

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:17cr22

vs.

STEPHEN KELLY, S.J.,

Defendant.

28 U.S.C. SECTION 1749 DECLARATION OF STEPHEN KELLY, S.J.

My name is Stephen Kelly, S.J., and I make this declaration, under penalty of perjury under 28 USC Section 1749, to explain why I entered and symbolically disarmed the facility protecting, celebrating and worshipping nuclear weapons at King's Bay Trident Naval Base.

INTRODUCTION

1. Peace of Jesus be with you and with all who encounter you and for whom you care to include in such peace.
2. The religious witness of the Kings Bay Plowshares is a concerted effort, the seven of us having agreed to preach the Gospel, nonviolently, where it had to be preached: in the locale of the greatest sin.

MY RELIGIOUS FAITH

3. Foundational documents and doctrines from biblical and ecclesiastical sources explain

our informed mental state at Kings Bay Trident base on the night of the 50th anniversary of the assassination of Dr. Martin Luther King, Jr.

4. If the testimony at this vestibule of omnicide was anything, it was religious. Ours was not an individual whim or esoteric act of fanatical origin. Ours was a concerted effort to preach the gospel of nonviolence directly to Navy and Marine personnel caught up in the contagion of sin.

5. There is a difference between a person with zeal versus a fanatic. They can be judged by the fruit of their behavior. A person with zeal in their passion humanizes, like Jesus reordering, retrieving the temple from a den of thieves. And the fanatic, while passionate, has only regard for the end by any means. Ends have to match means.

6. The nature of sin – structural, social, personal – can be defined as that which falls short of, replaces and offends God. Sin is not proper to humanity, although since the fall of humankind we are susceptible to its temptations.

7. We were embodying the prophetic call given by God to Isaiah (Is. 2:4, “...They shall beat their swords into plowshares...”) as a way out of the sin that Dr. King identified in the triplets of evil: materialism, racism and militarism.

8. In our biblical reflection, analysis and application, we seven Catholic Christians were brought to grieving for the souls of those caught up in such sin. Our biblical roots are many but all command the naming of this sin and its consequences, and also of providing a salvation for the sinner from this spiral of larceny from the poor that the current and past military budgets represent.

9. The blasphemy began when President Truman, in the wake of the atomic bombings of

Hiroshima and Nagasaki, advocated the worship of nuclear weapons by asserting that "... God gifted us with this weapon".

10. Regarding the sin and its consequences, Psalms 115:4-8 partially describes our mental state. The sin, verse 4: "... their idols are silver and gold, the work of human hands..." Then the consequences, verse 8: "... their makers will be like them and anyone who trusts in them". In verses 5-7, the depiction is of these idols having mouths but do not speak, ears but do not hear, hands but do not feel.

11. Could the planners at the SWFLANT succumb to this fate? Do the designers and promoters of the missile shrine become versions of these idols? Do the Marines guarding warheads end up devoid of their existential reason for being alive and subsumed into oblivion?

12. Thus we named the sin of idolatry and preached a warning at SWFLANT, for those who most need to hear it, to repent of these sins. The testimony of our preaching underlined the biblical, Judeo-Christian commandment that Thou Shalt Not Kill.

13. The Sermon on the Mount has retrieved the intent of the Law Giver by fulfilling all law in the command to love even our enemies as Jesus did (Matt. 5). We took ourselves within the location of greatest sin, and within hearing range of those personnel who need to hear the imperative to repent and turn from sin and become ready for God's reign.

14. It's not enough to get through life never having killed anyone – we have to prevent killing. We had to, like Jesus, preach in proximity and by word, action and in testimony that the killing of millions cannot be countenanced.

15. My personal imitation of Jesus preaching is illustrated by the description He gives of

Himself as a Good Shepherd who lays down His life for the sheep. John 10:1-18 warns of the thief and the wolf: an annual budget of \$718 billion for war with trillions for nuclear weapons since the 1940s is larceny from the poor and the wolf could easily be 73 years of threatening civilians' lives.

16. Jesus has shown a better way than the thief and the wolf of nuclear weapons. As the Good Shepherd he inserts himself between the thief and flock/poor, between the wolf and the prey. To imitate Jesus is then to take this kerygma of the good news to those directly managing, promoting and guarding the nuclear weapons at Kings Bay.

