

Eli Baumwell, Policy Director
4615 Public Hearing Remarks

Good morning Mr. Chairman, Delegates, and Senators.

My name is Eli Baumwell, and I am the policy director for the ACLU of West Virginia. I'm here to speak in opposition to House Bill 4615.

I'm pleased to have colleagues here who can speak to legal concerns and to the concerns of organizers and activists. But as the resident "policy person" at the ACLU – I want to highlight a few reasons why this piece of legislation is bad public policy.

First – It's redundant and contradictory to other policy prerogatives. Over the past few years, this body has taken important and very laudable steps towards reversing the trend of mass incarceration that is destroying our communities and overcrowding our jails and prisons. This bill bucks that trend by taking things that are already criminal – I want to repeat that – these are already criminal. And creating harsher penalties. If this body is going to remain committed to criminal justice reform – and I sincerely hope it is – then that commitment should be universal – at very least, there shouldn't be carveouts for special interests.

Second – This is going to hurt YOUR OWN knowledge of issues that are important to your constituents. This bill, and it's ilk around the country seek to squash protests that are typically aimed at raising awareness of key issues that have not gotten the attention of the public, of policy-makers, or of the media. It is ONLY because of the protest activity that people – including policy makers become aware of the issues. Now, you may not agree with the protestors, or their tactics. But I know all of you want to know what is going on and be able to take informed positions. You hurt yourselves if you limit these types of protests.

Third – you actually make protests more dangerous. If people are angry enough they will protest regardless. Trespass, sit-ins, occupy movements have been very effective non-violent, non-destructive ways of doing this. But as you try to quash these people will find other ways to be involved. Organizations that might have been involved in these protests before, and helped to provide guidance, training and organization that can help ensure these protests happen in a safe manner will be less likely to do so if they face potentially criminal and civil liability as an entity. The result will likely be less organization, less control, and more danger for everyone involved.

These are far from the only reasons that you should be opposed to this legislation, but I hope you will consider these issues, along with all the others you have heard and will hear this morning, and will reject House Bill 4615. Thank you very much.