

EXCERPT FROM TRANSCRIPT OF EVIDENTIARY HEARING  
BEFORE THE HONORABLE BENJAMIN W. CHEESBRO/  
TESTIMONY OF MARK COLVILLE

United States Courthouse  
801 Gloucester Street  
Brunswick, GA  
November 19, 2018

COURT SECURITY OFFICER: This Honorable Court is now  
back in session. Come to order; be seated.

THE COURT: All right. Ladies and gentlemen, I am going  
to go ahead and order the marshals to remove the restraints from  
Ms. McAlister and from Father Kelly.

At this time we will move to Mr. Colville's testimony.

MR. QUIGLEY: Thank you, Your Honor.

THE CLERK: If you'll raise your right hand to be sworn.

THE WITNESS: I'd rather affirm than swear.

MARK COLVILLE, having been first duly  
affirmed to tell the truth, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Thank you. You may be seated. Please state  
your full name and spell your last name for the record.

THE WITNESS: Mark, with a K, Colville, C-O-L-V-I-L-L-E.

DIRECT EXAMINATION

BY MR. DALOISIO:

Q. Good morning, Mr. Colville.

A. Good morning, Matt.

Q. As an initial matter, Mr. Colville, I'm your standby  
counsel in this case; correct?

A. Yes.

Q. And you've given me questions to ask you for your direct

A. Yes.

Q. What is your age?

A. 57.

Q. Can you tell the Court about your educational background?

A. Well, I -- I have a bachelor of arts in religious studies  
and peace studies, and I have a post-graduate degree in theology  
with a focus on justice and peace.

Q. And what is your religious denomination?

A. Roman Catholic.

Q. When were you baptized?

A. 1961, year of my birth.

Q. And where do you live?

A. I live in New Haven, Connecticut.

Q. And do you live in a community?

A. I live in a place called the Amistad Catholic Worker, which others have testified to what the Catholic Worker is, and our house runs very similar to that. It's a house of hospitality. We serve two meals a day, and we have an open door and we take care of people in the poorest neighborhood in New Haven.

Q. And when you say "we," who is the we that runs the Catholic Worker house?

A. Well, there's -- my wife, Luz, and I actually raised children there. We raised six children there, five of whom are now adults and have moved out. We also have sort of an ongoing  
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circle of community that comes and goes at the house. Lots of young people, particularly college-age people are attracted to the work that we do. And so we have sort of a -- I call it an extended community, some of whom live in the house and others -- many of whom don't. But it's a cooperative experience, and we survive on the goodness of others.

Q. And are you paid for your work?

A. No.

Q. Do you have any personal bank account?

A. No, I don't.

Q. Or any direct income?

A. No.

Q. Do you attend Catholic Mass?

A. I do.

Q. And where do you do that?

A. Well, since our parish was closed about eight years ago, we now worship at the Saint Thomas More Catholic Center at Yale University, which is the next neighborhood over from ours.

Q. And do you read the Bible?

A. Yes.

Q. And do you participate in the sacraments of the church?

A. I do.

Q. How would you describe your Catholic faith?

A. Well, I guess for me religion, first of all, is not about, say, obeying a set of rules imposed from an  
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institution, which I believe is how Catholicism is understood widely. I believe that religion is about the formation of conscience, and so that's what my religion is. Catholicism, as has been testified before, holds up the primacy of conscience. I'm responsible -- I accept a creed. Catholicism, like most religions, has a creed; and it has to do with Jesus Christ being God and the Savior of the world, and the practice of my faith has to do with trying to imitate the life and example of Christ. So that's what I do.

Q. And you testified that you were baptized. Can you explain to the Court what being baptized into the church means for you?

A. Yeah. Of course, I was baptized as an infant. And as I became -- as I grew into adulthood, I came to understand what my baptism meant, and it actually became quite significant for me in my faith formation. And basically what I came to understand is that baptism, it really, it's even the rite of baptism has three main elements, and the one that we're most familiar with is membership in the church. It's kind of a rite of initiation into the Catholic Church. It's also a rite of exorcism, okay, and that comes right from the early days of the church when living according to the values of the dominant culture was considered to be demon possession. And we're talking New Testament times. So, of course, that's how things were understood and written about back then.