17. Ezekiel 33:7-11 shows we should reach out to those going astray as if our own well-being is at stake, lest we be held responsible. We should even leave the 99 sheep to go after the one lost (Matt. 18:12). Jesus, as we try to imitate, does this humbly, nonviolently (Matt. 11:28). So this is our Biblical authority, our walking papers.

18. *Gaudium et Spes* (Joy and Hope) of Vatican II and statements from all Popes of the nuclear age have condemned the use of nuclear weapons, leading up to the present Pope Francis' appeal to Congress for abolition and most recently his unequivocal condemnation of possession of these blasphemies, contrary as they are to God's Kingdom.

19. The Pope further inspired the analysis that led to our preaching at Kings Bay when before Congress he extolled the saintliness of the martyred Dr. King as a Holy One of this land.

20. We are encouraged that a Naval nuclear submarine captain in the person of Thomas Rogers, who also filed in our dismissal motion, shows that a flag officer can understand our preaching about the significance of targeting civilians and come away from the brink of the occasion of sin.

21. The stance of Bishop Thomas Gumbleton, included among briefs for our defense, is clear: people of faith are not only urged to warn of the sin of nuclear holocaust, they are obligated in conscience to resist evil of this magnitude.

PERSONAL BACKGROUND AND RELIGIOUS FORMATION

22. During the start of the Cold War, I was raised in a devout, traditional but mobile family. My father was a career officer who flew nuclear-capable jet bombers. He was on alert during the Cuban Missile Crisis. My family lived in Adana, Turkey when he was stationed at Incirlik Air Force Base, now a NATO base. I was able to see firsthand the poverty that exists on a massive scale.

23. Altar boy training was entry level participation in the ministry of the Roman Catholic Church. I applied for conscientious objector status in 1968. Following the Vietnam War, I studied for the priesthood and entered the Jesuit order in 1982.

24. My immersion in seminary studies afforded me the opportunity to see how God's poor were oppressed and treated unjustly, and did not count enough to be at the table in budget matters. I was in inner city parishes, and met and worked with people in the Catholic Worker movement, a movement providing the corporal works of mercy by feeding the hungry, sheltering the homeless, clothing the naked, etc.

25. I was ordained in 1990 and duly authorized to preach and to reach out for souls caught up in sin. I was further formed by ministry in Africa and with the Jesuit Refugee Service in Central America.

26. Personally, and sadly, my own order, the Society of Jesus, commonly referred to as the

Jesuits, has a relevant history to preaching at any base that possesses nuclear weapons. In 1945, our one-time Superior General was in charge of the Novitiate in Hiroshima just up the hill from Ground Zero. He welcomed survivors of the atomic bombing. Before being elected Superior General, he became an outspoken advocate for disarming the nuclear weapons.

27. Regarding Nagasaki, history shows that this city was for centuries a Catholic enclave founded by the likes of St. Francis Xavier and companions in the 16th century. Nagasaki Catholics survived many centuries of persecution, to be instantaneously incinerated by a supposedly Christian bomber crew from a supposedly Christian nation – killing thousands, including the elimination of three orders of Catholic nuns.

28. In Germany in the 1930s and 1940s there were Jesuit preachers. Two examples are Alfred Delp and Rupert Mayer, the former martyred in a concentration camp and the latter hounded and imprisoned, for their sermons against the Nazis in that Party's grab for power.^{[1][SEP]}

29. From *Pacem in Terris* of Pope John XXIII through Vatican II, the Church has guided the conscience of myself and all Catholics. We have a clear message, the gospel kerygma is unequivocal: Nuclear weapons are not only excluded from the reign of God, they prevent us from being fully human.

30. I read *The Pentagon's Reign* by Annie Jacobsen. Her research shows that the possibility now exists that the weapons' use, targeting civilians in the millions, could be activated by non-oversight protocols i.e. computers.

**CHOOSING KINGS BAY TRIDENT NAVAL BASE FOR FAITH-BASED
NONVIOLENT SYMBOLIC NUCLEAR DISARMAMENT**

31. Our concerted action is what the government would call conspiracy. It was what

Christians describe as a liturgy of the Word; the celebration of God in Scripture providing the moral narrative of our destiny as humans.

