

SPEAKING TRUTH TO POWER
EXPOSING LEAHY'S LEGACY OF F-35 LIES

Quotations from the Air Force's official records of the F-35 Burlington Basing Selection Process

Introductory Statement:

“We are here to read to you a quotation from the Air Force official administrative record of the F-35 Burlington basing selection process and to get your response to it.”

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*Concluding Statement:*

***“We request that Senator Leahy initiate an independent investigation into the political corruption of the F-35 Burlington basing selection process.”***

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*Day 1: Tuesday, October 15, 2019*

On March 28, 2013, a Memorandum for the Record was written to capture the information discussed during a telephone conversation (telecon) among senior officials from the offices of the Secretary of the Air Force (SAF), Headquarters Air Force (HAF), and Air Combat Command (ACC) on the findings from the F-35 Environmental Impact Statement (EIS). They mention that a Record of Decision (ROD) had been drafted. The ROD is the official document in which the Air Force announces the base it has selected. In this excerpt from the Memorandum, officials state that Hill Air Force Base is the choice for the active duty bases, and that McEntire Air National Guard Station in South Carolina is the choice for the Air National Guard (ANG) bases for the F-35—not Burlington.

**“After the telecon with HAF/SAF ended, ACC participants discussed the contents of the preliminary draft Record of Decision, which states that the environmentally preferred alternatives are Hill AFB (24 total F-35 scenario) and McEntire ANG Base (18 total F-35 aircraft), for the ACC and ANG basing decisions, respectively. Due to the overwhelming evidence provided by the EIS documentation, A7P [Installations office] proposed the ROD recommendation to be structured around Hill and McEntire for the decision maker.”** (Admin Record #57838)

*Day 2: Wednesday, October 16, 2019*

On March 28, 2013, a Memorandum for the Record was written to capture the information discussed during a telephone conversation (telecon) among senior officials from the offices of the Secretary of the Air Force (SAF), Headquarters Air Force (HAF), and Air Combat Command (ACC) on the findings from the F-35 Environmental Impact Statement. In this excerpt from the Memorandum, officials state that critical errors were made in scoring Burlington—specifically that Burlington received a falsely high score in the area of encroachment. Encroachment refers to the number of houses in the noise zone. They say that when they originally requested information (enterprise wide look) they received incorrect information on the number of houses which were in the Burlington F-35 noise zone; and because of this incorrect information, Burlington was scored higher than it merited. The higher the score, the more likely the base will be selected for the basing.

**“To make the position, A5B [Planning office] needed to discuss the basis/reasoning for identifying Burlington ANG Base as the preferred ANG basing alternative in basing scoring model. ACC/A5B 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.” (Admin Record #57838)**

*Day 3: Thursday, October 17, 2019*

On March 28, 2013, a Memorandum for the Record was written to capture the information discussed during a telephone conversation (telecon) among senior officials from the offices of the Secretary of the Air Force (SAF), Headquarters Air Force (HAF), and Air Combat Command (ACC) on the findings from the F-35 Environmental Impact Statement. In this excerpt from the Memorandum, officials discuss their plans to brief other Air Force officials on their preference for McEntire over Burlington.

**“The matter was breeched to ACC/A5B [Planning office] leadership as to how to proceed regarding the identification of the ANG operationally preferred alternative. Mr Murr indicated that he would have a follow-on discussion with Mr Pohlmeier regarding the preference of McEntire over Burlington. Once input is provided, ACC/A7PS [Air Combat Command Installation office] will direct completion of the draft ROD [Record of Decision], and submit to HAF/A7CI [Headquarters Air Force Installation office] for review.” (Admin Record #57838)**

*Day 4: Friday, October 18, 2019*

The following, written in March 2013, is from the “Draft Review Document of the Environmentally Preferred Alternative.” This is the document in which the Air Force announces their reasoning for selecting the F-35 base. In this excerpt from the draft document, Air Force basing experts recommend selecting McEntire Air National Guard station in South Carolina—not Burlington— because the F-35 noise affects far fewer areas, people, homes, and sensitive locations at McEntire, SC than at Burlington, VT or Jacksonville, FL.

**“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 and greater when compared to either its baseline or No-Action Alternative. This is also true when you compare McEntire ANG Scenario 1 among the other two ANG basing locations and their associated scenarios.” (Admin Record #57909)**

*Day 5: Monday, October 21, 2019*

The following, written in March 2013, is from the “Draft Review Document of the Environmentally Preferred Alternative.” This excerpt provides the rationale for why the Air Force basing experts were recommending that the Secretary of the Air Force select McEntire Air National Guard station—not Burlington. The Air Force Environmental Impact Statement (EIS) basing experts express frustration that some entities want Burlington selected. The basing experts say they do not have justification from the environmental study to select Burlington. They are asking for a reason to select Burlington that outweighs the negative environmental evidence against Burlington.

**“Basis of Decision: 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 [Record of Decision] to justify a decision that transcends the environmental evidence presented in the EIS.” (Admin Record #57909)**

*Day 6: Tuesday, October 22, 2019*

On April 1, 2013, Mr Dryden, an Air Force official from Headquarters Air Combat Command, wrote to Mr Murr, an Air Force official also in Headquarters Air Combat Command about his frustration in being told to write a Record of Decision selecting Burlington since overwhelming evidence showed that Burlington was not the best place for the F-35. He states that McEntire — not Burlington— is the preferred base both environmentally and operationally. He is asking for those who want Burlington selected to provide the evidence and justification for that decision.

**“Per our discussion following last Thursday’s (28 March 13) telecon with HAF [Headquarters Air Force], request inputs from your follow-on conversation with Mr Pohlmeier, AF/A8PB [Strategic Planning office], regarding advice on the identification of McEntire vice Burlington ANG basing that aligns the environmentally preferred alternative with the operationally preferred alternative. We cannot proceed with completion of the draft ROD [Record of Decision] until this advice is received. A MFR [Memorandum For the Record] reflecting the main points of the HAF/ACC [Headquarters Air Force/Air Combat Command] 28 March 13 telecon and follow-on discussion is attached for your continued information and use.” (Admin Record #57919)**

*Day 7: Wednesday, October 23, 2019*

On April 4, 2013, Mr Murr, an Air Combat Command (ACC) official wrote to Colonel King also at Air Combat Command informing him that the Environmental Impact Statement (EIS) indicated that McEntire Air National Guard station was the preferred F-35 base. Murr intimates that Air Combat Command and the Air Force selected McEntire based on facts, not personal caring.

**“Were you aware that (according to ACC/A7P) [ Installation office] the EIS indicates that McEntire is the “environmentally preferred alternative?” Does the AF care? From an ACC perspective and an operational perspective, I am pretty certain we do not care.” (Admin Record # 57921)**

*Day 8: Thursday, October 24, 2019*

On July 18, 2013, Mr Penland, Chief of the Operational Basing at Headquarters Air Force, wrote to Mr Sample, a contractor working at Headquarters Air Force saying that the evidence from an “operational” standpoint—meaning military needs—not political wants —does not point to Burlington.

**“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.” (Admin Record #61626)**

*Day 9: Friday, October 25, 2019*

On August 16, 2013, Colonel Will, Chief of Force Planning in the Air National Guard Bureau, wrote to Colonel Efferson in the National Guard Bureau about Air Combat Command’s (ACC) decision to delay the selection of an Air National Guard base. He explains that the preferred active duty Air Force Base, Hill AFB, — unlike the Air National Guard bases — needed to know of their selection soon, since Hill has

to start military construction (MILCON) projects in order to have them completed before the F-35s arrive. He also states that there are both political and legal complications with Burlington, such as a lawsuit and changing noise assessments. He further states that both of the other two Air National Guard bases, McEntire in SC and Jacksonville in FL (JAX), are more suitable bases than Burlington from an environmental perspective.