But, yeah, baptism is also a rite of exorcism. And, in fact, I found out that in the early church people had to actually present a case for baptism. Okay. It was almost like a court. You had to -- you had to prove that you were living against the culture or the values of the culture that are in direct opposition to the life and example of Christ in order to be baptized.

So I came to understand that. And then the other part of baptism is that it's a rite of commissioning. When we accept baptism, and of course, as I said, I was baptized as an infant, but there's a sacrament in the Catholic Church called confirmation, which is basically a re-acceptance of your own baptism as an adult or as somebody who's able to process the precepts of the faith. Then we accept it when we get older. So I was also confirmed. Right?

And so I came to understand that baptism commissions me

specifically to preach the Gospel and to be prophetic. In fact, even in the rite of baptism, there's a laying on of the hands and there's -- you anoint the ears and the lips with oil, the sacred oil. And that's an indication that I have the responsibility of hearing the Word of God and acting upon it and preaching it.

Q. So you've testified that you've been baptized, that you read the Bible, you participate in the sacraments. Can you tell the Court the importance of your Catholic faith to you?

A. Well, it's the absolute kind of rudder of the ship of my life. I mean it's what I've accepted. I was -- I was pretty much forced to go to church as a child. And when I became an adult, I was free to, you know, to do whatever I wanted. And I would say, except for a period -- well, I spent a brief period, maybe in my late teens of kind of looking at other churches and other creeds, and then -- which actually enabled me to come back to the Catholic faith and accept it as my creed. So, I mean, it's basically -- it's how I live. I mean, it's how my conscience gets formed, and I take the teachings of the church very seriously.

Q. And if you aren't able to practice your Catholic faith, what does that mean to you?

A. Well, again, I mean, it's -- it's who I am. So, you know, to not be able to practice my faith is, first of all, is breaking my relationship with God, which I consider to be -- to be first and foremost in my life is my relationship with God. And I'm responsible. God doesn't break that relationship. I am certainly capable of doing that. And so I -- that's what it means to me.

Q. In the declaration you prepared as part of this case, you reference the term primacy of conscience as the basis for the actions that are leading to this prosecution. Can you explain to the Court what you mean by primacy of conscience?

A. Yeah. That comes from a basic belief that God has written a law on our hearts as human beings. Okay. And, in fact, because of that, God speaks to us in many ways. I mean, the church teaches us that scripture is one of the core ways in which God speaks to us as a human community. In the Catholic Church we hold up the lives of the saints, and of course, the Gospels and the life and example of Jesus. But the Catholic Church is perhaps unique among the main-line churches in holding up the right or the responsibility of informing and acting on

your conscience, that the conscience is where God speaks the clearest, again, because the law that God wants us to obey is written on our hearts.

Q. Does your religion tell you to break the law?

A. No. My religion -- for the most part my religion teaches that obedience to law -- to just laws and to civil law is a virtuous thing. Unfortunately, as has happened throughout the history of humanity and the history of the church, there's -- in every generation there are times, there are laws that directly conflict with the law of God written on our hearts. And, again, I go back to the primacy of conscience indicates that when we're placed in that difficult position, that burdensome position of having to obey, you know, a civil law or the law of God, as spoken to the conscience, that, I mean, clearly from previous testimony, it's been said that we have to obey the law of God rather than the law of man which is actually a scripture quote. So, yeah.

Q. And is there anything in scripture that talks about Jesus sometimes not obeying the civil law?

A. Well, the last time I checked Jesus was crucified according to the law. It was all legal. Jesus was -- He was brought up on charges and legally tried and convicted. So, I mean, the life of Jesus is in some ways characterized by -- by -- you could call it violation of the law or you could call it a violation of the application of the law.

You know, one thing I -- maybe I'm editorializing here, but I do believe that, you know, laws have good intentions. They're oriented toward the order of society, you know. And they're supposed to facilitate us living together, loving each other, helping each other out. That's what law is supposed to be doing.

When law steps out of that role, then what do they say, we become -- we're a nation of laws, but, you know, the law -- we're not slaves to the law. The law is supposed to be serving us; we don't -- not us serving the law.

