

LEAHY'S LEGACY OF F-35 LIES AND CORRUPTION

Leahy lied repeatedly to U.S. Air Force senior officials and to his constituents, as summarized below:

What he said:

— *“Some Vermonters have asked me to weigh in with the Air Force. I feel strongly that none of our state’s Congressional delegation should put our fingers on the scale. All Vermonters deserve to be heard, and I do not want to tamper with the fair and open public comment process.”*

{Letter to constituent and Chair of the South Burlington City Council, Rosanne Greco June 22, 2012}

— *“The final basing decision for the F-35A will be made not by Congress, but by the United States Air Force.”*

{prepared comment, December 12, 2012}

— *“The senator has made no attempt to influence the process of locating the U.S. Air Force’s next-generation fighter jet at a Vermont National Guard base.”*

{press report April 16, 2013}

— *“Leahy and his office have said the senator has made no attempts to influence the process.”*

{press report, May 31 2013}

What he did:

Air Force Administrative Records (AR) of the basing selection process, which included the preparation of the Environmental Impact Statement (EIS), show that Leahy repeatedly interfered, tampered with, pushed, and even pressured the Air Force to select Burlington. He personally made direct contact with multiple Air Force offices, from the mid-level program manager to the most senior military officer in the Air Force, the four-star Air Force Chief of Staff, to the the Secretary of the Air Force. Air Force records show at least **54 separate entries mentioning Leahy’s interference and pressure**. Some examples from the Air Force official records are below.

1. HE PRESSURED THE AIR FORCE TO FALSIFY THE F-35 NOISE DATA

Leahy repeatedly and persistently pushed the Air Force to change their established noise modeling (the way they measured noise) to make it appear that the F-35 generated less noise in order to mislead Vermonters and to benefit the Vermont Air National Guard. This prompted the Air Force to express concern that this had “far reaching implications” that they “could be accused of cooking the books” and “setting ourselves up for a legal challenge.” “A letter from Sen Leahy from Vermont pushing for

use of Karnes 3 is what started us down this road. ...Karnes 3 was not originally planned to be used in the current/ongoing EIS for F35....Sen Leahy somehow found out about it and pushed to include it into OPS (Operational) EIS that is ongoing.” (AR #s 47410, 45651, 46121, 45693, 46118, 45731).

Despite this awareness by Air Force staff, Leahy prevailed. The Air Force changed its noise modeling that ended up causing a yearlong delay in the basing selection process.

2. HE PUSHED THE AIR FORCE TO FALSIFY THE LEVEL OF SUPPORT FOR THE F-35 BASING IN VERMONT

Leahy misrepresented to the Air Force Chief of Staff the magnitude of the opposition to the basing, calling them a “tiny vocal minority.” (AR #s 55544, 62303)

- Initially, the Air Force mistakenly reported that there were more public comments in support of the basing than opposed. The Air Force subsequently issued a public correction stating that the truth was that of the 1,100 individual comments received, 73% expressed opposition to the basing, 25% expressed general support, and 2% were of no opinion.
- Leahy called the Air Force saying he “like(d) the erroneous numbers.” (AR #59489). Leahy told the Air Force that they “should have characterized some of the public comments differently, which would reflect more community support...” (AR #59483).
- The Air Force received approximately nine thousand pre-printed postcards expressing support for the F-35 basing. However, Air Force guidelines prevented them from including these since some of the reasons pre-printed on the postcards were factually incorrect.
- Leahy pressured the Air Force to change the way they reported the public comments in order to show (falsely) that more people supported the basing than opposed it. He pushed the Air Force to include these postcards. An Air Force official explained the reasoning “...it is impossible to determine whether the people who submitted the postcards would still support the beddown if each knew that the pre-printed “similar sound” reason on the postcard was factually inaccurate (health effects notwithstanding). Since the “similar sound” statement on the postcard can be proved to be factually inaccurate (Table BR 3.2-1).... To include (them) would be overtly misleading and intentionally withholding important qualifying information. Additionally, the people who wrote out statements on the “opposing” postcards were not told what to say. Each of these is totally unique.” (AR #62688)

- Moreover, Air Force policy is to count identical communiques, such as pre-printed postcards or signature petitions, as “1” comment.
- Leahy caused the Air Force to go against their policies and include the postcards. (AR #s 56018, 59447, 59549, 59459)