**“...ACC’s intention is to delay the BTV decision until NLT 1QFY16 [no later than first quarter of fiscal year 2016]. The rationale for the split is Hill is on a much shorter timeline to get MILCON laid-in. They get their first aircraft in Sep 15. They ... can’t get bogged down in the political/legal issues in BVT.... The lawsuit, combined with the revised noise assessments make BVT politically problematic in the short term. In fact, ACC briefed that both McEntire and Jax are preferred environmental alternatives...” (Admin Record #62048)**

*Day 10: Monday, October 28, 2019*

On August 30, 2013, Mr Penland, the Headquarters Air Force chief of Operational Basing, wrote to Mr Murr, an Air Force official in Headquarters Air Combat Command, questioning why the Secretary of the Air Force selected Burlington as the “Preferred Alternative.” In an effort to come up with reasons for selecting Burlington, some entities have mentioned airspace as the reason. He says that airspace had nothing to do with selecting Burlington initially or now. Moreover, he intimates that airspace is a flimsy reason upon which to select Burlington for F-35 basing.

**“As to why the Secretary picked Burlington as a preferred alternative before, my understanding is airspace had nothing to do with it and I would avoid trying to make the case now that it does or was why he picked it last time or should this time. If we don’t have other good reasons for picking Burlington beyond airspace, we need to think hard about what really should be picked.” (Admin Record #62293)**

*Day 11: Tuesday, October 29, 2019*

On August 30, 2013, Mr Chupein, an official in Headquarters Air Force Operations, wrote to Mr Penland, the Headquarters Air Force chief of Operational Basing about the lack of data to support Burlington as the best location for the F-35 basing. Additionally, he says that the Air Force staff is recommending that the Air Force select only the active duty Air Force Base, which would be Hill AFB, and not select an Air National Guard base at this time. (Ops 1 refers to the active duty Air Force Base, and Ops 3 refers to the Air National Guard base.). He says their recommendation is based on the “integrity” of the Environmental Impact Statement (EIS) and Strategic Basing (SB) processes, meaning that these processes did not support selecting Burlington. He advises against making up reasons (such as airspace) that he calls “unsubstantiated or dubious” to push for Burlington. He says the facts should drive the decision.

**“The decision to identify Burlington as the preferred alternative, by all accounts, had nothing to do with airspace. Nor can we empirically claim that Burlington has the best airspace as we don’t have the testing to support the claim. It’s not a defensible discriminator. We’re advocating to A3/5 [Operations and Planning offices] leadership to split the Ops 1 and 3 RoDs [Records of Decision]. Likewise, we’re promoting the integrity of the EIS and SB process as a means to consider all reasonable alternatives and to make the best, informed decision. We can’t back this in. My recommendation is to avoid unsubstantiated or dubious qualitative statements and let the data stand on its own. Military judgement will account for other considerations.” (Admin Record #62293)**

*Day 12: Wednesday, October 30, 2019*

On September 3, 2013, Vermont Senator Patrick Leahy called General Welsh, the Chief of Staff of the Air Force (the four-star General in charge of the Air Force) to tell him that he wanted the F-35 to be based in Burlington. Here we see an example (one of 54 such instances mentioned in the Air Force Administrative Record) of the political pressure Senator Leahy exerted on the Air Force causing them to ignore the overwhelming evidence against Burlington, and instead to choose Burlington. Nichols, an Air Force Congressional Appropriations Liaison, wrote notes on the telephone conversation between Leahy and Welsh and sent these in an email to Major General Martin, from the Secretary of the Air Force office, Kathleen Ferguson, the Assistant Secretary of the Air Force for Installations, Logistics & Environment, and Mr Thomas an F-35 Program Analyst. Excerpts from his notes include

**“-Sen Leahy opened with casual conversation and wanted to be a little more “parochial” concerning F-35**

**-He strongly supports F-35 in Vermont. Tiny vocal minority that is against it. He has received over 200 letters from the group; however, he has over 13k signatures for it**

**-He strongly urges the AF to not delay the RoD in light of the rumor that there would be a two year delay for Ops 3 (ANG)**

**-He understands the rationale of splitting the decision into two RoDs, one for Active Duty and one for ANG but asks for little or no delay in the two RoDs**

**-By not delaying the Guard decision affords more planning time prior to delivery of aircraft**

**-He concluded with a huge compliment of the current TAG and unit. “They are doing a great job and are the most loyal, patriotic people in the world. You would be proud of them and they would not disappoint you if they got the F-35.” (Admin Record #62303)**

*Day 13: Thursday, October 31, 2019*

The Air Force Administrative Record shows over 50 examples of Senator Leahy and his staff's interference in the F-35 Burlington basing selection process. Here are some of the phrases that mention his interference. They come directly from the official Air Force record regarding basing the F-35 in Burlington. Here are the first group of quotations out of 54 citations about Leahy's interference:

1. **“I heard from Sen Leahy's staff today...**
2. **“Sen Leahy's office is requesting...**
3. **“at the request of Sen Leahy...**
4. **“I just got back from an engagement on Capitol Hill with members of Sen Leahy's staff...**
5. **“meet with members of Sen Leahy's (VT) staff...**
6. **“recent meetings with Sen Leahy's staff...**
7. **Mention of Assistant Secretary of the Air Force for Installations, Logistics and the Environment, Kathleen Ferguson, sending an email to Leahy staffers...**
8. **“the letter from Sen Leahy to the SECAF {Secretary of the Air Force}...**
9. **“Sen Leahy sent a letter requesting AF delay release of the draft F-35 EIS...**
10. **“SECAF has recently received a letter from Sen Leahy...**
11. **“a few things happening with Vermont ANG...and Vermont Senator Leahy...**
12. **“Sen Leahy's letter about delaying the EIS for Karnes 3 flight profile updates...**
13. **“the proposed response to Senator Leahy...**

14. **“Senator Leahy wrote to the SECAF expressing his concern about releasing the F-35 Operational EIS before the Karnes 3 profile data is incorporated...”**
15. **“MG Cray and Col Baczewski have been working the issue with senior leaders in ANG, ACC, and Congress...”**

*Day 14: Friday, November 1, 2019*

The Air Force Administrative Record shows over 50 examples of Senator Leahy and his staff's interference in the F-35 Burlington basing selection process. Here are some of the phrases that mention his interference. They come directly from the official Air Force record regarding basing the F-35 in Burlington. Here is the second group of quotations out of 54 citations about Leahy's interference:

16. **“A letter from Sen Leahy from Vermont pushing for use of Karnes 3 is what started us down this road...”**
17. **“Sen Leahy somehow found out about it and pushed to include it into OPS EIS that is ongoing...”**
18. **“We may need to get Senator Leahy involved and have his office contact Senator Susan Collins' office.... NOTE: this was written by Vermont Air National Guard member, Lt Col Chris Caputo**
19. **“got a call this morning from Sen Leahy's office regarding F-35 basing at Burlington...”**
20. **“SAF/IEI expects a Congressional from Senator Leahy and will explain that the basing candidate list was made on information available at the time...”**
21. **“Sen Leahy has been supportive and would probably like to see the response provided...”**
22. **Mention of an email sent by Leahy, Sanders, and Welch to the Secretary of the Air Force, Mr. Donley...**
23. **“proposed answers to Senator Leahy's questions...”**
24. **“Air Force was getting feedback that the Vermont delegation...”**
25. **“Sen Leahy wants to ensure the Air Force that this position is not true...”**
26. **“Sen Leahy's MLA wants to make sure the AF leadership knows they want the F-35...”**
27. **“Sen Leahy is concerned that the AF may think VT is not in favor of the F-35 being based in VT...”**