Q. Your declaration also references the concept of sins of commission and sins of omission. Can you explain to the Court what those concepts mean to you?

A. Yes. The very important concept, and you know, a common understanding of what sin is is when you do something bad, you know, you curse or you -- well, fill in the blanks. You know, you do something bad. Sins of omission are what are rarely

focused on, I find, in church communities, and sins of omission are obviously things that you should do but you don't do, you know. And actually, that comes right out of the New Testament as well. The letter of James, Chapter 4, Verse 17, that says that when you know what the right thing to do is and you fail to do it, you commit sin. And sin is -- again, sin is about relationship with God. You know, when we -- you know, the center of our -- of our practice, of our ritual practice anyway, as Catholics is the Eucharist, and we're not supposed to receive the Eucharist without getting right with God. That's why the Catholic Mass begins with confession of sin. And so sin is a break in the relationship with God, and sins of omission are particularly -- as a citizen of the United States, I really have to look at sins of omission as interfering with my relationship with God.

Q. Now, turning to the actions of April 4th and 5th, 2018, is there a specific reason you chose to go to Kings Bay that day?

A. Well, in our prayer and discernment, we very much wanted to kind of get at the roots of war and the roots of nuclearism, and we came to understand that -- that racism is deeply embedded in our system and in our seemingly unbridled commitment to war after war after war. So we chose that day, it was actually April 4th was the 50th anniversary of the assassination of Martin Luther King, Jr., whose message to us was -- it really began with the notion of racism as, you know, a great evil. But he also -- he then made connections between racism, militarism and materialism. And so we chose that particular day because -- because we resonated with that teaching and that we really wanted to hold up, you know, this commitment to possessing weapons that can destroy all life on earth as being rooted in the devaluation of persons, you know. Racism basically divides the world into persons and non persons. Okay.

And so we felt a deep responsibility to connect -- to connect nuclearism to racism. And, you know, not an insignificant reason for that also would be that we're all, you know, we're seven white people, you know, white Roman Catholics in America. And it seemed that to make the message we were trying to communicate authentic, that we needed to make that particular connection.

Q. And what did you do at Kings Bay Naval Base on April 4th and 5th, 2018?

MR. QUIGLEY: Can we stop for one second? One of our

ankle bracelets is screaming for power. So could we have one second to plug it in?

THE COURT: There's an outlet here under counsel table, I believe.

(Proceedings went off the record.)

THE COURT: All right. You can proceed. Thank you.

BY MR. DALOISIO:

Q. So turning back to April 4th and 5th, 2018, what did you do at Kings Bay on those days?

A. Well, the best way to describe it for myself would be that we performed the liturgy, and to me it was very much in line with what I practice weekly, and sometimes daily, in the Catholic liturgy. It had all of the elements of the Mass and the Catholic Mass, to me, in terms of, you know, again, we begin with confession of our own sin. I mean, we went there -- I went there -- I went there in repentance for my complicity in the horrible crime of nuclearism and the fact that these weapons are built expressly for the purpose of my self-preservation. So confessing that sin, you know, then in the Catholic liturgy, we hear the word of God, we -- and it's preached. Okay. So we -- we went there to do that as well. And then, you know, the center of the Catholic liturgy is the Eucharist, which is really a thanks-giving meal. It's a meal in which we give thanks to God and we build community among each other. So we were there to call ourselves, not just ourselves, but the people on the base, to community, to the beloved community, which is -- which has been broken and is broken on a daily basis by the presence of that base and those weapons.

And so, yeah, that's what we did. We performed the liturgy, which is a sacrament.

Q. And at what specific location at Kings Bay did you perform that liturgy?

A. Well, I ended up at the shrine to nuclear weapons, which is the weapons of mass destruction, which look to be located in sort of the central square at an intersection of roads there. Yes. So there was -- it was a shrine. It was like a place that very much appeared to me to be like a place where nuclear weapons are honored and nuclear policy is held up, you know, at virtue. So that's where I felt most drawn to on the base.

