

TOWN OF WESTERLY, RHODE ISLAND
RESOLUTION IN OPPOSITION TO STATE FIREARMS LEGISLATION
(SECTION 1, TITLE 11, CHAPTER 47.2 OF THE RHODE ISLAND GENERAL LAWS SPECIFICALLY
ENTITLED 'AN ACT RELATING TO CRIMINAL
OFFENSES – UNLAWFUL SALE OF PROHIBITED FIREARMS'
[ALSO KNOWN AS THE RHODE ISLAND ASSAULT WEAPONS BAN OF 2025]

WHEREAS, the Town Council of the Town of Westerly pursuant to Rhode Island statute and the Town of Westerly Charter, is vested with the authority of administering the affairs of the Town of Westerly, Rhode Island; and

WHEREAS, the Second Amendment to the United States Constitution, ratified on December 15, 1791 as part of the Bill of Rights, guarantees and protects the individual right of the people to keep and bear arms; and

WHEREAS, the United States Supreme Court case of Marbury v. Madison, 5 U.S.137 (1803), is arguably the most important case in United States Supreme Court history, establishing the preeminence of the United States Constitution above all laws and the principles of Judicial Review; and

WHEREAS, the United States Supreme Court in Marbury v. Madison, 5 U.S.137 (1803), established that it is impossible for a law which violates the Constitution to be valid, with Chief Justice John Marshall's written decision specifically affirming that " a law repugnant to the constitution is void, and . . . courts, as well as other departments, are bound by that instrument."; and

WHEREAS, the United States Supreme Court in District of Columbia v. Heller, 554 U.S.570 (2008), affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment and is applicable to the states; and

WHEREAS, the United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and

WHEREAS, Article I, Section 22 of the Rhode Island Constitution adopted in 1842, explicitly provides that "The right of the people to keep and bear arms shall not be infringed."; and

WHEREAS, Article I, Section 6 of the Rhode Island Constitution provides that "The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation and describing as nearly as many as may be, the place to be searched and the persons or things to be seized."; and

WHEREAS, as a matter of general principle, and in recognition of over 230 years of lawmaking under the guidance of the Constitution for the United States of America having properly established numerous laws regarding criminal use of firearms that are wholly adequate when judiciously enforced such that additional laws are unneeded, any law which upon passage renders a life-long law-abiding citizen a felon through no action of their own, is an unjustified law and should be unconstitutional under multiple amendments in the Bill of Rights; and

WHEREAS, the United States Civil Rights Act of 1866, in enacting 18 U.S. 242 established that it is a crime for anyone "Whoever, under the color of any law, statute, ordinance, regulation or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States."; and

WHEREAS, it is the desire of the Town Council of the Town of Westerly to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Rhode Island Constitution which protect the citizens of the State of Rhode Island's individual right to keep and bear arms; and

WHEREAS, the Westerly Town Council members each took an oath to support and defend the United States Constitution, the Rhode Island Constitution, and the laws of the State of Rhode Island which are not deemed unconstitutional by a court of competent jurisdiction, and the Charter of the Town of Westerly; and

WHEREAS, the Westerly Town Council members give great weight to and adhere to the belief of James Madison, Jr., the fourth President of these great United States that: "Oppressors can tyrannize only when they achieve a standing army, an enslaved press, and a disarmed populace"; and

WHEREAS, the Westerly Town Council desires to protect the rights of law-abiding citizens, and that individuals who have committed crimes with firearms should be fully prosecuted with existing laws on the books; and

WHEREAS, Senate Bill S0359 has been adopted by the Rhode Island State Legislature and was signed into law by Governor Daniel J. McKee on 26 June, 2025. This law specifically addresses so-called prohibited firearms yet is without any action regarding their ownership. The language and conditions within this law are ill framed, inconsistent, and confusing to their purpose, while being expressly counter to the guarantees of Rights as enumerated within the Constitutions of the United States and the State of Rhode Island; and