32. We coordinated our actions to have our presence and exposition of the Word effectively reach souls and save them.

33. We felt called to provide an undeniable presence within the base, at particular locations where real humans could not deny that we were preaching the nonviolence of conversion from war-making to peaceful activity. A moral, political and economic conversion begins with turning away from the sin of targeting civilians to embody Christ's reign of God as described in Isaiah 2:4, "they shall beat their swords into plowshares and study war no more." This is at the heart of Jesus' advocacy during his arrest to "put away the sword, they who live by the sword die by the sword."

34. While we expected to be thwarted or rejected, as the history of the Plowshares movement since 1980 indicates, we adopt the lamentation of Jesus over Jerusalem (Matt. 23:37), a city not open to His visitation, and Jerusalem's history of eliminating prophets, and nonetheless shoulder the great commission (Matt. 28:19-20): "Go, therefore, and make disciples of all nations ... teaching them to observe all that I have commanded you...."

35. We could not leave the planners, managers, caretakers, idol makers behind. Their hair-trigger, on-edge brinkmanship and the exhibited impulsiveness of their commander-in-chief are occasions of the death of millions and therefore an occasion of sin of monumental proportion and catastrophe. Can a conscience stand by?

36. Our first step was to gain hearers of this Word among all base personnel. They could not

ignore our presence, our commencement of the liturgy of the Word as we clipped the perimeter lock and thus placed ourselves as John the Baptist has accounted for at the beginning of each of the four Gospels, as a voice in the Trident wilderness, preparing the way for the Lord among the hearers of the Word.

37. We headed for our three-way pulpit: one group to the headquarters, another to the missile shrine and a third to the bunker storing thermonuclear warheads. God willing, we would gain personnel from the Trident base and those dedicated in the three locations towards the contagion of sin. We could symbolically effect preaching the gospel in the locations where those souls habituated.

38. We had to go in at night to effect finding those caught up in darkness.

39. Without proximity, our preaching could be ignored. Without our presence, the souls of these otherwise dedicated sailors and marines could not benefit from our presentation of the prophetic way out.

40. The chance for their conversion was maximized by our presence there. There was a chance their souls could be retrieved, brought back from the sin of nuclear brinksmanship. Once within the reach of the ears of the souls in this mouth of perdition, we could use symbols to illustrate the predicament they are in.

41. Blood, a symbol of life and itself sacred, preaches in two ways: a) In the sterile world of computer launches, satellite navigation and tracking, what is lost is the human factor, bleeding beings, not objects. The weapons cause bloodshed on a scale not seen but instantaneously occurring in mass destruction. b) Our blood shows allegiance to Christ's greater love admonition as the Good Shepherd to lay down our lives for the flock and the love of others (John 15:13).

42. The SWFLANT headquarters needed to see this blood as a consequence of sin because of the planning that goes on there.

43. The idolatry of the missile shrine required this marking of blood, a sorely needed testimony of iconoclasm. These weapons are not gods. They are intended to deliver mass destruction. They are not proper to humans and they are not compatible to the reign of God.

44. Our third wilderness location of the warhead bunkers had active Marine personnel guarding a graveyard of nuclear weapons buried in their bunkers. In order to have the gospel message offered in a manner that could not be ignored nor its delivery denied, we breached the fence that was both obscuring the works of hell and making the Marines captive, in need of the truth that these weapons deny God's will that we all live.

45. In all locations, bannerings would provide a focus for the Word of God. While this preaching locale is unconventional and bereft of anything of the truth, the banners could have the lasting effect of the Word of God, provoking the truth.

46. We preached as best we could, bringing the kerygma of the gospel to the occasion of sin in a manner that gained undeniable access to those tempted to worship in idolatry and to sacralize or attribute to God these portable ovens of extermination.

47. We are willing to answer to our behavior because we pray that should we be caught up in sin and its violence – God help us – we are sent a preaching testimony to a better, nonviolent way out. And that is provided by the Sermon on the Mount (Matthew 7:12, the Golden Rule) “Do to others whatever you would have them do to you. This is the law and the prophets.”

48. There is a dimension of human ethics and morality that requires testimonial. We are imbued with a supernatural side that requires a witness.

49. The courts and military have so sequestered the idol of nuclear weapons that it is necessary for preachers enacting liturgy of the Word to take the voice to the wilderness, to name the idols where they are venerated, and to encounter the repression of such false religion.

