

EXHIBIT 12

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

ISRAEL ALVARADO, et al.,	:	
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	Case No. 1:22-cv- 0876-AJT-JFA
	:	
LLOYD AUSTIN, III, et al.,	:	
	:	
<i>Defendants.</i>	:	
	:	
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DECLARATION OF CAPTAIN (RET) STEVE BROWN, CHC, USN

Pursuant to 28 U.S.C. § 1746, I, Steven D. Brown, declare as follows:

1. My name is Steven D. Brown. I am a retired Navy chaplain and current endorser for the Associated Gospel Churches (“AGC”), located in Greenville, SC, where I also live. I am competent to testify on and have personal knowledge of matters addressed in this declaration.

2. I began my military career by enlisting in the United States Marine Corps Reserve in February 1980. I served as a "Cobra" helicopter mechanic (MOS 6114) in HMA-773, MAG-42 for five years drilling at NAS Atlanta, while I completed college and seminary. In August 1984, I returned to Bob Jones Seminary to complete my Master of Divinity degree, was endorsed by AGC and was commissioned an Ensign in the Navy’s Theological Student Program Officer - now known as the Chaplain Candidate Program or “CCP”. I superseded to active duty in the Navy Chaplain Corps in January 1987. My career as a Navy chaplain included assignments to Navy chapels in the United States and overseas, multiple assignments with the Marines, four ships, the Coast Guard, Seabees, and multiple headquarters. After selection for CAPT, I assumed my duties as FIRST NAVAL CONSTRUCTION DIVISION Chaplain in 2007, and then Second

Marine Division Chaplain in March 2010, subsequently deploying as the Regional Command (Southwest) /II MARINE EXPEDITIONARY FORCE (Forward) Chaplain in Helmand, Afghanistan from March 2011- March 2012.

3. Returning to Camp LeJeune, I subsequently retired on 1 February 2013 after almost 33 years of active and reserve Navy and Marine Corps service.

4. AGC was my endorser throughout my Chaplain career. I mention my career only for the purpose of establishing my military experience and personal knowledge of the Navy and its Chaplain Corps (the “CHC”).

5. Upon retirement, I assumed responsibilities as the President of AGC located in Greenville, SC, and endorser for its chaplains. AGC currently endorses over 100 active duty and reserve military chaplains.

6. I make this declaration to address the question whether the terms “rite , ritual or ceremony” can be limited or defined to apply only in a secular meaning, such as “a marriage ceremony” or the “baptismal rite.”

7. The answer to that question is “no” because of two realities in the Chaplain Corps, First the military chaplaincy operates under the principle of “pluralism” in which chaplains of different faith groups, traditions and theological positions operate together with the understanding that we respect the right of others to have viewpoints and positions on significant theological questions and practices that are different than my own tradition or belief system. “Respect” does not equal agreement. Simply put, what one chaplain may see as a rite, another may see as a ceremony, or a ritual, or nothing at all.

8. The second reality addresses the question, “When is a Military Chaplain a Chaplain, and when is he just an Officer? The answer is, the Chaplain is always a Chaplain every moment of

every day. He is an Officer because he is a Chaplain, *not* a Chaplain because he is an Officer. 9

The Chaplain's Endorsing Agency endorsed him to be a *Pastor-in-Uniform*, not a Morale Officer, Spiritual Readiness Officer, or secular Social Worker, and the Endorser expects the Chaplain to serve continually as a *Pastor-in-Uniform*.

10. Even when the Chaplain is involved in supposedly *secular* tasks in his Military Service, the chance for him to *instantly* provide Religious Ministry in keeping with the free-exercise clause and his endorsement exists *continually*. There really is no difference between the secular and the sacred, for the Chaplain, all ground is Holy Ground. Something as simple as visiting a Motor-pool can become a religious event. The Motor-pool can become a make-shift Confessional or counseling space, and even a place where a sacred Religious Rite is officiated or dispensed by the Chaplain. Religious Rites are not restricted to being dispensed only in Chapels.

11. Convoys become religious and sacred moments when the Chaplain is asked to pray prior to shoving-off on an IED infested road. What starts out as a good idea evolves into a Religious Rite to be officiated by the Chaplain before every future Convey departs.

12. A troubled Soldier, after being dismissed from the Command's Indoctrination Course at his new Command asks the Chaplain in the hallway about a sinful issue in his life, and the Chaplain on the spot offers him Religious Education in the Biblical view of Human Sexuality and Morality. It becomes a sacred moment that moves from the open hallway to an empty Classroom where the Sacred Religious Rite of Confession and Repentance take place with that Soldier.

13. The religious transformation Evangelical Christians call being "born again", "turning from darkness to light" may be called different things by different religious groups, a rite, a ceremony, or a ritual, *e.g.*, saying the "sinner's prayer"; what secular terminology is applied does

not matter. What matters is that a spiritual transaction takes place that fulfills the mission of the chaplain, to bring the sacred into the secular, and to turn or connect service personnel to their God. The term by which that event is described rests with the chaplain and his/her endorser, the chaplain is hired and commissioned as a “religious expert” and it is not for others, especially the government who must remain neutral in areas of religion, to define religious terms to suit their own ideologies or purposes.

14. Sacred Religious Rites can be dispensed almost anywhere. On July 2, 1963, a Roman Catholic Priest Chaplain offered absolution to his troops before the bloody battle at Gettysburg, a Religious Rite that was not available to them before the battle as they had been in long forced marches the previous 2-3 weeks.

15. It would be suicide for a Commander to bog down his Chaplain with only secular responsibilities or force him to only be involved in Religious Rites in the Chapel. The fact “10 U.S. Code § 7073 – Chaplains” exists is an attestation to the critical Religious Service Military Chaplains bring to our men and women in Uniform.

16. A simple conversation can become a “ceremony” or a “sacred rite” such as when a repentant sinner testifies to the change in his/her life because they’ve made their peace with God through repentance. To a chaplain, it’s a transaction that takes place between individuals at the instigation of and in the presence of God. Thus, the transaction which convey’s the military person’s surrender of his life to the authority of God can be a rite, ritual or a ceremony, just like the opposite, when a person publicly (even if it’s in private) surrenders his/her conscience to do something he/she know is wrong or forbidden by their faith. This “ceremony”, “ritual” or “rite” takes on special significance to the chapla Steve, in because of who and what the chaplain represents and the message the action conveys.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

August 12, 2022

/s/ Steven D. Brown
CAPT Steven D. Brown, CHC, US (Ret)