*Day 15, Monday, November 4, 2019*

The Air Force Administrative Record shows over 50 examples of Senator Leahy and his staff's interference in the F-35 Burlington basing selection process. Here are some of the phrases that mention his interference. They come directly from the official Air Force record regarding basing the F-35 in Burlington. Here is the third group of quotations out of 54 citations about Leahy's interference:

28. **“Will Goodman, MLA for Sen Leahy, called me today and asked that I share a concern from Sen Leahy...”**
29. **“Sen Leahy will bring this up in his telecon with SECAF {Secretary of the Air Force} on 25 Oct...”**
30. **“Senator Leahy has requested a follow up...”**
31. **“Leahy was asking LL for dates...”**
32. **“Notes from today's phone conversation between Senator Leahy and General Welsh...”**

33. **“Gen Welsh promised he would keep the TAG {The Adjutant General} and Sen Leahy’s staff informed of each step...**
34. **“There is a strong speculation that the ANG is the leak to Sen Leahy’s office...**
35. **“In response to a Sen Leahy inquiry...**
36. **“once it was realized that the slides had been released to Sen. Leahy...**
37. **“Considering all the issues we have had with Senator Leahy’s staff here in FMBL...**
38. **“You may want to call Senator Leahy’s office direct...**
39. **“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...**

*Day 16: Tuesday, November 5, 2019*

The Air Force Administrative Record shows over 50 examples of Senator Leahy and his staff’s interference in the F-35 Burlington basing selection process. Here are some of the phrases that mention his interference. They come directly from the official Air Force record regarding basing the F-35 in Burlington. Here is the last group of quotations out of 54 citations about Leahy’s interference:

40. **“Looks like Sen Leahy has a question regarding the number of comments received from the folks in the Burlington area...**
41. **“I wanted to be sure that you received Senator Leahy’s response...**
42. **“Air Force Congressional Contact Report: Hill contacts:Will Goodman (MLA Sen Leahy, D-VT)..**
43. **“Sen Leahy’s office called this meeting to address concerns with the F-35 and KC-46 candidate scoresheet discrepancies...**
44. **“SAF IEI met with Sen Leahy’s office...**
45. **“VT CODEL (Sen Leahy/Sen Sanders/Rep Welch) Staffer visit to discuss F-35/KC-46 Environmental scoring discrepancy on Candidate scoresheets— Led by Sen Leahy’s staff (Will Goodman)...**
46. **“Apparently someone from Leahy’s office made this comment...**
47. **“Sen. Leahy’s office is concerned and pushing all the buttons they can to find out what is going on...**
48. **“Mr. Germanos received a call from Sen Leahy’s office directly...**
49. **“Sen Leahy’s office reviewed the comments in the updated EIS...**
50. **“I need to respond to Sen Leahy’s office ASAP...**
51. **“Sen Leahy’s office dialed in direct to Mr Germanos yesterday evening...**
52. **From the email that Assistant Secretary of the Air Force for Installations, Logistics and the Environment, Kathleen Ferguson, sent to the Chief of Staff of the Air Force, General Welsh, and another senior executive at Headquarters Air Force, Timothy Bridges: “Sen Leahy’s staff called direct to Mr Germanos at ACC yesterday afternoon to discuss the matter...**

**53. “Sen. Leahy’s staffer inquiry is a complicating factor...**

**54. “Sen Leahy’s office called ACC AO {Air Combat Command Action Officer} direct yesterday...**

*Day 17: Wednesday, November 6, 2019*

Early in 2013, the Vermont Air National Guard prepared a paper titled “Command Messages F35A” to be used by Vermont Guard officials in responding to questions from the press about the F-35 basing. In this document, which was never intended to be made public, they provided guidance on how Guard officials should respond to F-35 questions. They listed three types of questions the press might ask: 1) “Questions We Know We’ll Get” 2) “Questions We Hope We’ll Get” and 3) “Questions We Hope We Don’t Get”. One of the questions they hoped not to be asked dealt with nuclear weapons. Another question had to do with Senator Leahy’s involvement. They were concerned about having to answer this question since Senator Leahy had improperly interfered, and had his staff intervene repeatedly in the F-35 Burlington basing process. The Air Force records show dozens of examples of this interference.

**“Command Messages F35A: – “Questions We Hope We Don’t Get:**

**3) Do you know of any improprieties that Senator Leahy had his hands in that would have affected basing decisions in Vermont’s favor?” (Admin Record #58254)**

*Day 18: Thursday, November 7, 2019*

Throughout the basing selection process, Senator Leahy and his staff repeatedly contacted Air Force officials pushing them to select Burlington. This entry from October 19, 2012 shows Air Force officials from the Secretary of the Air Force office and from the Air Force Chief of Staff office discussing Leahy’s efforts to convince the Air Force that the Vermont delegation is fully supportive of the F-35 basing. Leahy also provides incorrect information to the Air Force (and minimizes Vermonters) by referring to those opposed to the basing as a vocal minority. In fact, the majority of those who sent in comments to the Air Force were opposed to the basing, as were the majority of citizens in both Winooski and Burlington who voted to oppose the F-35 basing in Vermont.

**“Sen Leahy is concerned that the AF may think VT is not in favor of the F-35 being based in VT. However, that is not the feeling of the delegation.” (Admin Record #55514)**

**“Will Goodman, MLA [military legislative assistant] for Sen Leahy, called me today and asked that I share a concern from Sen Leahy. There is a vocal group in VT who is not in favor of basing the F-35 in Burlington, however, this view is not shared with the VT delegation. On the contrary, the VT delegation is strongly supportive of basing the F-35 in Burlington. Sen Leahy will bring this up in his telecon with SECAF [Secretary of the Air Force] on 25 Oct and I told Will that I would pass this onto the CSAF [Chief of Staff Air Force] as well. He understands the basing process and Burlington will be scored, however they’re scored, but he is concerned about the perception this vocal minority might have on strategic Air Force decisions.” (Admin Record #55544)**

*Day 19: Friday, November 8, 2019*

In order to rank installations for aircraft basings, the Air Force scores them on a list of factors, one of which is related to “encroachment” meaning, the number of houses in the noise zone. In this entry, the Air Force acknowledges that Burlington received a falsely high score on encroachment because the score was based on incorrect information they received from the Vermont Air National Guard. A few years later, Burlington was being looked at for basing a cargo/transport aircraft, the KC-46. In scoring



for the KC-36, the Air Force did an on-site inspection, rather than using information from the Vermont Air Guard. As a result, Burlington's score for encroachment for the KC-46 was low, since they had observed houses in the noise zone. (The higher the score, the better the chance the installation has of being selected.). The scores for encroachment should have been the same for the F-35 and the KC-46, since the number of houses around the airport was basically the same.

The Air Force admits their F-35 scoring process was flawed, and that they have since changed their methods of scoring. When scoring for the F-35, they relied on information they got from the local Air Guards, which they refer to as a "mass data call." For Burlington, they used data provided to them by the Vermont Air National Guard on F-16 noise levels and on encroachment. They also used information from an FAA document (Part 150), which contained information on F-16 noise, provided by the Vermont Air National Guard. For the KC-46, the Air Force came to Burlington to conduct an in-person assessment.

