

Federal Judge in Kings Bay Plowshares Case Denies Motion to Dismiss Charges

By *The Nuclear Resister*

On August 26, a federal judge denied all the pre-trial motions of the Kings Bay Plowshares 7. The activists had urged US District Judge Lisa Godbey Wood to dismiss their charges for numerous legal reasons as well as the fact that the hundreds of first-strike nuclear weapons on the submarines based at Kings Bay Naval Base are illegal and immoral.

The judge found the Plowshares activists did establish a case under the Religious Freedom Restoration Act because they were sincerely religiously motivated to challenge the nuclear weapons at the Naval Base. Wood also found that the government's actions substantially burdened their right to exercise their religious beliefs. However, the judge went on to rule that the government had a compelling interest in keeping unauthorized people out of the base, and the prosecution of the Plowshares activists was the "least restric-

tive" means of protecting the safety of the base. The seven activists argued that the government action of bringing multiple and duplicative charges, threatening 25 years in prison, is far from the "least restrictive" option to keep unauthorized people out. On April 4, 2018, the seven activists entered the naval base in St. Mary's, Georgia. They undertook various nonviolent actions such as pouring blood, hammering on a statue of a Trident II D5 missile, and placing crime scene tape in front of the entrance to a headquarters building.

"We took these actions to say the violence stops here, the perpetual war stops here—at Kings Bay, and all the despair it represents," said Clare Grady, one of the Plowshares activists. "We took these actions grounded in faith and the belief that Jesus meant what he said when he said, 'Love your enemies,' and in so doing offers us our only option for hope..."

Trial Set for Oct. 21

After denying the disarmament activists' motions for dismissal, Judge Wood set October 21 for a trial by jury. Jury selection will begin on Monday, October 21, 2019 at 9 a.m. at the federal courthouse in Brunswick, Georgia, in Glynn County on the state's southeast coastline.

Supporters from throughout the country are expected to attend the trial. Earlier this month nearly 100 people attended events around the Aug. 26 hearing held by Judge Wood, who will preside over the October trial.

Pre-trial events are planned including a vigil at the Trident sub base Oct. 19, and a Festival of Hope Oct. 20. For more info., see: <https://kingsbayplowshares7.org>.



Several of the Kings Bay Plowshares 7 appeared with actor Martin Sheen August 7, after a court hearing in Georgia where the abolitionists argued for dismissal of the federal charges against them. (Photo: @kingsbayplow7/Twitter)

Disarmament Activists Argue Felony Charges Violate Religious Freedom

By *Julia Conley*

Advocates for seven faith-based peace activists are calling on the public to support the group as they fight federal charges and a potential 25-year prison sentence for [symbolically] disarming a nuclear submarine base.

The Kings Bay Plowshares Seven (KBP7) nonviolently "disarmed" the Trident nuclear submarine base in Kings Bay, Georgia, on April 4, 2018. In federal district court August 8, District Judge Lisa Godbey Wood heard the peace advocates' pre-trial arguments asking her to dismiss the felony and misdemeanor charges against them.

The defendants, Mark Colville, Father Steve Kelly, Elizabeth McAlister, Martha Hennessy, Clare Grady, Patrick Michael O'Neill, and Carmen Trotta, say the federal government violated the Religious Freedom Restoration Act (RFRA) when it charged the KBP7 with destruction and depredation of property, trespassing, conspiracy.

The activists say they were acting in the name of their Catholic faith when they cut through fencing and wire at the submarine base and allegedly vandalized a building and static missiles.

"All of my actions and those of my co-defendants have been measured and guided by the principles of nonviolence expressed in Sacred Scripture. I would argue our communal criminal history has been all about upholding the basic tenets of love and providing for the common good," said O'Neill in his oral argument. "My actions are an extension of my beliefs. This connection between sincerely held religious beliefs and sacramental practice (action) are one and the same."

Under the RFRA, their lawyers argued, the government is required to take each of the defendants' beliefs into consideration and to levy the least restrictive charge against the group possible.

"A prosecution on three felonies and a misdemeanor was not close to that standard," argued attorney

Stephanie McDonald, according to *The Brunswick News* in Brunswick, Georgia.

Colville said in his argument that the group doubts the government ever considered a punishment less restrictive than the felony and misdemeanor charges and the potential 25-year prison sentence the group now faces.

"Despite being given numerous opportunities, the government has yet to produce any evidence that it ever considered any less-restrictive means of protecting its so-called 'compelling interest,' while its

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—Martin Sheen, actor

own witnesses indicated that there were/are several such means available," Colville said. "The question this begs, then, is: did the government consider something more restrictive, and then talk themselves down? To this? What exactly could that have been? Is there still some federal statute on the books that allows for a public flogging?"

The KBP7's case marks the first time the RFRA has been invoked in this way.

In the courtroom August 8, three of the defendants, who have been incarcerated in Georgia, were seeing each other and their codefendants for the first time in 16 months. Colville, Kelly, and McAlister argue that their civil rights have been violated by their prolonged imprisonment, during which they have not had access to in-person legal preparation. [McAlister has since been released pending trial.]

As the KBP7 or their attorneys presented their arguments, the courtroom overflowed with about 60 supporters, with another 25 outside.

Actor and activist Martin Sheen was among the advocates who assembled in the court.

"I've been inspired most of my life by people who take the gospel seriously and live the gospel as a basic truth," Sheen told *The Brunswick News*. "If what you believe doesn't cost you anything, then what is it good for? I think that's the fundamental value of the Plowshares' action."

Circulating a petition on social media after the hearing, the KBP7's support committee called on the public not only to join their call for the government to dismiss the charges, but also to help rebuild the anti-nuclear weapons movement—"that helped disarm the world's nuclear arsenals from 90,000 down to 15,000 weapons in the 1980s."

"We who share the moral vision of the Kings Bay Plowshares Seven proclaim our support for their courage and sustained sacrifice and call for the immediate dismissal of all charges against them," reads the petition, addressed to Attorney General William Barr. "The defendants invite us to act creatively. They invite us to join global coalitions working to promote governments' adherence to, and full implementation of, the Treaty on the Prohibition of Nuclear Weapons. They also invite us to participate in campaigns for divestment from nuclear weapons as complementary efforts towards the realization of a world free of nuclear weapons."

A number of global peace advocates and Nobel Peace Laureates are among the signers of the petition, including Archbishop Desmond Tutu, Medea Benjamin, and Poor People's Campaign leaders Rev. William Barber and Rev. Liz Theoharis.

—Julia Conley is a staff writer for *Commondreams*, which published this piece August 14, 2019