

April 6, 2011

A letter in regards to HB 55 (2 pages)

DEAR REP. NEUMAN

AND
CO-SPONSORSHIP

As a lifelong Alaskan, I would like to express my appreciation for your support of HB55: "An Act adding definitions of 'gravity knife' and 'switchblade' to the Criminal Law". I presume it was motivated by the recent attempt by US Customs to redefine "switchblade" in Federal law to include common one-handed opening pocket knives, the same pocket knives owned and carried by thousands of law-abiding Alaskans. That something so obvious need be formalized in law is disheartening and seemingly unnecessary.

My purpose in writing, however, is to address another seemingly unnecessary bit of law; the restriction on the purchase and transfer of those gravity knives and switchblades in Alaska state statute and the existence of differing restrictions on their possession and carry at the Municipal level. As you may or may not be aware, over half the states in the US currently allow the purchase, transfer, and possession of automatic knives by law-abiding citizens. Most of those allow the public carry of those knives as well. There is no evidence that those states have a higher incidence of "knife crime" or suffer any degradation in public safety.

I realize on first reflection automatic knives may seem worthy of heightened regulation but, when looked at more closely, the fact we need a HB 55 at all supports the fact that today there is little to no practical functional or public safety difference between a knife that opens almost instantaneously with the flick of a thumb and one that does so by the same thumb pressing a button; as far as their potential misuse as a weapon goes, once opened a blade is a blade.

The current exceptions in the law for law enforcement and active military personnel also appear to support this interpretation. As far as I can tell the exceptions do not exist because members of those groups prefer to use automatic knives as weapons but rather that a quality automatic knife is easier and more reliable to use as a safety tool in certain emergency situations (cutting oneself or others free of seatbelts, entangling ropes or various types of harnesses, etc) than one that requires even a modicum more effort. Given that many "civilian" Alaskans participate in the same type of "extreme" activities and can thus find themselves in the same emergency situations as average military and law enforcement members, the exceptions seem arbitrary.

Looking at the laws themselves, like most gun possession and carry ordinances nationwide "switchblade" laws almost uniformly were enacted as a result of fear and prejudices, not any facts or public safety issues. In the case of "switchblades" the fear was of dangerous "knife culture" minorities, fears promulgated by exploitive movies and the yellow journalism of the day. Rather than looking backward to criticize such laws though, we should instead look at what other states who share Alaska's strong Constitutional RKBA are doing today.

Arizona, Utah, and New Hampshire have recently included automatic knives in their state RKBA preemptions, there is no reason Alaska shouldn't do the same. After all, if we are prepared to allow law-abiding Alaskans to carry loaded firearms in public with only a few limitations, to restrict those same Alaskan's ability to own and carry a knife, a tool by design, merely because of how it opens is ludicrous.

In the spirit of the Right to Keep and Bear all personal Arms enshrined in the Alaska Constitution, I ask that you consider amending HB 55 or introduce additional legislation to treat all non-firearm weapons, as defined in statute as either "deadly weapons" (primarily bladed and impact) or "defensive weapons" (whether chemical (pepper spray/Mace) or electrical (TASERS/ stun guns)), as lawful for purchase, possession and carry statewide, openly or concealed, by law-abiding, non-prohibited Alaskans, preempted from the existing patchwork of additional local and Municipal regulations.

Just as with firearms, this would still allow the restriction of ownership and carry by those deemed underage, by prohibited persons, and in areas currently off limits such as courthouses and other statutorily-restricted locations. K-12 schools could still restrict weapons possession by students and visitors and private businesses would remain free to refuse entry and service to people so armed. Those who actually misused any weapon would still be subject to existing criminal and civil sanctions.

I thank you for your thoughtful consideration and hope that you take this opportunity to bring additional reason and consistency to Alaska's weapons laws.

Respectfully,



Matthew Carberry

matthewacarberry@gmail.com

(907)229-5915

House District 30

PS: On a side note, the only other weapons specifically restricted in state statute are "metal knuckles", which perhaps unsurprisingly share the same racist and media-contrived regulatory history of automatic knives. While there may not be any real "need" for the law-abiding to possess and carry them, the same argument could apply to many other common arms. In any event, the state RKBA doesn't involve "needs", merely freedoms. If people misuse weapons, of whatever type, they should be held accountable for their actions; the law-abiding should not simply be restricted from owning or carrying them outright.