

KINGS BAY PLOWSHARES
Plaintiff
vs.
UNITED STATES OF AMERICA
Defendant.

INDICTMENT

Today, through our nonviolent action, we, Kings Bay Plowshares—indict the United States government, President Donald Trump, Kings Bay Base Commander Brian Lepine, the nuclear triad, and specifically the Trident nuclear program.

WHEREAS, This program is an ongoing criminal endeavor in violation of international treaty law binding on the United States under the supremacy clause of the U.S. Constitution (Article VI, Section 2):

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

WHEREAS, The United States is bound by the United Nation’s Charter, ratified and signed in 1945. Its preamble affirms that its purpose is to “save future generations from the scourge of war”. It directs that “all nations shall refrain from the use of force against another nation”. Article II regards the threat to use nuclear weapons as ongoing international criminal activity.

WHEREAS, The Nuremberg Principles, also promulgated in 1945, primarily by the U.S., prohibit crimes against peace, crimes against humanity, war crimes and genocide. They render nuclear weapons systems prohibited, illegal, and criminal under all circumstances and for any reason.

WHEREAS, The U.S. government is obligated as well by the Non-Proliferation Treaty, in force since 1970 that requires the signers to pursue negotiations in good faith and to eliminate nuclear weapons at an early date. The U.S. government is also obligated by the Comprehensive Test Ban Treaty, which prohibits full-scale nuclear explosions.

WHEREAS, the members of the United Nations are currently negotiating a treaty to prohibit nuclear weapons, leading towards their total elimination.

THEREFORE, the work being at done at Kings Bay Naval Submarine Base violates all these agreements and is thus criminal.

Specifically, the Kings Bay Naval Submarine Base refits and maintains submarines, which carry Trident D5 nuclear missiles. The Trident D5 is a submarine-launched ballistic missile (SLBM), built by Lockheed Martin. The Navy currently operates 14 Ohio class submarines. Six have their homeport at Kings Bay. Each submarine carries the capacity to cause devastation equivalent to 600 of the nuclear attacks on Hiroshima, Japan. Thus, the six Tridents maintained at Kings Bay have the capacity to cause the devastation of 3600 Hiroshima-scale attacks.

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From the initial mineral mining through testing, storage, and dumping, the production and maintenance of these weapons harms human beings, destroys the environment, and violates international and God's law. Moreover, each day this program steals from all in our nation and world by its theft of much-needed resources. Nor is the Navy or the nation retreating from this violation of international law. The Navy is currently preparing to spend at least \$100.2 billion of the public's money on a new class of 12 Trident ballistic missile submarines to replace the current Trident submarines.

Against these continuing violations of treaty law, we assert our right and duty to civil resistance against nuclear weapons. Furthermore, we affirm as crucial the human right to be free from these crimes. The Nuremberg Principles not only prohibit such crimes but oblige those of us aware of the crime to act against it. "Complicity in the commission of a crime against peace, a war crime, or a crime against humanity...is a crime under International Law". The United Nations Charter further reinforced this principle and made it part of binding international law. Similarly, the Convention on the Prevention and Punishment of the Crime of Genocide, to which the United States is a signatory, makes it clear that private individuals can be held responsible for acts of genocide.

The ongoing building and maintenance of Trident submarines and ballistic missile systems constitute war crimes that can and should be investigated and prosecuted by judicial authorities at all levels. As citizens, we are required by International Law to denounce and resist known crimes.

For the sake of the whole human family threatened by nuclear weapons, and for the sake of our Planet Earth, which is abused and violated, we indict the Kings Bay Naval Submarine Base and all government officials, agencies, and contractors as responsible for perpetuating these war crimes.

April 4, 2018

Elizabeth McAlister
Mark Colville
Clare Grady
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Stephen Kelly S.J.
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