

State Supreme Court: Paring knives not protected by 2nd Amendment

By

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SEATTLE — A divided Washington Supreme Court **ruled last week** (<http://www.courts.wa.gov/opinions/pdf/906084.pdf>) that a Seattle law prohibiting people from carrying fixed-blade knives such as kitchen utensils for self-defense does not conflict with the Second Amendment of the U.S. Constitution.

In a majority opinion written by Justice Charles Wiggins the court said Thursday that small paring knives are not covered by the amendment guaranteeing the right to bear arms.

He called such knives a utility tool, not a weapon.

“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 wrote.

The case stems from a traffic stop in which Wayne Anthony Evans was arrested after telling an officer he was carrying a knife after being asked if he had any weapons. He was convicted of unlawful use of weapons.

His appeal focused on the Second Amendment, saying the Seattle statute infringed on his right to bear arms.

The court ruled 5-4, with a strongly worded dissent written by Justice Mary Fairhurst.

Fairhurst wrote that the Seattle law is too broad and likely unconstitutional, in part because the Washington laws cannot offer lesser protections than the Constitution. She argued that the fixed-blade knife is a bearable arm and protected by the Second Amendment.

“Scholars have recognized that ‘knives are indisputably militia arms’,” she wrote.

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