3. HE INFLUENCED THE WAY THE AIR FORCE REPORTED POPULATION IMPACT

After information leaked to Leahy that the Air Force was about to publish a chart putting Burlington in a negative category because of the large population impacted by the F-35 noise, the Air Force inexplicably changed the chart to put Burlington in a more favorable category. An Air Force official commented “We did show Burlington as “Red” in population exposed.... The 12 Sept sheet reflects weights that Lynn and I agreed to yesterday morning, but shows Burlington “yellow” population exposed due to guidance given on 3 Sept (later that same morning, once it was realized that the slides had been released to Sen. Leahy), but turned-over yesterday afternoon.” “There is a socioeconomic effect to Burlington house values within the proposed contours that has already been realized, and this issue must be overcome through the litigation process with the “reverse condemnation” accusation that we’ll have to address/answer. We have history that it was an issue (buy-out program) with the additional F-16 noise - we would be doing the AF senior leadership a disservice if the issue wasn’t included, and if the socio-economic category for Burlington wasn’t rated Yellow. (AR #s 62544, 62688)

4. HE DIDN’T WANT THE TRUTH ABOUT THE FALSE SCORING PROCESS TO BE REVEALED TO THE PUBLIC

An Air Force official wrote, “Burlington scored higher than McEntire overall due to incorrect scoring (Burlington scored higher than it should have been and McEntire was scored lower than it should have been regarding encroachment and development) during the initial enterprise wide look.” (AR #57838)

Leahy expressed concern that word of Burlington’s incorrect high basing score might be revealed to the public, and it “could point to a flawed process, tie up the basing decision in litigation, and possibly prevent the AF from allocating F-35 at Burlington.” (AR #56929)

5. HE TRIED TO GET THE AIR FORCE TO FALSIFY FAA AND HUD POLICIES

The Air Force stated in the EIS that “Properties in noise areas over 65 dB DNL may not be eligible for federally guaranteed loans, program assistance, subsidy, or insurance.” Leahy contacted the Air Force about his concern that the Air Force was

“misinterpreting FAA and HUD guidance/regulations” with regard to noise contours negatively affecting properties within the noise areas. The Air Force reviewed the matter and left that statement unchanged. (AR #s 56905, 56930)

6. HE PRESSURED THE AIR FORCE TO SELECT BURLINGTON

The Air Force itself selected McEntire Air National Guard Station over Burlington.

- During the basing decision recommendation process, Air Force officials wrote “... participants discussed the contents of the preliminary draft Record of Decision (ROD), which states that **the environmentally preferred alternatives are Hill AFB and McEntire ANG Base**, for the ACC (Air Combat Command) and ANG (Air National Guard) basing decisions, respectively. Due to the overwhelming evidence provided by the EIS documentation, A7P proposed the ROD recommendation to be structured around Hill and McEntire for the decision maker....ACC/5B leadership indicated that there is no operational benefit of Burlington ANG base over McEntire ANG base, and that Burlington scored higher than McEntire overall due to incorrect scoring (Burlington scored higher than it should have been and McEntire was scored lower than it should have been regarding encroachment and development) during the initial enterprise wide look. (AR #57838)
- In the Draft Review Document of Environmentally Preferred Alternatives, the Air Force wrote: “**The environmentally preferred alternative for Air National Guard (ANG) basing locations is McEntire ANG Scenario 1** (18 total F-35A aircraft). This ANG represents the greatest decrease in the amount of acres, population households, and receptors exposed to noise levels 65 dB DNL (day-night level) and greater when compared to either its baseline or No-Action Alternative....While the **EIS has, by overwhelming evidence, proven McEntire ANG to be the environmentally preferred alternative**, Burlington AGS was previously identified as the preferred alternative. The EIS team is unable to craft justification language or rationale to continue supporting Burlington as the preferred alternative. Please provide information/evidence that may be used in the ROD to justify a decision that transcends the environmental evidence presented in the EIS.” (AR #57909)
- Air Force officials wrote, “We are looking for the specifics of the model to show how the quantitative scores were arrived at for each of the ANG candidates... Even more importantly, we are looking for specifics to mention in the Record of Decision showing operational reasons as to why Burlington is designated as preferred ANG alternative.” (AR #61626)
- “I think the important thing you need to realize is there really were no operational reasons as to why Burlington is designated as the preferred ANG alternative. Not from an airspace range perspective anyways.” (AR #61626)