Q. And is there something about your religious faith that speaks to idolatry that drew you to that shrine?

A. Yeah. That's why it really was important to me, because

I've come to regard these weapons as replacing God, you know, in so many ways. And that is the Biblical definition of idolatry, you know, when you -- that which you depend on for your security, both present and ultimate security, the Bible counsels us to place God there. And by definition nuclear weapons remove God from that place.

And so, again, getting back to a sin of omission, failing to do something about that just utterly breaks my relationship with God. And so I needed to -- particularly for me it was important to address idolatry. I should also say that, you know, the Bible doesn't counsel us to avoid idolatry, you know, or preach against it, simply preach against it; the Bible tells us that idols are to be smashed. They're to be -- in other words, when something is placed in the place of God, it needs to be removed in order to worship God authentically, or as Jesus said, to worship God in spirit and truth.

Q. And how is addressing those idols an expression of your Catholic faith?

A. Well, you know, as a citizen of the United States and a Catholic, it puts a particular responsibility upon me that the practice of my faith has to integrate addressing idols. And so it's an essential part of my Catholic faith. It's just every bit as of as much as the Eucharist, the celebration of the Eucharist, or at least centering my life around that.

Yeah, I mean, and it's not -- it's not an enviable position to be in. It's not like we go out looking for idols to smash. You know, we're -- the nuclear policy of this country has become a religion, in my opinion, a religion that we are forced to abide by, forced to worship, basically, the god of war. And so, again, that means that a central part of my Catholic faith has to be addressing that.

Now, if I lived in another country, I don't know. I don't know what my faith would tell me. But, you know -- you know, I worship a God that took human form and entered history, okay, and walked in certain places in history. I ruminate on that. I pray about that. I read the Gospels over and over again. And I try -- again, try to imitate Christ by walking in the places where he would walk, you know, if he was here, you know. And in fact, our faith tells us that he is here in the person of us. So that's it.

Q. And did what happened at Kings Bay Nuclear Submarine Base on April 4th have to happen where it did?



A. Yes. Again, it goes to the sacramental reality which has been testified to here, you know, that it's a -- what we did was a symbolic action. It was also a sacramental action in that it's calling -- calling forth a reality that already is but isn't yet, you know, which is kind of a paradox, but it's a mystery that we embrace as people of faith, you know. In other words, we believe that Jesus has already redeemed us and redeemed the world, and yet, it's not -- it's not present in reality right now in history. And we have to call it forth. Okay. So that's what sacrament is. It's calling -- it's a symbolic action that calls forth into reality that which is not yet real.

Q. What does your Catholic faith teach you about not taking action in the way that you did against nuclear weapons?

A. Well, again, it teaches me that I -- it breaks my relationship with God. Okay. I'm not -- thanks to my father, who really instilled the faith in me and grew up as a very guilt-ridden Irish Catholic, but in later years he really came to understand the love of God, and he really got himself free from that kind of guilt, you know, about hell and fire and brimstone and stuff. I believe that what God does is invites me into community, invites me into self-sacrificing love as a lifestyle, that that's what God is inviting me into.

Now, if I don't accept that invitation, you know, the best way I could describe it is that, first of all, I break my relationship with God, and then, secondly, I kind of create my own hell, okay, because, you know, God created everything, and everything God created was good. Okay. But we -- we are also involved in the creative process as human beings. Right? And when we break our relationship with God, we get into creation of evil, you know. And I would tag nuclear weapons and the nuclear policy of this country as one of the great evils of our time. And it's not something that God has created. It's something we've created and that we have to dismantle.

Q. Now, you testified about nuclearism being a religion. How does the government preventing access to nuclear weapons burden your exercise of your religion?

