

**STATEMENT OF KNIFE RIGHTS IN OPPOSITION TO BOSTON CITY COUNCIL
ORDINANCE DOCKET#1366 REQUIRING LICENSING OF CERTAIN STORES THAT SELL
CERTAIN KNIVES – NOVEMBER 18, 2011**

Knife Rights is a grassroots membership organization dedicated to providing knife owners an effective voice to affect public policy.

Knife Rights and its members are adamantly opposed to the ordinance Docket#1366 for the following reasons:

- 1) The proposed ordinance violates the Constitution of Massachusetts because under Amendment 89, Art 2, Sec 6 MA Const., a municipality may only pass an ordinance, which is not inconsistent with State law. Under Massachusetts General Law a convenience store is free to sell knives without a license so long as the knives being sold are not prohibited by State law. The ordinance that is under consideration conflicts with state law by imposing a license requirement that does not exist anywhere else throughout the state. It forbids what state law allows and therefore is inconsistent with Massachusetts state law, in violation of the State Constitution. Moreover the ordinance puts convenience store owners at a disadvantage compared to other retailers both inside and outside of Boston (who are not similarly restricted), and unfairly impacts their businesses, in violation of basic equal protection principles.
- 2) Those intent on doing injury to others always find ways to obtain instruments of harm, whether a knife, gun, baseball bat, broken bottle, or box cutter. This ordinance will do nothing to prevent criminals from obtaining weapons. As a matter of fact, criminals have no problem getting knives even while in prison - they make knives out of everything from toothbrushes to random pieces of metal. The knives that the council is hoping to control will still be available outside city limits, over the internet, and at stores not covered by the ordinance as well as many other places. And, let us not forget the ubiquitous availability of kitchen knives in every household. The ordinance will only result in the hindrance of law-abiding citizens and penalizing honest business owners.
- 3) Massachusetts law and Boston Ordinance already provides for numerous restrictions of the possession, sale and distribution of knives (see GML pt4, title 1, chapter 269, sec 10, 12 and Boston Municipal Code 16-45 1,2,3,4). These laws are sufficient to prosecute anyone intent on doing harm with a knife or illegally selling a knife. Massachusetts General Law is replete with statutes which may be used to prosecute any bad behavior involving a knife that one can conceive, any other weapon (see title 1, chapter 265 for just a sample), or any store that illegally sells knives to minors or sells illegal knives.
- 4) Placing additional burdens upon businesses, especially in the current economic environment, is damaging to the economy.
- 5) The ordinance will not prevent crime. Most crimes committed with knives are committed with kitchen knives. Further, the size of a knife is no measure of its likelihood to be used in a crime. Bostonians certainly are aware that on September 11th 2001 box cutters with blades of approximately one inch long were used to hijack four airplanes causing the most deadly attack on the United States in history.

In addition, even assuming it was legal for the Council to enact the proposed ordinance, it is fatally flawed in many respects and likely unenforceable as a result

- 1) The ordinance contemplates exempting from the licensing scheme “department stores” and “hardware stores,” but does nothing to exempt camping, hiking and similar outdoor sports stores, lumber yards, restaurant supply stores, plumbing supply stores, electrical supply stores, and many other businesses which sell knives. Any one of these types of stores, which sell many types of knives, may be found to be in violation of this ordinance, not being specifically exempt, unless they obtain a license. However, they are unlikely to obtain a license because they don’t meet the poorly crafted definition of a “convenience store”
- 2) The proposed ordinance is vague in its definition of a knife, requiring a license to sell knives with a blade “of two inches or more.” For example, it does not define how the blade is to be measured. For instance shall the blade’s sharpened edge be measured? If so, is it from the handle, from the choil, from the point at which the blade meets the handle, and how will knives with no “handle” be measured? A business has no way of knowing any of these things if they are not clearly defined in the ordinance, and the ordinance is unenforceable as a result.

Respectfully Submitted by:
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