- "I, if requested, would not recommend that A7 provide topline coordination to ACC/A8 for the F-35A Ops 3 ROD. My reasoning stems from the statement regarding Burlington presenting "the best mix of infrastructure, airspace, and overall cost to the Air Force." This statement is inaccurate; and the statements concerning Burlington having joint training opportunities and a successful active association are misleading, implying that these factors only apply to Burlington AGS. Furthermore, I do not feel that Burlington's F-16s being the oldest in the inventory is a valid basis for decision, and that the need to relocate McEntire or Jacksonville aircraft should warrant in the decision, as these locations were and still should be considered viable alternatives." (AR #65108)
- "If I may vent a little, I too am disappointed but more so in our ability to communicate a consistent message as an AF. Either way the decision goes down, this is going to be bad. Litigation or Congressional scrutiny, each have their own pros/cons. The Secretary has been briefed now 3 times on the issues and I firmly believe he knows exactly what he wants/needs to say today to Sen Leahy irrespective of what's in the prep paper. As an AO (action officer) caught in the middle trying to relay messaging from multiple offices, all of which are not in agreement on the way forward is not an easy task. Appreciate your patience with me and most importantly our office's responsibility to make sure we don't sever important relationships with CODELs (Congressional Delegations) and our Top 2." (AR #65331)
- "A7C cannot answer the question, 'Why did the Air Force choose Burlington AGS (Air Guard Stations) when the EIS clearly showed more people would be affected by the noise of the F-35?' The information was in the EIS and the EIS is used to inform the decision maker... Only the decision maker can answer this question." (AR #65344)
- Shortly after the Air Force decided against selecting Burlington, Leahy called the Air Force Chief of Staff "to be a little more parochial concerning the F-35" and pressured him to select Burlington. Thus, Leahy caused the Air Force to go against the findings of the EIS and the Air Force staff experts, and reverse their factually-supported decision to select McEntire.
(AR #s 57838, 57909, 61626, 62303)
- *NOTE: The information in this paper was derived directly from Air Force records made public during a federal lawsuit. More information and additional citations are contained in the source document "Evidence of Corruption of the F-35 Burlington Basing Process"*

LEAHY'S DISTORTION OF THE TRUTH AND DISREGARD OF THE DEMOCRATIC PROCESS

Rather than address the findings and facts stated in the Air Force Environmental Impact Statement (EIS), Leahy chose his own uninformed personal beliefs as the basis of his support for the F-35, as evidenced by the following.

Leahy's belief

- "I would unquestionable object to the potential F-35 basing in Vermont if I believed F-35 noise would make Winooski or South Burlington unlivable. But I don't believe that will be the case." (June 22, 2012)
- After a revised EIS was issued in May 2013, he stated: "What I've seen of it, there's nothing that changes my mind." (June 4, 2013)

The Facts

- In the May 2013 revised document, the Air Force increased the number of people who would be directly affected by the F-35 noise by 1,031 to a total of 6,663 individuals; and they increased the number of homes which would fall into the area unsuitable for residential use by 447 to a total of 2,963.
- The World Health Organization reported on the significant damaging effects of F-35 level noise on human beings, especially children.
- The Air Force stated that the negative effects of the F-35 noise would fall disproportionately on minorities and people of low income.

Leahy's belief

"...its impacts, taken together, will make local communities more vibrant through increased investment." (June 22, 2012)

The Facts

- The Air Force reported that property values often fall in airport noise zones. One Air Force reported study showed a 1.8 to 2.3% decrease in property values per dB increase of cumulative noise (EIS p C-50). F-35 will result in a 17-20 decibel increase over the noise of the F-16. (EIS p BR 4-23)
- The Air Force reported that there would be no economic gain from basing the F-35 in Burlington, and there would be no increase in jobs. (EIS p BR4-77)

Leahy's beliefs

The FAA will not buy up huge numbers of homes near the airport because of the F-35 noise "I do not believe that will be the case." (June 22, 2012)

The Facts

Shortly after this statement, the City of Burlington using FAA money **purchased and demolished 94 homes near the airport** because of the noise of the F-16, which is four times quieter than the F-35.

Leahy's beliefs

"...F-16 standard operating procedure for the Vermont Guard have resulted in significant noise reductions." (June 22, 2012)

The Facts

Air Force and FAA reports show that the noise of the F-16 INCREASED (nearly doubling in noise) after aircraft modification and Vermont Guard altered take-off procedures.

Leahy's belief

"...the actual noise profile of the F-35 as operated by the Vermont Guard will be different than the Air Force projections"

The Facts

- The Air Force stated that the F-35 would be 17-20 decibels louder than the F-16 (which to the human ear sounds to be four times louder); and that there was little pilots could do to lessen the noise. (EIS p BR4-23, AR #s 47285, 54609, 55754)
- Air Force officials wrote, "...about the Vermont Guard wanting to fly with less than full mil power, this is not in the profiles because that is not the standard way to fly....That kind of change will not decrease the total size of the noise contour, but it may shift noise somewhere else." (AR #47285)

Leahy totally ignored his constituents who have spoken out countless times both as individuals and also collectively through what is supposed to be a democratic process.

- He disregarded two city-wide votes against the basing.
- He disregarded three city council resolutions against the basing.
- He refused to meet with local elected leaders.
- He refused to meet with any opponents of the basing.
- He refused to attend any public meetings on the F-35.
- He ignored two letters from 60 members of the local clergy.
- He acknowledged “noise is a major frustration” but believes that constituents’ concerns are exaggerated.