A. Well, in many ways. I mean, I guess I could -- there are, I would say, maybe three different levels I could answer that question on. The most important to me would be the best way to answer is to give you a little bit of a story that stuck with me, and this happened about five or ten years ago, I don't

remember, but I attended a talk by a man named Ray McGovern, who's a retired CIA agent. And he spoke at a place called The Hartford Seminary in Connecticut, and he -- before he spoke, I don't remember what he said after this, but he asked us all to take a moment and picture ourselves in the town -- I believe he -- I'm not exactly sure of the town in Germany, but I think he said Buchenwald. Picture yourself in Buchenwald. And there's a cathedral there, and you go to Mass at that cathedral every day, and, of course, at cathedrals they have what they call a High Mass, which is where incense is used; and incense in Catholic ritual it symbolizes our prayers rising to God, in other words, the smoke of the incense rises through the church and up into the sky. And he asked us to consider being in that town and worshipping and our prayers rising to the Heavens, and then just on the other side of the fence in the concentration camp is the smoke rising from the burning bodies in the concentration camp, and the mingling of those two sources of smoke rising up to God; what does that -- what does that do to our prayer?

And he asked us to reflect on that for a few minutes before he began to speak, and that image has stuck with me; and I know that Attorney Quigley in his opening statement, which I will fully adopt, that he mentioned that, you know, what about -- what about if you're going to church, you know, next to -- next to a concentration camp, what does -- how -- I mean, to me, it just -- it totally invalidates my prayers, invalidates my practice of religion if I have no response to that.

And so things like cutting through a fence and going onto the base, I mean, it should be obvious that these things, while it's not something that I would normally do, I felt as though I was placed in a position where I -- I had to do it in order to be authentic in my faith practice.

Q. When you were incarcerated in jail for these charges in Camden County and then Glynn County, how did that impact the practice of your faith?

A. Oh, yeah. Well, that goes to the other two levels of the answer to your question. Sorry. But, I mean, on a real practical level, I'll speak to the Glynn County Jail. There is a significant anti-Catholic bias in that jail. I witnessed this. Typically on a Sunday afternoon -- well, let's say this. I received the Eucharist maybe four times in the -- I was in the jail for five months, because --

MR. KNOCHE: I'm going to object to the relevance of this, Your Honor, what goes on in the --

THE WITNESS: It's restricting my religious practice.

MR. KNOCHE: -- in the Camden County Jail, I do not believe is relevant to the determination to be made by the Court.

THE WITNESS: I --

THE COURT: Mr. Colville, the issue before the Court and the focus is on your religious exercise --

THE WITNESS: Sure.

THE COURT: -- and the sincerity of your religious belief. What is the basis for you offering up information about the practices at the Glynn County Jail?

THE WITNESS: Well, they've restricted -- they have restricted my practice of my faith there. And the comparison to the other denominations, which are more common in this town, town, to me are quite significant, because there didn't seem to be much of any kind of restriction on the practice of other -- of other people's practice of Christian faith.

THE COURT: And the government's objection is that this information is not related to the RFRA defense.

THE WITNESS: Okay. So I should just focus on how it's restricted me?

THE COURT: Precisely. If it goes to the elements that you're required to prove for the RFRA defense, whether it's that the government's action has substantially burdened a sincerely held religious exercise, if you could focus on that.

THE WITNESS: Okay. Thank you. So the -- as I think I said before, the Eucharist is kind of the center of my faith life. You know, I keep returning to it, you know, as a faith practice, and I was without that, except for I was able to receive the Eucharist about four times when I was in the jail, but never was I able to participate in a Catholic Mass, which is -- it's actually an obligation according to my faith, and I'm supposed to be doing that on a regular basis.

And, well, and then I should also say in terms of burden, that perhaps there's a notion in the court and perhaps not, but I feel it, that needs to be dispelled, and that is that I and my co-defendants, we like to break the law or we -- we don't respect the law or we consider it part of our religious practice to break the law. I don't want to break the law. Okay. Breaking the law -- first of all, the decision to violate

a lower law in order to keep to a higher law, whether that be, you know, the law of my own faith or even a law of the United States Government that is more binding and superseding than say a trespass law, when I'm put in that position, that's a very uncomfortable position to be. I never -- I've been arrested -- well, we don't need to talk about my criminal record, but I've been arrested before, and never do I approach risking that without significant fear and trembling. And that's -- so I don't want to break the law, and I'm placed in a position where -- where I get accused of breaking the law.

Also, you know, a lot of my ministry in the neighborhood where I live is what we'd call a pastoral ministry. I'm in people's houses. I'm wearing an ankle monitor now. You know, my ministry involves needing people to trust me. Okay. There is -- for those who don't understand or care to understand why I am under indictment here, facing all this -- you know, these felonies and all, that can be problematic in my pastoral relationships with people.