In this citation and elsewhere, the Air Force acknowledges that Burlington received an incorrectly high score during the evaluation for the F-35. Leahy learned of this significant discrepancy between the environmental scores for the F-35 and the KC-46. This entry from January 16, 2013 is the report that the Air Force wrote relating the concerns Leahy expressed about the scoring problems. The Air Force officials seem to indicate that Leahy was not concerned about getting the scoring corrected for the F-35; but rather, he was concerned that revealing the truth to the public might result in a lawsuit and prevent Burlington from being selected for the F-35 basing.

**"Subject: F-35 and KC-46 Candidate Scoresheets Discrepancies for Burlington AGS**

**When the Strategic Basing process began ... environmental criteria of noise and encroachment were validated based on forecasted trends (FAA Part 150). The Strategic Basing process now uses actual environmental conditions.**

Sen Leahy's office called this meeting to address concerns with the F-35 and KC-46 candidate scoresheet discrepancies. A8PB [officials from the Strategic Planning and Programming Office] explained the F-35 candidate basing selection data call used FAA Part 150-0 rule-sets, where forecasted trends in encroachment and noise contours could be utilized. The SBP [Strategic Basing Process], however, has now evolved to capture actual noise and environmental trends. The KC-46 utilized this updated process, and resulted in a lower environmental score for Burlington. The [Leahy's] concern centers on opposition to basing the F-35 at Burlington. Should citizens note this discrepancy, they could point to a flawed process, tie up the basing decision in litigation, and possibly prevent the AF from allocating F-35 at Burlington. Furthermore, the AF recognizes the mass data call as an imperfect science. Burlington was recognized as an encroachment risk." (Admin Record #56929)

*Day 20: Tuesday, November 12, 2019*

In the first quote from January 17, 2013, Lieutenant Colonel Wilder of Headquarters Air Force wrote to Mr Bush also in Headquarters Air Force about Senator Leahy's concern that in the Environmental Impact Statement (EIS) the Air Force was misinterpreting the Federal Aviation Administration (FAA) and Housing and Urban Development (HUD) regulations by stating that they (FAA and HUD) may not provide federal financial mortgage and insurance assistance to people whose homes were located in the F-35 high noise zone. In the second quote on January 22, 2013, Ms Engelman of Headquarters Air Force Noise Encroachment Management office wrote to Colonel Kilbourn of the Air Combat Command (ACC) F-35 EIS Program Management Office about Leahy's concern. She was relaying to her that Air Force basing experts could not change FAA and HUD regulations; and that the experts objected to Senator Leahy

trying to get them to report incorrect information about other federal agency's policies. This is one of the rare examples in which the Air Force did not acquiesce to Senator Leahy's inappropriate demands.

**“Sen Leahy’s office called and had the following concern – AF [Air Force] may be misinterpreting FAA and HUD guidance/regs wrt [with regard to] noise contours and characterization in the Draft EIS needlessly limiting or negatively misstating impact. How should we convey to ACC to make sure they either address or provide sufficient analytical supporting info (or do we direct to engage with HUD and FAA through consultations? Thoughts?” (Admin Record #56905)**

**“Apparently someone from Leahy’s office made this comment. HUD, FAA, and DOD use the same compatibility criteria. I still need to add a little bit more regarding what we have in the EIS, and I was going to add something at the end that says if they can point us to the specific section(s) that they feel we have mis-interpreted FAA and HUD guidance we will take a look at it. (Without them pointing us to the section that they feel mis-interprets the guidance we can’t really look at it.” (Admin Record #56930)**

*Day 21: Wednesday, November 13, 2019*

In June 2013, Senator Leahy and his staff were concerned when they learned that the number of comments from Vermonters who were opposed to the F-35 basing far outnumbered those who supported the basing. The correct numbers were in the EIS, but the Air Force made a major mistake in another draft. The Air Force reported (incorrectly) in that document that 80% of the comments received were in support of the F-35 basing. In reality, 65% of the comments received were opposed to the basing. Leahy and his staff liked the mistake the Air Force made, which showed more people supported the basing, and they tried to get the Air Force to keep using the incorrect numbers.

On June 11, 2013, Lieutenant Colonel Bryan wrote to three National Guard officials about Leahy's involvement in the reporting of the public comments: **“Sen. Leahy’s office is concerned and pushing all the buttons they can to find out what is going on. (Admin Record #59447)**

June 12, 2013, Brigadier General Howe of Air Combat Command, wrote to Lieutenant General Robinson, the Vice Commander of Air Combat Command: **“SECAF/CSAF [Secretary of the Air Force and the Chief of Staff of the Air Force] have asked for explanation of an error in the draft F-35 Ops EIS. It states that 80% of comments in the first public comment period favored the ANG beddown at Burlington, 20% opposed. Accurate numbers are 35% supported, 65% opposed. Looks like admin error (correct data was published in two separate places in the 3-in thick draft EIS). Our project officer is accurately quoted in the article saying the error was found before the revised report was issued and was supposed to be fixed, but was not. Sen. Leahy’s staffer inquiry is a complicating factor – they like the erroneous numbers.” (Admin Record #59489)**

*Day 22: Thursday, November 14, 2019*

In June 2013, Senator Leahy and his staff were concerned over the number of public comments the Air Force received from Vermonters who were opposed to F-35 basing. Initially, the Air Force made a major mistake by reporting (incorrectly) that 80% of the comments received were in support of the F-35 basing. In reality, only 35% of the comments received were in support of the basing. Although, Leahy and his staff liked the false percentage, the Air Force corrected their mistake. In an attempt to increase the percentage of those in support of the basing, Leahy and his staff then tried to get the Air Force to change the established way they counted the comments, in particular, petitions. The Air Force practice is to treat petitions differently than individualized emails and letters. Petitions, regardless of the number of signatures on it, are counted as one comment. This is because signatures on a sheet of

paper with a printed statement (which may or may not be an accurate statement) do not provide any individualized views. Whereas, personal emails or letters come from an individual who took time and effort to write about their views and opinions. Therefore, Air Force policy was to count petitions differently than communications from individual members of the public. Moreover, the title of the petition to which Leahy and his staff were referring, "Save the Air National Guard" which was not pertinent to the F-35 basing, since the Air Force had stated that the future of the Vermont Air Guard was not reliant on the F-35 being based with them.

On June 12, 2013, Mr McGhee from the Secretary of the Air Force office wrote to Ms Ferguson, the Assistant Secretary of the Air Force for Installations, Logistics & Environment about Leahy's involvement in the reporting of the public comments saying:

**"Sen Leahy's office dialed in direct to Mr Germanos yesterday evening and discussed the matter to learn more background; according to ACC [Air Combat Command], the Senator's staffer was hoping that the article was wrong and the document was correct (i.e., that we found more supportive comments vs opposing comments to the Burlington location)... It is also important to know that, even with the correction, Sen Leahy's staffer, while they understood the conversation with ACC, expressed concern with how ACC counted comments and derived our numbers. That is, Sen Leahy's staffer believed Air Force should have counted "X" signatures on a petition called "Save the Air National Guard" as "X" comments in support of the basing at Burlington. Instead, ACC counted the overall petition as one supportive comment."** (Admin Record #59459)

*Day 23, Friday, November 15, 2019*

Senator Leahy and his staff were concerned that the Air Force had not counted the thousands of identical post cards which had been distributed by the Burlington business community to people to send to the Air Force. Leahy and his staff tried to get the Air Force to change the established way they counted mass mailings. Air Force practice is to treat mass and identical mailings differently than individualized emails and letters. Another complicating factor was that the pre-printed statement on the post cards contained incorrect information. In this entry, the F-35 EIS Project Manager is trying to explain why the Air Force could not count comments which contained false reasons for supporting the F-35 basing. Unfortunately, in the end, Leahy pressured the Air Force to count the post cards.