WHEREAS, the inconsistencies within the law create an undue burden of confusion upon the people of the State of Rhode Island, a condition of legal uncertainty and risk for the trusted and respected men and women within our law-enforcement community and, correspondingly, has created a greater rift of further distrust between the law-abiding citizenry and their government; and

WHEREAS, Johns Hopkins Bloomberg School of Public Health Center for Gun Violence Solutions report that "Rhode Island had the lowest overall gun death rate and gun suicide rate in the country in 2022." – is further evidence of the effectiveness of laws already in existence in Rhode Island; and

WHEREAS, the limited gun violence that does exist is not from law-abiding citizens who own firearms, but from criminals who pay no attention to any existing or proposed laws, so it naturally follows that any bills restricting the rights of firearm owners will have NO impact on the criminal element responsible for gun violence; and

WHEREAS, the categorical description of so-called "assault weapons" remains undefined as this term is inconsistent with respect to the specific descriptor definitions within the United States' National Firearms Act (NFA). The legislation signed by Governor Daniel J. McKee is sweepingly broad, not limited to any particular type of firearm, nor specific class of firearm. Rather this law is dependent on prohibitions on the ownership of firearms, exhibiting or otherwise incorporating certain features. These prohibited features are those which largely protect the user, allow for greater control in use and therefore ensure safer operation in general. Clearly, given the prohibitions within this legislation now come to law, many semi-automatic firearms currently in common use for all lawful purposes - none of which have been part of the so-called "gun problem." – are now legally defined as 'prohibited' for Rhode Islanders; and

WHEREAS, this law only criminalizes law-abiding citizens from exercising their Constitutional right for acquiring, owning, or otherwise conducting private and personal business regarding lawfully owned firearms, and

WHEREAS, this law will also indirectly impact our economy in general and directly impact federally licensed firearms dealers, that own and operate businesses within our State as this restricts their sales, and livelihood; and

WHEREAS, the provisions of this law are unclear as to the disposition of legally owned so-called 'prohibited firearms' as property, upon the passing of the lawful owner with respect to the transfer of recognized 'inherited private property' by the heirs and assigns of the decedent; now therefore, be it hereby

RESOLVED: That the Town Council of the Town of Westerly takes the following position on state legislation that knowingly and intentionally abridges our Second Amendment rights. We find and declare that this firearms restriction law, as enacted by the Rhode Island General Assembly, and signed by Governor Daniel J. McKee, irrefutably infringes upon the rights of the People of the Town of Westerly and the People of the State of Rhode Island to keep and bear arms. We are collectively opposed to the infringement of these rights enumerated within the Constitutions of our Country and State by our Founding Fathers; and be it

FURTHER RESOLVED: That the Town Council of the Town of Westerly affirms its unwavering support for the Westerly Police Department and places great trust in their exercise of sound discretion when facing circumstances of the enforcement unjust laws depriving law-abiding citizens of their rights guaranteed and protected under the Constitutions of the United States and the State of Rhode Island; and be it

FURTHER RESOLVED: That, as this law is without communicating any related funding to local municipal governments; the Town Council of the Town of Westerly will not otherwise authorize, nor appropriate any such funds for the provision of any secure capital building space and/or the purchase of secure storage systems, such as the State may later require in order to store any so-called 'prohibited firearms' that may be turned in, delivered by or otherwise received from, any law-abiding citizen as a result of their uncertainty regarding the requirements and restrictions placed upon them by this unjust and unconstitutional law that infringes on the rights of the People of the Town of Westerly to keep and bear arms; and be it

FURTHER RESOLVED: That a copy of this Resolution be forwarded to every Rhode Island Municipality, State Senator Victoria Gu, State Representative Samuel Azzinaro, State Representative Brian Patrick Kennedy, and State Representative Tina Spears, Governor Daniel McKee and Lt. Governor Sabina Matos respectfully requesting their support.

ADOPTED: August 18, 2025

A true copy dated: August 19, 2025

ATTEST: 

Mary L. LeBlanc, MMC
Council Clerk