So those are some things off the top of my head that go to the issue of why I'm being burdened.

You know, I -- I would also say that I believe that if we can get past the -- what are, in my opinion, the superficial reasons for which I'm here, you know, and get to the deeper reasons, I think we have common interests -- you know, the two tables here, we have very common interests. You know, we want peace, you know.

We brought an indictment with us onto the base. I don't know if it's been read by the government. Okay. It certainly hasn't been acted on, but I mean if you read that indictment, it's calling out the real crime here, you know. And that should be taken seriously. That's why I'm here, by the way. I want that indictment to be taken seriously. And I believe that this process here could get us to that place, in other words, to the place where I don't need to cut a fence or trespass or, you know, because I mean disarmament, according to what I understand the government's public statements to be, disarmament is a common goal here.

And so it seems to me quite a burden when I get charged with felonies according to laws which, you know, in the light of nuclear annihilation seem quite petty and insignificant. So to me that's quite a burden.

Q. Is there anything else that you would like to share with

the Court about your sincerely held religious beliefs and your exercise of them and how the government has burdened them in this case?

A. No. I think I've covered it. I'm sure if I haven't, that cross-examination will bring it out.

MR. DALOISIO: Thank you.

THE COURT: All right. Mr. Knoche.

MARK COLVILLE - CROSS-EXAMINATION BY MR. KNOCHE

I never really trust the notes I scribble, but I did want to ask you something which I did write down and may have misunderstood you to testify, that you do not obey external rules? Did I misunderstand that?

A. Yeah, I think so. I mean, I don't know the context of that, so I can't say that I said that.

Q. You have also been involved in the Plowshares movement for a considerable time?

A. Well, I first found out about the Plowshares movement I believe it was in 1981. There was an action which was pretty close to where I grew up in Connecticut, and I believe it was called the Trident Nein, N-E-I-N. I see the smiles out there. Some people may remember it. That was when I first became aware of the Plowshares as a movement, and that took place at a Trident base in New London, Connecticut.

Q. Did you participate?

A. No, no. I attended -- after that action happened, I went to some prayer vigils there at the base at which people who had acted in that spoke.

Q. All right. So all that aside, you -- I've looked at your criminal history. You have been arrested a number of times.

A. Can I object to your -- didn't you say in the beginning that our criminal histories are not part of the record or something?

THE COURT: At this time. They have not -- the presentence reports have not been introduced into evidence, and so the government's asking questions about your criminal history now.

THE WITNESS: Okay. Can you repeat that?

BY MR. KNOCHE:

Q. Sure. You've been arrested a number of times for activities related to injury to real property, criminal trespass. Is that right?

A. What was the first one?

Q. Criminal trespass?

A. Before that.

Q. Injury to real property.

A. I don't know. Can you --

Q. Well, let's go back to 2016, not so long ago.

A. Yes.

Q. You were arrested in Burleigh County, North Dakota for disorderly conduct and criminal trespass?

A. Yes.

Q. Convicted?

A. Um, no, I think the case was adjudicated without a conviction, unless you have a record that says differently.

Q. In 2013 in Onondaga County, I believe that's Syracuse?

A. Yes.

Q. For a criminal contempt and obstruction you were arrested?

A. Yeah. As was previously testified to, that's where there's a -- the Hancock Airfield where there's a drone base, and in violation of all kinds of international and domestic law, we are murdering people with drones with impunity.

Q. Okay. So you were convicted of criminal contempt and obstruction?

A. I was convicted of what?

Q. Criminal contempt and obstruction and fined \$1,000. Sound right?

A. If that's what the record says, I won't dispute it.

Q. In July of 2014 convicted of trespass, maybe in New Haven, given 18 months' probation? Correct?

A. Yes. I should add, regarding the criminal contempt charge, that that was based on a -- on -- based on what they identified as a violation of an order of protection that is typically used to defend victims of domestic violence. An order of protection was issued on behalf of the base commander there, whom we had never met nor knew who he was. But it was sort of a gimmick that the prosecution used to convict us of more serious charges and to try to ensure that we wouldn't go back and exercise our First Amendment rights at the base.

