

For Immediate Release

## **KNIFE RIGHTS CONTESTS DA's CLAIMS, TACTICS ON ILLEGAL KNIFE SALES IN NYC**

June 20, 2010, Washington, DC: Knife Rights, a national organization representing Americans who own and use knives in everyday life, has challenged the actions, legal conclusions and facts presented by Manhattan District Attorney Cyrus Vance, Jr. when he announced a large-scale investigation aimed at clearing illegal knives from the shelves of city stores.

In a June 17 press conference, Vance announced that fourteen retailers, including Home Depot, Orvis, Eastern Mountain Sports and Paragon Sports, had been accused of selling illegal gravity knives and switchblades. Seven of those accused had reportedly cleared the reputedly illegal folding knives from their shelves and had entered into settlement agreements to avoid prosecution.

Knife Rights Chairman Doug Ritter calls the press conference "political grandstanding," and takes issue with the facts presented by Vance, characterizing them as either deliberate misrepresentations or half-truths.

"Grandstanding may play well with his constituency," Ritter says, "but millions of Americans understand these are the same common pocket knives they carry and use legally every day all over America."

Some forty million Americans carry a pocket knife, according to industry figures, and 80% of knives sold in America are one-handed openers with locking blades. The increased practicality and safety of these commonly used tools over more traditional pocket knives accounts for their widespread popularity.

Among those "illegal" knives displayed by Vance were Husky folding utility knives, the subject of a landmark 2007 knife law case (United States v Irizarry.) In Irizarry, an essentially identical folding utility knife purchased from Home Depot resulted in a knife possession arrest by NYPD. Subsequently, the type was specifically found to not be a gravity knife under New York law.

In his ruling, Senior Federal District Judge Jack Weinstein wrote:

"The prevalence of this instrument and its everyday use by law abiding mechanics makes unreasonable any inference of illegal activity drawn merely from the observation of such an instrument clipped in an individual's pocket.

...The instrument which defendant had in his possession is a common tool. Its open possession is the equivalent of a carpenter carrying a hammer or an individual in the street carrying a cellular phone. The law cannot define as criminals tens of thousands of mechanics who are required to carry such tools in order to earn a living. Claw hammers, used by carpenters, can be used to smash

skulls, screwdrivers, used by electricians, can be used to stab bodies and wall board cutters can be used to cut jugular veins, but those are not the intended or designed for uses of such instruments."

(For the full ruling, see [www.KnifeRights.org/USvIRIZARRY.pdf](http://www.KnifeRights.org/USvIRIZARRY.pdf))

Ritter noted that despite such clear precedent, District Attorney Vance displayed identical folding utility knives at the press conference as examples of illegal gravity knives. "Judge Weinstein's decision relating to the ubiquitous and generally useful nature of the tool," says Ritter, "equally applies to all of the widely available and commonly used pocket knives that were seized and displayed."

Further, Ritter says, Vance claimed in the press conference and on a video shown and distributed there, that arrests for knife possession were up to 3000 last year.

"That appears to be a quite an exaggeration since the DA's own press release put the figure at 2,269," said Ritter. "In any case, the numbers are meaningless. Whichever number is used, it simply represents the increased abuse of New York's law against gravity knives and has no relevance to any use of such knives in criminal activity."

"In virtually every case where those accused have competent legal representation, the charges are dropped or dismissed," Ritter concludes, "Unfortunately, not all plaintiffs get attorneys well-versed in the issue. That doesn't change the fact that overly broad application of New York's law is indefensible."

Vance's press conference also cited 19 of 59 stabbing homicides in Manhattan in 2009. He failed to mention how many were attributed to so-called "illegal gravity knives or switchblades."

"The vast majority of such crimes in the U.S. are committed with common kitchen knives. Where folding knives are used, they are often traditional, old-fashioned pocket knives designed for two-handed opening," said Ritter.

Knife Rights also slammed Vance's call for the misdemeanor knife charges to be "DNA eligible" (e.g. eligible for a DNA swabbing of anyone arrested for possession.) "All this for a simple misdemeanor charge, which itself is being so blatantly abused?" asked Ritter. "This only shows how off-the-mark all this is in regard to legal possession and use of these legitimate tools by law-abiding citizens."

Knife Rights has successfully challenged and modified state and federal laws on folding knives. Most such restrictive laws date back to the 1950s and reflected a national reaction to Hollywood's exaggerated portrayal of the youth gang culture of the era.

Knife Rights ([www.KnifeRights.org](http://www.KnifeRights.org)) is America's Grassroots Knife Owners Organization™, working towards a Sharper Future™ for all knife owners. Knife Rights is dedicated to providing knife owners an effective voice in public policy.

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