



Mr. Chairmain and members, good morning. My name is Eli Baumwell, and I am the policy director with the American Civil Liberties Union of West Virginia. I am here to speak in opposition to House Bill 2114.

On its face, this piece of legislation is a constitutionally suspect prior restraint on speech as it creates criminal penalties for certain content -- in this case voting or even consideration of an "unauthorized amendment." In fact, the entire notion that a delegate or delegates to an Article V convention could be limited is questionable. It is generally contrary to our understanding of representative democracy that we can restrain representatives in the manner that this bill attempts to do. And of course, since we do not know what rules would be imposed by the convention on the appointment or independence of delegates, it is easily conceivable that this law could violate the basic rules of the convention anyways.

Beyond these concerns, this bill is just bad policy. As anyone who has spent any time considering any piece of legislation is aware, it is often necessary to address more than initially considered. Other provisions, related policies, and downstream consequences have to be addressed. Often these come up quickly and unexpectedly. It is entirely foreseeable that West Virginia delegates, so encumbered would be barred from those debates without first seeking leave of the legislature to modify their mandate. This could leave West Virginia out of the debate. Of course, we also open the door to losing our voice if the Convention has proportional representation.

Of course, these are the types of uncertainties that are inherent in calling for an Article V convention. And this is why the ACLU opposes such a call. So, I would urge this body to reject HB 2114 and further, to rescind their call for an Article V as in House Concurrent Resolution 81. Thank you.