Q. You're not disputing that you were convicted?

A. No.

Q. Okay. In 2000, disorderly conduct in Stratford, Connecticut?

A. Yes. Where they build the Black Hawk Helicopters.

Q. 45 days in jail for that?

A. Yeah. That was after I was in Colombia with the victims, children victims who were drawing pictures of the Black Hawk Helicopters bombing their villages. I felt quite -- conscience called me to block the gate there and actually to try to deliver a letter to the president of Sikorsky.

Q. October of 2007, resisting police, injury to real property in Currituck, North Carolina.

A. Yes. Where Blackwater, the mercenary army that has committed human rights violations all over the world.

Q. Oh, and also second-degree trespass.

A. Okay.

Q. 45 days in jail for that?

A. Yes.

Q. 1999, Hartford, Connecticut, convicted of trespass?

A. Yes.

Q. Disorderly conduct, Groton, Connecticut in 1994?

A. Yes.

Q. Disorderly conduct in Washington, D.C., 2010, what was the outcome of that?

A. I'm sure that was related to Witness Against Torture, the attempt to bring the names of the -- those held illegally in Guantanamo without charge or trial for appearance in court. We were trying to stand up for them and bring their names into the court.

Q. In 1997 do you recall you received a sentence of 24 months in Portland, Maine?

A. Yes.

Q. For conspiracy to damage government property?

A. Actually, it was a 13-month sentence, but, yes, that was a Plowshares action as well.

Q. And you'll have to -- I'm going by records which are in various degrees of completion, if you will. But another conviction perhaps in 1997, also in Portland, Maine, for damage to government property?

A. I believe that was the same.

Q. It was the same one?

A. I believe so.

Q. Thank you. Mr. Colville, you described the liturgy that you performed at Submarine Base Kings Bay April 4th through 5th, 2018. Part of that liturgy involved cutting a lock, entering through a -- what had been a padlocked fence, a gate onto the base? I mean, that was part of your liturgy?

A. Well, it was maybe a preamble. I mean we had to get to the place where the sacrament could happen.

Q. So it's walking in the front door then?

A. Beg your pardon?

Q. It's like walking into the door of the church, if you will.

A. Well, it's kind of a faulty analogy, but if you want to go that way, I suppose.

Q. Part of the liturgy included hammering and spray painting the missile display? I think you called it the shrine on Submarine Base Kings Bay.

A. Yeah. That was specifically addressing the idols that are present there, as is evident by what we in fact spray painted. Actually, I didn't spray paint anything, by the way. I used a large marker, a paint marker. So the image of spray painting is not one that I'm in love with because it kind of has an overtone of vandalism, and that certainly was not either our purpose or the effect of our action.

Q. Did you have blood that you spilled?

A. Yes.

Q. And as did all your other -- well, at least several of your co-defendants?

A. Well, I'll let them speak for themselves on that.

Q. And part of the liturgy involved removing lettering from the sign located in front of the Strategic Weapons Facility Atlantic?

A. Yeah. And that -- that was specifically to unmask the reality of idols that was present there. That -- you know, labelling that with some kind of an official term that had -- that gave the -- sort of the image of respectability, that needed to be removed in order to achieve what we were trying to achieve, namely, to remove the idols.

Q. So you thought that needed to be done, removing the lettering, marking with the markers, spilling blood?

A. It was all part of the liturgy, yes.

Q. You didn't seek permission from any person or figure in authority at Kings Bay to perform the liturgy; is that correct?

A. That's right. We wanted -- we wanted it to be a surprise.

Q. And so did not -- not only did you not seek permission, you didn't let anyone know you were coming. You didn't alert the officials that, hey, we're Kings Bay Plowshare, we're coming onboard April 4th through April 5th of 2018; permission to come



onboard. Didn't do that?

A. That would have made -- that would have made our purpose unattainable.

Q. And as you heard Ms. Hennessy testify a while ago, you did this -- you made this entry on base at night so as to avoid detection by military police, security patrols, whatnot. Is that correct?