This entry from September 23, 2013 is from Mr Germanos, the F-35 EIS Basing Program Manager at Headquarters Air Combat Command, to Mr Dryden, an official at Air Combat Command, regarding Leahy's pressure to change the way the Air Force counts identical mass mailings. Mr Germanos is responding to criticism about a point (bullet) in a briefing which shows the reasons underlying the Air Force practice of not counting comments which contain incorrect statements or false reasoning. For the Burlington basing, the Air Force received thousands of identical post cards which contained incorrect information about the F-35. Specifically, the pre-printed post cards stated that the noise of the F-35 would be "similar" to the noise of the F-16. The EIS stated otherwise. Specifically, the EIS reported that the F-35 noise would be four times louder than the F-16 noise. The Air Force did not consider that to be "similar sound."

**"The bullet {regarding the pre-printed post cards received in support of the basing} is important because 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. Since the "similar sound" statement on the postcard can be proved to be factually inaccurate (Table BR 3.2-1), I am at loss to understand the Col's claim that we are "subjectivizing" the point. To not include the bullet 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.” (Admin Record #62688)

*Day 24: Monday, November 18, 2019*

On October 5, 2010, Ms Kathleen Ferguson, the Assistant Secretary of the Air Force for Installations, Logistics & Environment wrote to the Honorable Terry Yonkers also in the Secretary of the Air Force Installations, Logistics & Environment office relaying information from the Air Force officials who had met with Senator Leahy’s staff. Senator Leahy’s staff were concerned about how much of the area around the Burlington airport would be in the high noise zone. The Air Force officials learned that Senator Leahy was worried about negative public reaction to the noise, and wanted to alter the data to make it appear that the noise of the F-35 will not be as loud as the Air Force noise modeling showed. Senator Leahy, without basis in fact, questioned the accuracy of the noise model that Air Force noise experts were using, and suggested that the Air Force was “rushing” to use this noise model when there might be another way to assess the F-35 noise. Colonel Nelson, who was the Secretary of the Air Force Director of Planning and Programs, stated this was unlikely and that there was no new data to prompt a change in how the F-35 noise was assessed.

**“Just a quick update on a 30 Sep Congressional contact by Col Lowell Nelson. He joined Maj Bacon from FMBL [finance and budgeting office] to meet with members of Sen Leahy’s (VT) staff: Mr JP Dowd, Legislative Director, and Congressional Fellow, Will Goodman. Over the last few weeks they’ve expressed interest in the noise contours that will be included in the Draft EIS for the F-35 Ops, which will include Burlington ANGB as a preferred alternative. Sen Leahy wants to support us in managing the expectations of constituents in the Burlington area who may be concerned about increased noise from an F-35 beddown. The specific points of the discussion in the meeting were the accuracy and relevancy of the F-35 noise data being used to project noise contours. They wanted to make sure we weren’t “rushing” the EIS when better information might be available soon. Col Nelson indicated this was unlikely but he would check; we’ve since confirmed that there is no pending information that would cause a change to the F-35 noise calculation....”** (Admin Record #45629)

*Day 25: Tuesday, November 19, 2019*

On October 5, 2010, Ms Kathleen Ferguson, the Assistant Secretary of the Air Force for Installations, Logistics & Environment wrote to Senator Patrick Leahy’s staff telling them that the Air Force was using the latest and best technology to assess what the F-35 noise would be at Burlington; and that the results of their noise measurement tool produced results consistent with the actual noise produced by the F-35 at Edwards Air Force Base where it was being test flown. Therefore, the Air Force was confident in their noise modeling techniques, and were not planning on using any new noise measurement tools in the near term. Secretary Ferguson wrote this email because Leahy and Vermont Air Guard officials had been urging the Air Force to switch to another noise modeling tool. Ferguson further stated said that the F-35 noise levels listed in the Environmental Impact Statement (EIS) were projections based on what they knew of the aircraft to date; and that actual noise levels would not be know for sure until after the F-35 was based in Burlington.

**“As discussed in our meeting, the draft EIS is being developed with the latest available information about noise emissions of the F-35A, obtained at the April 08 data collection conducted at Edwards AFB with the F-35 AA-1, and using local course rules and operational limitations as currently observed at Burlington ANGB. After consultation with our experts here at the Pentagon, they confirmed that there is no near term expectation of additional data on the F-35A, and there would be no reason to delay the Draft EIS. Additionally, they advised us that the noise contours published in the Draft EIS would not change in the Final EIS. It should be noted**

**that the noise contours to be released in the EIS are projections, based on information about an aircraft still in development, to facilitate informed decision-making. The actual noise contours at a selected beddown location would not be realistically available until the production F-35A aircraft are operating at a location and local flight rules are finalized and in use.”** (Admin Record #45631)

*Day 26: Wednesday, November 20, 2019*

On November 9, 2010, Senator Patrick Leahy, in another attempt to calm public outcry over the destructive impact of the F-35 in Burlington, wrote to Mr Michael Donley, the Secretary of the Air Force, telling the Secretary that he wanted the Air Force to use another noise measurement tool (called Karnes 3) to assess the noise of the F-35. Senator Leahy said that Karnes 3 would show that the F-35 was quieter than what was shown by the current noise modeling tool (Karnes 2) the Air Force had been using. Senator Leahy told the Secretary of the Air Force that he knew switching to the Karnes 3 tool (which was not yet ready to be used) would cause a delay in the EIS (Environmental Impact Statement), but the Senator thought the costs of the delay were worth it if the new noise model showed the F-35 to be less loud.

**“I was pleased that the Air Force selected the Air National Guard Station in Burlington, Vermont as one of the Air Force’s preferred locations for initial basing of an F-35 Joint Strike Fighter squadron.....As the Air Force prepares the initial final draft EIS for release, I wanted to urge you to delay the EIS until the Air Force incorporates the latest flight profile data for the F-35 which is known as ‘Karnes 3’...By incorporating the ‘Karnes 3’ flight profiles into the draft EIS, the Air Force may be able to demonstrate to local communities that the F-35 can depart and recover at noise levels less than those generated when the aircraft operated at full power....I understand this request may further delay the current F-35 timeline, but given the overall delay of the F-35 program, we should not rush to publish less accurate and more alarmist information when the public would be better served by a minor delay and more accurate F-35 flight profile data. The potentially beneficial operational information in the ‘Karnes 3’ profiles far outweighs any cost of further delaying the release of the EIS.”** (Admin Records #45651 and 46121)

*Day 27: Thursday, November 21, 2019*

On November 15, 2010, Mr Zander, of the Secretary of the Air Force Installations, Logistics, and Environment office, wrote to Lieutenant Colonel Rezac of the Air National Guard Bureau telling him that Senator Leahy had sent a letter to the Secretary of the Air Force requesting the Air Force delay releasing the F-35 Environmental Impact Statement (EIS). We read in previous emails that Leahy wanted to delay the EIS so that the Air Force would re-assess the F-35 noise by using another noise measurement tool. Zander says there is no justification for delaying the release of the Draft EIS. In this entry, we read of another improper attempt by Senator Leahy to manipulate the decision process.

**“Sen Leahy sent a letter requesting the AF delay release of the draft F-35 EIS. We are in the process of preparing a response. Currently there is no certified data available that would support a decision to delay release of the Draft EIS—whatever discussed with the TAG [The Adjutant General] needs to correspond with what we provide Sen Leahy.”** (Admin Record #46118)

That same day, Lieutenant Colonel Rezac wrote to a colleague confirming that the Secretary of the Air Force (SECAF) had received a letter from Senator Leahy urging the Air Force to switch to another method of measuring the F-35 noise (Karnes 3) and to delay releasing the EIS until the Air Force did this.

