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High court: No constitutional right to carry a knife in Seattle

Majority of state Supreme Court finds kitchen knives aren't 'arms,' don't get protection

BY LEVI PULKKINEN, SEATTLEPI.COM STAFF Updated 11:05 am, Thursday, December 31, 2015



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The Washington state Supreme Court as composed in 2015. From left: Justice Mary Fairhurst, Justice Sheryl Gordon McCloud, Associate Chief Justice Charles Johnson, Justice Charles Wiggins, Chief Justice Barbara Madsen, Justice Steven Gonzalez, Justice Susan Owens, Justice Mary Yu and Justice Debra Stephens.

Upholding a city of Seattle ban, the Washington state Supreme Court has ruled that there is no constitutional right to carry a knife.

Writing for the majority, Justice Charles Wiggins said neither the state constitution nor the Second Amendment of the U.S. Constitution block the city law against carrying knives. The 5-4 split decision enables local restrictions against knives that likely could not be extended to firearms.

“While almost any common object may be used as a weapon, that does not necessarily mean that possession of otherwise innocuous objects that could be wielded with malice will trigger the constitutional protections afforded to ‘arms,’” Wiggins said in the majority opinion.

Wayne Anthony Evans was carrying a sheathed kitchen knife when a Seattle police officer pulled him over in February 2010 while driving in the city’s Central District. Evans, who had been stopped for speeding, told the officer he had a knife in his pocket when asked.

City of Seattle prosecutors charged Evans with unlawful use of weapons under a city ordinance declaring it illegal for anyone to “carry concealed or unconcealed ... any dangerous knife.” Dangerous knives are defined as any fixed-blade knife and any knife having a blade longer than 3 1/2 inches.

Evans was convicted of the misdemeanor following a jury trial. He appealed the conviction, claiming the city ordinance violated his constitutional rights.

Wiggins said in the opinion that a recent U.S. Supreme Court ruling against local government gun restrictions doesn’t extend constitutional protections to small knives. The majority found that cooking knives don’t qualify as “arms.”

“It is true that some weapons may be used for culinary purposes, as it is also true that many culinary utensils may be used when necessary for self-defense; but it does not follow that all weapons are culinary utensils or that all culinary utensils are weapons,” Wiggins said in the majority opinion.

“If a kitchen knife is a protected arm, what about a rolling pin, which might be effectively wielded for protection or attack? Or a frying pan? Or a heavy candlestick?” he continued.

Writing in dissent, Justice Mary Fairhurst said a 2008 U.S. Supreme Court decision that invalidated a Washington, D.C., handgun ban does away with the city ordinance as well.

Fairhurst described Evans as a “law-abiding citizen carrying a fixed-blade knife for self-defense.” She also noted that the exact type of knife Evans was carrying remains unclear, in part because it was destroyed after his trial in Seattle Municipal Court.

But the type of knife, in Fairhurst's view, wasn't important because it was clear Evans was carrying to defend himself.

"The right to self-defense is central to the Second Amendment," Fairhurst said, describing the earlier U.S. Supreme Court decision.

"I would find that Evans' activity was within the scope of the Second Amendment because he was carrying his fixed-blade knife for self-defense, a fact that remained unchallenged by the city of Seattle, and seemingly ignored by the majority," she continued.

Wiggins was joined in the majority by Chief Justice Barbara Madsen as well as Justices Debra L. Stephens, Steven Gonzalez and Mary Yu. Dissenting were Justices Charles Johnson, Susan Owens, Sheryl Gordon McCloud and Fairhurst.

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