A. Uh-huh. We had to go into a place of darkness in order to bring what is in darkness into the light. It was -- again, as I've testified, it was an essential thing to do, you know. Part of the Christian practice is, you know, what is hidden, the evil that's hidden needs to be exposed to the light. So, yeah, we had to go into darkness to find that.

Q. And it also had the practical advantage of helping you avoid detection?

A. Certainly.

Q. It had that practical advantage of keeping you from being deterred or apprehended prior or shortly after making entry onto the base?

A. Yes.

MR. KNOCHE: That's all I have, Your Honor.

THE COURT: Any additional cross-examination from any other defendants?

MS. McDONALD: I have a couple of questions, Your Honor, if nobody else does. Can I proceed from here, Your Honor?

THE COURT: If you would, step to the podium, so the court reporter can hear you.

Q. Mr. Colville, did you believe that had you asked the military for permission to perform your liturgy, as you've described it, that you would have been granted permission to do so?

A. No. We wouldn't have been, in my opinion, and I've expressed that opinion from a significant experience in some of the cases that the prosecutor raised before. It's not like we haven't asked before.

Q. Is that why you did not ask at this particular occasion?

A. Yeah. I would say yes.

Q. And with respect to the other arrests that you've been questioned about, did any of those prior arrests involve the exact same sacramental acts that you demonstrated in this particular case?

A. Well, I've participated in three Plowshares actions in the

course of my life, and I would say those other two, yeah, they involve the same kind of sacramental action.

Q. Were they exactly the same or did they differentiate in any manner?

A. Well, I mean they were in different places. One -- let's see. The one in 1997 in Bath, Maine, was at a place called Bath Iron Works where the ships are actually built. So I'm not sure that that's actually a naval base. So it was a different location, although the ship had been turned over to the Navy. And then in 2003 I was -- I went to New York City during Fleet Week on the Hudson River when we did a Plowshares action on a nuclear-capable battleship there on the Hudson River. Interestingly, I was never charged criminally in that case, nor did I ever return to that place.

Q. I guess my question was more geared towards did you actually perform the liturgy acts that you did in this particular case?

A. Oh, yes.

Q. Okay.

A. Yes.

Q. And you're saying in one of the prior occasions you were not criminally prosecuted?

A. That's correct.

Q. And you never returned to perform the liturgy at that location?

A. That's correct. They do that Fleet Week every year, every Memorial Day weekend. And so, yeah, I never returned to that place.

MS. McDONALD: Okay. I have no other questions.

CROSS-EXAMINATION

BY MR. CLARK:

Q. When Ms. Hennessy testified, she was asked the question by Mr. Knoche, and I want to make sure that you agree with this statement. Isn't it true that if the military base were to provide a specific time or area on the base near the site of the sin, you could perform your actions at that time and place and satisfy your religious beliefs if you were allowed to?

A. Can you repeat that, please?

Q. If there were a designated time, space on the base near the site of the sin, we've --

A. Uh-huh.

Q. -- you know, gone through the testimony about why it's

important that your actions, your sacramental actions take place in proximity --

A. Right.

Q. -- to the area where the nuclear weapons are housed. That you could, in fact, perform your actions if you were allowed access to it?

A. Oh. Yeah. I don't see why not. Sure. Yeah. It's -- it's quite a hypothetical at this point, given the posture of the government and the reactionism that we get. But, yeah, I mean, absolutely we could have performed the liturgy as a sacrament, yeah. We could have done that.

Q. The question as posed by the government if the base did allow you access there, you could do it and that would satisfy your requirements, your deeply held religious belief?

A. I think so.

MR. CLARK: Thank you.

THE COURT: All right. If there are no further questions from any other co-defendant, Mr. Colville, because you are proceeding pro se and you had the assistance of Mr. Daloisio for your questioning, I'll give you a brief opportunity if you have any additional information you want to convey to the Court in light of all the questions asked, you can do so now at this time in narrative form, if you would like to.

THE WITNESS: Thank you. I just -- can I have a moment?

THE COURT: Of course.

THE WITNESS: Thanks. I think we've covered it. Thanks a lot.

THE COURT: All right. Thank you, Mr. Colville. You can step down.