

March 24, 2025

Honorable members of the House Judiciary committee.

I am writing to express my opposition to **H 5436** the so called "Assault Weapons" ban. I regret not being able to testify in person but I am out of state on business.

So as a citizen who has raised his right hand a few times to affirm an oath to support and defend the Federal and State Constitutions multiple times, first as an active duty soldier in the US Army, then as a member of the RI National Guard, then as a Police Officer in the City of Warwick, and now as a civilian employee working for the Federal government it offends me that this bill was even proposed. And I gently remind you, you also swore an oath to support and defend our constitution.

Let us begin with constitutionality. The Rhode Island state Constitution has a "Declaration of Certain Constitutional Rights and Principles" in the beginning of Article I. It states, "In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, **we do declare that the essential and unquestionable rights and principles hereinafter mentioned shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial and executive proceedings.**"

So the founders of our state felt that the sections contained within Article I are very important. To use their words "**Shall be maintained and preserved and are of paramount importance.**"

Article I Section 22 "**Right to Bear Arms**" states "**The Right to keep and bear arms shall not be infringed**". Pretty simple right? So the document that codifies the rights of Rhode Islanders says very plainly that the rights contained in the document are essential and unquestionable and shall be maintained and preserved and are of paramount obligation. And further it states that the Right to Keep and Bear Arms shall not be infringed. It's as clear as day.

If you truly believe in honoring the oath you swore to uphold our state constitution then you will not allow this bill to become law.

Secondly, the Supreme Court of the United States (SCOTUS) has ruled in the case of *District of Columbia v. Heller* that the 2nd amendment protects the right to keep and bear arms for self-defense, and protects arms in "common use". All of the arms that HB5436 proposes to ban are actually arms in common use and protected by the above mentioned *Heller* ruling. This issue has already been decided.

Rhode Island does not have a gun violence problem, and the vast majority of gun related crimes are performed with handguns. I worked in RI law enforcement for 23 years, serving as a patrol officer, detective sergeant, Internal affairs lieutenant and retired as detective Captain so I believe my opinion to be qualified. I also served on Warwick's SWAT team for almost 10 years. I never feared being attacked with an "Assault weapon" as the overwhelming majority of gun owners are law abiding citizens.

Banning weapons that I have owned for over 20 years does nothing but make me unarmed and keeps me from being able to protect myself and my family and also prevents me from using my guns at the range for competition and enjoyment. I have been a member of the Ashaway Sportsman club for the past 15 years and have many

fond memories of range days teaching my children safe gun handling with the very guns that are being proposed to be banned.

Criminals will continue to commit crimes with guns because they don't follow the law. Gun crimes are already illegal. Murder is illegal, shooting someone extra-judiciously is illegal. Just like we don't ban cars because people drive under the influence banning guns because people commit crimes with them is illogical. All you are doing is attempting to punish law abiding citizens by taking away their god given right to self-protection. And remember these rights are endowed by the creator and are unalienable as the Declaration of Independence stated. The government does not grant these rights and cannot take them away.

I realize referring to the Constitution makes me sound like one of "those people", but I truly believe in the Republic in which we reside and the reasons it was created. Life, Liberty, and the pursuit of happiness. Please don't attempt to restrict my liberty or pursuit of happiness. I take my oaths seriously because I have lived them everyday since I was 18 years old. Please remember your oath as well. I urge you, do not pass this bill.

Respectfully,

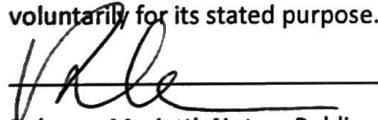


Andrew P. Tainsh

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Hope, RI 02831

On this 24th day of March 2025 in the County of Providence, State of Rhode Island, before me the undersigned notary public, personally appeared Andrew P. Tainsh, personally known to the notary to be the person whose name is signed on this document, and acknowledged to the notary that he signed it voluntarily for its stated purpose.



Rebecca Marietti, Notary Public.

Notary # 755993

My commission expires November 18, 2025