**“SECAF has recently (dated 9 Nov 10) received a letter from Sen Leahy ‘urging the Air Force to delay the EIS until the latest flight profile data for the F-35, known as “Karnes 3”, can be incorporated’.”** (Admin Record #46118)

*Day 28: Friday, November 22, 2019*

On November 16, 2010, Ms Engelman, an official with Headquarters Air Force Noise/Encroachment Management office, wrote to Lieutenant Colonel Chatman at the Office of the Secretary of Defense to inform him that Senator Leahy and the Vermont Air National Guard were pushing for the Secretary of the Air Force to switch to another noise modeling tool called Karnes 3. Ms Engelman stated that the Karnes 3 tool was not yet available to be used. Yet, the improper attempt by Senator Leahy, and in this case Vermont Air National Guard officials, to manipulate the decision process was ultimately successful, and their pressure caused the Air Force to switch to a new noise model and it delayed the EIS process for a year.

**“Wanted to keep you informed on a few things happening with Vermont ANG, Vermont Senator Leahy, availability of “Karnes 3” and also discuss where we are on things again.... Now in addition to that we have a letter from Senator Leahy urging the AF to “delay the EIS and incorporate the latest flight profile data for the F-35 which is known as “Karnes 3.” Now I suspect the AF will not want to delay the EIS, however I have been asked to assess when “Karnes 3” might be available, and if it will make any real difference in the contours.”** (Admin Records #45731)

*Day 29: Monday, December 2, 2019*

On November 18, 2010, Mr Penland, the Chief of Operational Basing at Headquarters Air Force, wrote to Mr Bush, an official at Headquarters Air Force Installations office expressing frustration about using two different methods to assess the F-35 noise. Air Force officials are concerned that being forced to abandon their past noise measurement tool and use a new, and as yet unproven, noise model for Burlington will result in the Air Force being sued. Karnes 2 and 3 are computer-generated methods of calculating noise.

**“I don’t know how you use Karnes 3 for one place and Karnes 2 for all others?!? Seems like we would be setting ourselves up for a legal challenge.”** (Admin Record #45943)

Then on January 24, 2011, Ms Engelman, an official with Headquarters Air Force Noise/Encroachment Management office, wrote to Mr Downing, a defense contractor on the same issue. She expressed frustration that their year-long efforts to get a scientific noise assessment tool, called Karnes 2, were destroyed by political interference by the Vermont Air National Guard working with Lockheed Martin to come up with a new way of assessing F-35 noise. She expresses the confusion this caused, and that the process was muddled by the new tool (Karnes 3) that Lockheed Martin created. This is the tool that Senator Leahy forced the Air Force to use.

**”What started as a fairly simple effort to re-fly approaches to get better power settings got partially hijacked by the effort to validate Karnes 2 by a recently created Lockheed Martin tool. With the mixing of the effort I had been trying to get executed since last January, and the Vermont Guard-Lockheed Martin exercise, there is no longer a clear sense of what we were trying to do and what the inputs should have been. I think this is a good example of what happens when we get too many cooks in the kitchen.”** (Admin Records #46651 and 46667)

*Day 30: Tuesday, December 3, 2019*

On April 7, 2011, Ms Kathleen Ferguson, the Assistant Secretary of the Air Force for Installations, Logistics & Environment wrote to Colonel Nelson, the Director of Planning and Programs in the Secretary of the Air Force office expressing doubt about using the new noise modeling tool devised by

Lockheed Martin in concert with the Vermont Air National Guard and forced upon them by Senator Leahy. **“...makes me wonder whether there is value in going to Karnes 3???”**

On the same day, the Chief of Operational Basing at Headquarters Air Force explained to Secretary Ferguson that regardless of how the noise measurement tool is manipulated, or how pilots try to alter the way they fly the aircraft, the F-35 will produce the noise it does because of its design. Trying to alter the way the aircraft flies will not affect the noise it produces. **“Karnes 3 and its lower power settings are only magnifying the issue. The issue exists no matter what profiles you use, since it is resident in the noise source data itself...”** (Admin Record #47384)

*Day 31: Wednesday, December 4, 2019*

On April 18, 2011, Mr Penland, the Chief of Operational Basing at Headquarters Air Force, wrote to Col Dutkus, an officer at Headquarters Air Force Operations explaining (and complaining) that Senator Leahy was the reason for the complications the Air Force was experiencing by using a new computer-generated noise model (Karnes 3) before the tool was ready to be used. As a result, the Air Force was unsure whether this unproven tool would produce accurate F-35 noise levels. Penland implies that Leahy only wanted this new tool used because it appeared to show that the F-35 was less loud than the established noise measurement tool, called Karnes 2, that the Air Force had been using for previous basing decisions and Environmental Impact Statements. Penland also expresses concern that the Air Force may again be sued by the city of Valparaiso, FL. This was because the Air Force used Karnes 2 for the F-35s EIS for Eglin Air Force Base near Valparaiso FL.

He also raises concerns that the F-35 noise levels resulting from real world flight testing done at Edwards Air Force Base, don't match the projected noise levels from Karnes 3. He states that this conflicting noise information may have long-term consequences for all F-35 EISs. The Air Force officials are also concerned that if Leahy is successful in getting the Air Force to change noise models, the Air Force may be accused of manipulating the noise data and “cooking the books.”

**“A letter from Sen Leahy from Vermont pushing for use of Karnes 3 is what started us down this road. At the time Karnes 3 was still in development and was showing lower power settings and potentially lower noise. Reduced noise contours may or may not come to fruition as the speeds changed as well and increased exposure time, so it may be a wash. Karnes 3 was not originally planned to be used in the current/ongoing EIS for F35, but as a refinement later on down the road. Sen Leahy somehow found out about it and pushed to include it into OPS EIS that is ongoing.**

The other part of the politics is the issue with the city of Valparaiso outside of Eglin. They have sued us once and dropped the lawsuit while we looked at other options....That is why we must be able to explain the big difference between the Mineral Wells and Edwards data, as it will come up and we could be accused of cooking the books.

This has far reaching implications as a legal challenge to the Eglin SEIS [Supplemental Environmental Impact Statement] could put all F35 EISs at risk.” (Admin Record #47410)

*Day 32: Thursday, December 5, 2019*

On December 10, 2010, an unidentified Air Force pilot wrote to Mr Penland, the Headquarters Air Force chief of Operational Basing. The pilot seems to imply that the truth about the actual noise of the F-35 was being suppressed, and that telling the truth was dangerous.

**“HAHA! But the toughest part of this exercise is for anyone with integrity is that it IS a freakin' loud aircraft! The only aircraft I have ever flown formation with that I can hear from route position.**

**(Now...forget I said that, and delete this email, and empty your trash. And the double-secret network trash cache, too!)"**

That same day, Mr Penland commented on this pilot's remarks to Col Spacy in the Headquarters Air Force Legislative Liaison office:

**"Just so you know I'm not the only one who thinks this is an issue!! This is from someone who had flown with them."** (Admin Record #46447)

*Day 33: Friday, December 6, 2019*

On September 11, 2013, Mr Dryden, an official at Headquarters Air Force Installation office wrote to Mr Germanos, the F-35 Burlington Basing EIS Project Manager exclaiming that the F-35 noise cannot be blocked or lessened, and that Burlington was the worst of all of the bases being considered for the F-35 basing.