**ACTION TOWARDS NONVIOLENT SYMBOLIC NUCLEAR DISARMAMENT AND
GOVERNMENT RESTRICTION ON RELIGIOUS PRACTICE**

50. The reaction by the government to this message, which is an embodiment of nonviolent Catholic faith, is to deny that it is religious, truth revealing and foundational.

51. Our preaching is the result of the great commission of Matthew 28:20 “Go therefore.... teaching them to observe all that I commanded you, and behold, I am with you always, until the end of the age.”

52. We have sacrificed to “enter through the narrow gate; for the gate is wide and the road broad that leads to destruction, and those who enter through it are many. How narrow the gate and constricted the road that leads to life. And those who find it are few.” (Matthew 7:13-14)

53. The main retaliation upon Plowshares activists is to criminalize and imprison. This knee-jerk recourse to criminalization obfuscates the primary mission of preaching to those souls awash in the ultimate violence of nuclear omnicide.

54. One clear example of this obfuscation is to deny that our testimony itself is religious, and to assert it is something other than a cooperation with supernaturally inspired scriptural imperatives.

55. The government has compromised any impartiality to determine what is religious or not by saying that a Christian who loves those using nuclear weapons and loves those who are targeted must not act in imitation of Christ.

56. The government is more disposed to reject testimony directed at itself. The government

oversteps in its attempt to invalidate prophecies that question its moral status.

57. The Word of God comes as a threat to the government's impunity in using nuclear weapons. The prosecution's intent to suppress any preaching coming into direct contact with the personnel, these souls lost in the abuse of their dedication to protecting lives, illicitly inhibits our truth-telling mission to teach the reign of God.

58. The easiest thing would be for the pew Catholic to take the wide road of Matthew's Sermon on the Mount (Matthew 7:13) and accept these limits on conscience and preaching. To rationalize that despite Jesus' imperative to lay down our lives, we could just cop out because our government tells us we will be criminalized, and although lives will be lost, the system of souls sold out to nuclear weapons would remain intact.

59. However, if we did follow the wide road it would be at the expense of our mission to celebrate the word of God. It would demand stifling my ordination as a priest authorized to proclaim a gospel of repentance, and the mercy of a loving Creator.

60. Must we, under threat of criminalization, silently watch larceny from the poor and endure the danger of nuclear weapons use as if upholding a trespass law was more important?

61. Is it really a valid choice for a person imbued with a conscience formed by Catholic teaching to let sin dominate and the threat of omnicide prevail when our preaching presents a possibility of saving souls that repent of such monumental wickedness?

62. After 73 years of moving within the confinement of the laws protecting the idolatry and planning of omnicide there has been no avail, not even curbing of the aggression against all of God's people.

63. To follow these laws is to act contrary to conscience. To follow these laws and

compromise the preaching agenda would be to act contrary to beliefs and Gospel. We cannot stand by because we are conscious that imperiled souls are at stake.

64. The government cannot recognize these evangelical efforts, and instead resorts to criminalizing. The government is asking those proclaiming the reign of God to truncate their conscience. They should not and can't completely repress the moral agency of this gospel testimony. To follow these narrowly applied laws would be contrary to religious beliefs and thus not allow us to exercise those beliefs. Thus the government is attempting to invalidate the prophetic witness. I can't be fully human when one nuclear weapon exists.

CONCLUSION

65. "God shall judge between the nations and set terms for many peoples. They shall beat their swords into plowshares and their spears into pruning hooks; One nation shall not raise the sword against another, nor shall they train for war again." (Isaiah 2:4)

66. I've come to regard the fulfillment of Isaiah's prophesy – hammering swords into plowshares – as an essentially inescapable commitment in the attempt to practice Catholic Christianity as a U.S. citizen.

67. According to what I understand to be biblical faith, there is simply no way to worship God authentically without addressing idols, or specifically that with which we have replaced God in the grasping for personal power and ultimate security.

68. Direct resistance to idolatry is a foundational Christian responsibility that finds its origin in the First Commandment given by God directly to Moses: "I Am the Lord your God... You shall have no other gods before Me" (Exodus 20:1-6).

Signed this _____ day of _____ 2018 in the Glynn County Detention Center,
Brunswick, Georgia.

Stephen Kelly, S.J.