents the Committee obtained from Blackwater, they were hired only a week after Blackwater commenced operation on this contract.¹⁷ The documents also reveal that the first officer of Blackwater 61 had been involved in a crash landing of another aircraft in 1999.¹⁸

Another significant error involved Blackwater compliance with federal and military safety regulations. The NTSB report concluded that Blackwater failed to “ensure that the flight crews adhered to company policies and FAA and DoD Federal safety regulations.”¹⁹ According to the military report, Blackwater failed to file a flight plan prior to takeoff. Blackwater also failed to “provide for timely notification of an FAA facility or search and rescue facility if an aircraft is overdue or missing.”²⁰

The crash investigations also concluded that Blackwater did not have acceptable procedures for tracking aircraft movement or adequate means of contacting an airplane if missing.

As the investigations found, these mistakes significantly delayed the search and rescue effort. Blackwater 61 was not noted as missing until it was more than four hours late for its expected arrival in Farah.²¹ Search and rescue operations were not able to locate the wreckage until approximately 24 hours after the crash, in part because the plane had deviated so far from its expected course.²²

Of the six people on board Blackwater 61, five died on impact. But one passenger, Army Specialist Harley Miller, survived the crash and was probably alive for at least ten hours after the

¹⁶ E-Mail from Paul Hooper, Site Manager, Blackwater Aviation to John Hight, Vice President for Operations, Blackwater Aviation (Nov. 10, 2004).

¹⁷ Independent Contractor Service Agreement between Presidential Airways and Noel English (Oct. 7, 2004); Independent Contractor Service Agreement between Presidential Airways and Loren D. Hammer (Oct. 6, 2004); Blackwater Aviation, *Afghanistan STOL Mission Report* (Nov. 29, 2004) (showing contract flights began Sep. 28, 2004).

¹⁸ Loren D. Hammer, *AIG Aviation Pilot Qualifications Form* (Sep. 23, 2004).

¹⁹ National Transportation Safety Board, *supra* note 6.

²⁰ U.S. Air Force/U.S. Army, Joint Task Force, *supra* note 3.

²¹ National Transportation Safety Board, *supra* note 6.

²² *Id.*

crash.²³ The federal investigators found evidence that Specialist Miller had left the plane to urinate more than once, had smoked cigarettes, and had unrolled a sleeping bag inside the fuselage. Regrettably, by the time rescuers reached the wreckage, Specialist Miller was dead. According to the investigations, he died from internal injuries sustained during the crash that were complicated by prolonged exposure to the cold.²⁴

According to the NTSB report, the search and rescue operations spent five critical hours — at least some of which Specialist Miller was still alive — searching a region where the plane had not flown, but which Blackwater identified as the most typical route.²⁵ The report found:

By the time the air searches were initiated, the injured survivor had been stranded at the downed airplane for about 7 hours. His rescue was further delayed when the subsequent 5 hours of aerial searches were focused in areas where the airplane had not flown; military search and rescue personnel were initially dispatched to search the area along the flight's alternate destination route and then the area south of [Bagram Air Field], based on [Blackwater's] assumption that the flight had followed the typical route.²⁶

III. Actions by U.S. Government

The Committee has requested but received no information from the Defense Department regarding any sanctions imposed upon Blackwater Aviation arising from this incident. As a result, there is no evidence before the Committee of any penalties imposed, remedial actions required, or contract changes made.

On September 27, 2007, the Defense Department awarded a \$92 million contract to Blackwater Aviation for services in Afghanistan, Kyrgyzstan, Pakistan, and Uzbekistan for the time period from 2007 to 2011.²⁷ This contract renewed and expanded Blackwater Aviation's operations.

IV. Views of Family Members

One of the active duty service members who was killed was Lt. Col. McMahon, an Army aviation commander. His widow, Col. Jeanette McMahon is also an aviator. She works at West Point, in the Office of the Commandant. On September 28, 2007, she wrote Chairman Waxman:

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ U.S. Department of Defense, *Press Release: Contracts* (Sept. 27, 2007).

Some would say it was simply a tragic accident, and that accidents happen especially in a combat theater. But this accident was due to the gross lack of judgment in managing this company.²⁸

Tracy Grogan, the widow of Chief Warrant Officer Grogan, has also submitted a written statement. Both are included as attachments to this memo.

Both Col. McMahon and Ms. Grogan have filed lawsuits against Blackwater Aviation. These lawsuits are pending.

²⁸ Letter from Col. Jeanette McMahon to Henry A. Waxman, Chairman (Sep. 28, 2007).