**"Why would you think that the noise at Burlington can be addressed with mitigation? Outside purchase and relocation of those affected, I don't know what could be done. The results of the EIS indicates Burlington is the wrong answer of all the alternatives."** (Admin Record #62486)

*Day 34: Monday, December 9, 2019*

For the next five days, the quotations relate to the Vermont Air National Guard's attempted manipulation of the basing process. Specifically, they made statements, both in public and behind the scenes, claiming that they could fly the F-35 in a way that would produce less noise than the Air Force assessments. The Air Force experts refuted the Vermont Guard's statements by saying that what the Vermont Guard was claiming was not possible.

On April 1, 2011, Ms Engleman, an official from the Headquarters Air Force Noise/Encroachment Management office wrote to Col Nelson, the Director of Planning and Programs for the Secretary of the Air Force. She informed him that the way the Vermont Air National Guard said they want to fly the F-35 was not the standard way that the Air Force was flying the F-35. She added that even if the Vermont Guard were able to fly this way, it would not decrease the noise. Rather, the F-35 noise would still be heard—but just in another location on the ground. The Vermont Guard is proposing unusual ways of flying in order to try to make the F-35 appear to be less loud.

**"Given the concerns of the ANG [Air National Guard] General, if a question comes up 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 we fly....That kind of change will not decrease the total size of the noise contour, but it may shift noise somewhere else. I don't know if the plane will take longer to get out of the area and the two factors offset themselves - less noise but more time, so the SEL (Sound Exposure Level) stays more or less the same....Any other changes mean we are just shifting the noise one place to another. The ultimate question is where are the people - close in to the airfield or further out."** (Admin Record #47285)

*Day 35: Tuesday, December 10, 2019*

This is the second quotation relating to the Vermont Air National Guard's attempted manipulation of the basing process. Specifically, they made statements, both in public and behind the scenes, claiming that they could fly the F-35 in a way that would produce less noise than the Air Force assessments. The Air



Force experts refuted the Vermont Guard's statements by saying that what the Vermont Guard was claiming was not possible.

On November 16, 2012, Ms Engelman, an official from the Headquarters Air Force Noise/Encroachment Management office, wrote to Mr Penland, the Headquarters Air Force Chief of Operational Basing. She told him about some of the problems they were having with Vermont Air National Guard officials making public claims that were not correct. Specifically, the Vermont Guard were claiming to be able to fly the F-35 in a way that would produce less noise. Engelman is expressing doubt that the plane could be flown that way; and that even if it could, she doubted it would lower the noise level. She says that there was the possibility that, if flown the way the Vermont Guard proposed, the F-35 would produce noise for a longer period of time, which might increase the overall noise levels.

**“What we do have is a potential problem with the ANG [Air National Guard] going on air and saying what they are saying....they have to be careful about unfulfilled expectations should they not be able to do what they say. Also who knows what it will really do to the noise—could be that it makes it worse somewhere else, or it doesn't really change it at all because they are in the area of the base longer because of the lower power.”** (Admin Record #56076)

*Day 36: Wednesday, December 11, 2019*

This is the third quotation relating to the Vermont Air National Guard's attempted manipulation of the basing process. Specifically, they made statements, both in public and behind the scenes, claiming that they could fly the F-35 in a way that would produce less noise than the Air Force assessments. The Air Force experts refuted the Vermont Guard's statements by saying that what the Vermont Guard was claiming was not possible.

On November 16, 2012, Mr Penland, the Headquarters Air Force chief of Operational Basing, responded to Ms Engelman, an official from the Headquarters Air Force Noise/Encroachment Management office. He explained the ramifications of flying a fighter jet the way the Vermont Air National Guard was proposing. He says that fighter aircraft are not designed to fly the way that the Vermont Air Guard said they wanted to fly them.

**“Reducing your power in a climb typically means you takeoff in A/B [after burner] or military [military power] and once safely airborne and established in a climb then you can reduce your power settings for the climb out. Assuming your aircraft can do that, which I assume this one can. What we heard they wanted to do was takeoff in a reduced power setting, something below A/B or military from brake release. That is not normal for a fighter. Some larger aircraft with multiple engines do that, but not normal for fighters.”** (Admin Record #56055)

*Day 37: Thursday, December 12, 2019*

This is the fourth quotation relating to the Vermont Air National Guard's attempted manipulation of the basing process. Specifically, they made statements, both in public and behind the scenes, claiming that they could fly the F-35 in a way that would produce less noise than the Air Force assessments. The Air Force experts refuted the Vermont Guard's statements by saying that what the Vermont Guard was claiming was not possible.

On July 7, 2010, Mr Peter, a principal working for CARNO TEC, a defense contractor tasked to produce the Environmental Impact Statement (EIS) wrote to Ms Parker, the Air Combat Command F-35 EIS project manager. He explained that they were directed to use the parameters that Lieutenant Colonel Caputo (LTC), the Vermont Air National Guard F-35 program integration office, wanted. Specifically, they

were directed to report that at the Air National Guard bases, the F-35 would take off in afterburner only 1% of the time. But, at the active duty Air Force bases, the F-35 would take off in afterburner 60% of the time. He points out that this is “very inconsistent” and asks what they should do. He also mentions that Caputo said that some (17%) of the F-35 operations would be conducted at other locations. Peter is unaware of this happening at other Air Force bases. He again mentions the “marked proportional difference” between the Air Guard bases and the active duty Air Force bases, and wonders if this makes sense and is ok.

**“Per previous direction, we have been using the Burlington (LTC Caputo) parameters for proposed operations at the ANG [Air National Guard] bases... The data we have been provided propose that the F-35As at Burlington would fly using 1% afterburner takeoffs, but all the other bases would use afterburner 60% of the time. This seems very inconsistent. Please provide direction... For the ANG bases, LTC Caputo indicated that 17% of the total proposed F-35A airfield operations would be conducted elsewhere. However, no such deployment/detachment scenario has been identified for the active-duty bases. As such, there is a marked proportional difference between the two sets of bases. Is this ok? (Admin Record #64024)**

*Day 38: Friday, December 13, 2019*

This is the fifth quotation relating to the Vermont Air National Guard’s attempted manipulation of the basing process. Specifically, they made statements, both in public and behind the scenes, claiming that they could fly the F-35 in a way that would produce less noise than the Air Force assessments. The Air Force experts refuted the Vermont Guard’s statements by saying that what the Vermont Guard was claiming was not possible.

On October 22, 2012, Ms Engelman, an official from the Headquarters Air Force Noise/Encroachment Management office, wrote to Penland, the Headquarters Air Force chief of Operational Basing criticizing the Vermont Air National Guard claims about how they propose to fly the F-35. She explains that the Vermont Air Guard is unaware of the consequences of flying the F-35 the way they propose because they do not have real world F-35 flying experience. Moreover, she says if the Vermont Guard flies the way they propose, including not taking off in afterburner, they will not be adequately trained for combat. She says it is risky to forego combat training in order to get the F-35 based in Vermont. She ends by stating there is no reason to risk inadequate training when there are other missions (“reasonable alternatives”) for the Vermont Air National Guard other than the F-35.

**“Is the Guard willing to conduct all their training with less than full tanks, does anyone understand consumption of this aircraft. (e.g. F22 gets 20 minutes without external stores when not in super cruise). While there is the argument for the simulator, have the guard folks ever flown their entire training sortie in the simulator (which, oh wait, they don’t know what it is til later on) so they understand what the fuel consumption is? How will taking off with less than full fuel, effect training efficiencies and need for refueling during the training? Seems like to me there are other questions than the noise. If we go down this route then the whole encroachment argument that we have to train like we fight goes out the window. When will Guard pilots get experience using full AB [afterburner] if they don’t do it at their home base. Perhaps this a discussion that has to take place on all training and specifically on this issue at the ANG/A3 types [Air National Guard/ operations] - are we willing to not train like we fight just to fit aircraft in place when there are “reasonable alternatives“ for that location. (Admin Record #55754)**

*Day 39: Monday, December 16, 2019*

On October 31, 2013, Mr Penland, the Headquarters Air Force chief of Operational Basing wrote to Mr Chupein, an official in Headquarters Air Force Operations expressing concern about the implication in selecting a base that they knew was not suitable for the F-35.

**“We need to think hard before picking Burlington!”** (Admin Record #64401)

On November 14, 2013, Mr Germanos, the Air Combat Command F-35 Environmental Impact Statement (EIS) Basing Program Manager, sent an email to Mr Thies, an official at Air Combat Command Installation office. He wanted to make Thies aware that the reasons given in the Record of Decision for selecting Burlington were incorrect, and that the facts from the EIS process showed that McEntire—not Burlington — was best suited to base the F-35. Germanos states that the facts do not support selecting Burlington and that he cannot come up with any words to justify the decision to select Burlington. He says that if there is another (non-environmental) reason to select Burlington, such as military judgment, then that should be clearly stated. He explains that Burlington should not be selected because there are huge negative environmental impacts to the area, including the fact that a large number of people in the Burlington area will be negatively impacted by the noise of the F-35.

**“I have no other proposed language that would justify Burlington AGS. However, if military judgment is the reasoning, the AF should plainly say so, and that it overcomes the much higher magnitude of environmental effects at Burlington AGS, which are not mentioned in the draft ROD [Record of Decision].”** (Admin Record #65108)

*Day 40: Tuesday December 17, 2019*

On November 14, 2013, Mr Germanos, the Air Combat Command (ACC) F-35 Environmental Impact Statement (EIS) Basing Program Manager, wrote to Mr Thies, an official at Air Combat Command saying that some of the statements in the Record of Decision used to justify the choice of Burlington are inaccurate, and that other statements are misleading. He also states that he, as the F-35 EIS Program Manager, could not recommend to his bosses that they select Burlington because the data does not support Burlington.

**“I wish to go on record as stating that ... I, if requested, would not recommend that A7 [Installations office] provide topline coordination to ACC/A8 [strategic planning and programming office] for the F-35A Ops 3 ROD [Record of Decision]. 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.”** (Admin Record # 65108)

*Day 41: Wednesday December 18, 2019*

On November 19, 2013, Major Nichols, in Headquarters Air Force Congressional Appropriations Liaison office, wrote to Mr Pohlmeier, the Chief of Headquarters Air Force Strategic Basing Division. He expressed his disappointment that the Air Force (AF) Action Officers (AO) were unable to adequately convey conflicting information to their senior officers about the Burlington basing. The dilemma for Major Nichols, who was a Congressional liaison, was maintaining good relations with the Congressional delegation (CODEL). They wanted the F-35 based in Vermont; but Nichols knew that the evidence from the Environmental Impact Statement (EIS) indicated the F-35 should not be based in Vermont. Senator Leahy seemed unconcerned about the impacts to Vermonters as reported in the EIS. He also seemed unconcerned that the Air Force might be sued for selecting Burlington. Nichols seems conflicted trying to satisfy what Leahy wanted, and also needing to tell the senior heads of the Air Force—specifically the 4-star general Chief of Staff and the civilian Secretary of the Air Force — that what Leahy wanted was not supported by the EIS.

**“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 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 and our Top 2.” (Admin Record #65331)**

*Day 42: Thursday December 19, 2019*

On November 20, 2013, Mr Bush, an official from Headquarters Air Force Installations office, wrote to Ms Stefanek from Headquarters Air Force Public Affairs office. He spoke about his office’s inability to explain why the Air Force chose Burlington considering that the Environmental Impact Statement (EIS) data shows that more people in Burlington would be affected by the F-35 noise than at the other two Air Guard Stations (AGS) being considered. Other entries from the Air Force Administrative Record showed that it was the corrupt political influence of Senator Leahy that forced the Air Force to make a deeply flawed decision.

**“A7C [Air Force installations office] cannot answer the question, ‘Why did the Air Force choose Burlington AGS 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.” (Admin Record #65344)**

*Day 43: Friday December 20, 2019*

*The following quotations are excerpts taken from the past 42 days of quotes*

On March 28, 2013, a Memorandum for the Record was written to capture information discussed during a telephone conversation among senior officials from the offices of the Secretary of the Air Force, Headquarters Air Force, and Air Combat Command on the findings from the F-35 Environmental Impact Statement. In that memo, they wrote that Air Force officials

**“discussed the contents of the preliminary draft Record of Decision, which states that the environmentally preferred alternatives are Hill AFB and McEntire ANG Base.... Due to the overwhelming evidence provided by the EIS documentation, {the Air Force officers} proposed the Record of Decision recommendation to be structured around Hill and McEntire....”**  
(Admin Record #57838)

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In a March 28, 2013 Memorandum for the Record, Air Force officials state that critical errors were made in scoring Burlington—specifically that Burlington received a falsely high score in the area of encroachment, meaning buildings in the noise zone. In that memo, they stated that Air Force

**“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.” (Admin Record #57838)**  
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The following, written in March 2013, is from the “Draft Review Document of the Environmentally Preferred Alternative.”

**“Basis of Decision: 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.” (Admin Record #57909)**

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On December 10, 2010, an unidentified Air Force pilot wrote the following to Mr Penland, the Headquarters Air Force chief of Operational Basing:

**“HAHA! But the toughest part of this exercise is for anyone with integrity is that it IS a freakin’ loud aircraft! The only aircraft I have ever flown formation with that I can hear from route position. (Now...forget I said that, and delete this email, and empty your trash. And the double-secret network trash cache, too!)”**

That same day, Mr Penland commented on this pilot’s remarks to Col Spacy in the Headquarters Air Force Legislative Liaison office:

**“Just so you know I’m not the only one who thinks this is an issue!! This is from someone who had flown with them.” (Admin Record #46447)**

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On September 11, 2013, Mr Dryden, an official at Headquarters Air Force Installation office wrote to Mr Germanos, the F-35 Burlington Basing EIS Project Manager exclaiming

**“Why would you think that the noise at Burlington can be addressed with mitigation? Outside purchase and relocation of those affected, I don’t know what could be done. The results of the EIS indicates Burlington is the wrong answer of all the alternatives.” (Admin Record #62486)**

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On October 22, 2012, Ms Engelman, an official from the Headquarters Air Force Noise/Encroachment Management office, wrote to Mr Penland, the Headquarters Air Force chief of Operational Basing criticizing the Vermont Air National Guard claims about how they propose to fly the F-35. She stated

**“Is the Guard willing to conduct all their training with less than full tanks, does anyone understand consumption of this aircraft. (e.g. F22 gets 20 minutes without external stores when not in super cruise). ...have the guard folks ever flown their entire training sortie in the simulator (which, oh wait, they don’t know what it is til later on)...? How will taking off with less than full fuel effect training efficiencies and need for refueling during the training? Seems like to me there are other questions than the noise. If we go down this route then the whole ... argument that we have to train like we fight goes out the window. When will Guard pilots get experience using full afterburners if they don’t do it at their home base. ...are we willing to not train like we fight just to fit aircraft in a place when there are “reasonable alternatives“ for that location.” (Admin Record #55754)**