



November 30, 2011

The Honorable Stephen J. Murphy (via email: Stephen.Murphy@cityofboston.gov)
President
Boston City Council
One City Hall Square - Fifth Floor
Boston, MA 02201

Dear Sir:

AKTI Board of Regents

A.G. Russell, Chairman
Goldie Russell, President and CEO
A.G. Russell Knives, Inc.

Les de Asis, President
Benchmade Knife Co.

CJ Buck, President
Buck Knives, Inc.

Rod Bremer, President
Columbia River Knife & Tool

Jason Landmark, President
Gerber Legendary Blades

Hiroshi (Jack) Igarashi, Exec V.P.
Kershaw Knives

Gil Hibben, President
Knifemakers Guild

Mike Manrose, Vice President
Meyerco

Clint Kadel, President
United Brands

AKTI President
Bill Raczkowski, Category Mgr
Gerber Legendary Blades

AKTI Vice President
Rod Bremer, President
Columbia River Knife & Tool

AKTI Executive Director
Jan Billeb
22 Vista View Ln
Cody, WY 82414-9606
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This letter is to make known the opposition of the American Knife & Tool Institute (hereinafter "AKTI") to the Ordinance proposed by the City Council of Boston on October 4, 2011, providing for the licensing of only certain stores that sell knives (hereinafter "the Ordinance"), because it is a clear violation of the Fourteenth Amendment of the United States Constitution. Specifically, the exemptions provided in the Ordinance violate the Equal Protection Clause of the Fourteenth Amendment, because they arbitrarily, and without explanation, exclude certain knife retailers from having to comply with the licensing requirements, as those imposed upon other retailers selling the exact same product. For these reasons, and those set forth more fully herein, the Ordinance denies certain knife retailers the constitutionally guaranteed equal protection of the laws, and is therefore explicitly opposed by AKTI.

The Fourteenth Amendment of the United States Constitution guarantees that similarly situated persons must be treated similarly, and that no State shall deny any person within its jurisdiction the equal protection of the laws. This protection certainly extends to the right of retailers to pursue their businesses under competitive, but equal circumstances. Any ordinance which affects that right must first serve a legitimate purpose, and secondly, must employ means which are rationally related to the achievement of that purpose. See, Shell Oil Co. v. Revere, 383 Mass. 682 (1981). An ordinance which fails to satisfy either of those elements is necessarily unconstitutional.

Specifically in the local economic sphere, classifications in an ordinance which are arbitrary...irrational...or result in invidious discrimination," are held to lack any rational basis to a legitimate State interest, and cannot stand consistently with the Fourteenth Amendment. See, Pinnick v. Cleary, 360 Mass. 1 (1971), Murphy v. Commissioner of the Dept of Indus. Accidents, 415 Mass. 218 (1993).

With respect to the Ordinance at issue, the arbitrary classification of certain knife retailers as exempt from the licensing requirements is without question inconsistent with equal protection of the laws. The Legislature has provided no discernible reason as to its exclusion of certain retailers, constituting a clearly unlawful discrimination between competitors.

Not only does the Ordinance have no rational basis to a governmental interest, it actually serves to contradict its own purpose. The Ordinance identifies its purpose as "improv[ing] public safety and quality of life...by know[ing] where...knives are distributed," however, it randomly exempts department and hardware stores from the licensing requirements, even if those stores sell the exact same knives as the knives the Legislature intend to monitor. Under the logic of the proposed Ordinance, countless knives will be sold and unaccounted for by department and hardware stores, effectively eviscerating the purpose of the law. Moreover, any effect which the Ordinance may have in monitoring the sale of knives will necessarily be short-lived, as city youth will naturally identify and more heavily patronize



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the retailers which are not subject to the licensing requirement. At that point, the only way to prevent this circumvention would be to continually add to the categories of retailers requiring licenses. The only practical way to prevent this issue therefore, is to require all retailers of certain knives to possess a license, thereby preserving the intention of the Legislature of establishing an effective monitoring system.

In sum, the exemptions provided for in the proposed Ordinance create an unconstitutional disparity between similarly situated retailers, which are not rationally related to any legitimate state interest. To the extent that the Legislature's goal of monitoring the distribution of knives may be construed as a legitimate state interest, the means of achieving that purpose are far too invidiously discriminatory to be constitutionally permissible. The relationship of the classification made by the exemption to any legislative goal that might reasonably be served by singling out certain stores is so attenuated as to render the distinction arbitrary or irrational. AKTI will not condone any attempt to randomly impose restrictions on the sale of knives based on business size, business volume or location within the City of Boston. Accordingly, AKTI suggests that any licensing ordinance must apply equally to all categories of entities who are in the business of selling knives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Raczkowski'.

Bill Raczkowski
President
American Knife & Tool Institute

jb

cc: Mayor Thomas M. Menino (via email: mayor@cityofboston.gov)
Councillor Michael Ross (via email: Michael.Ross@cityofboston.gov)
Councillor Tito Jackson (via email: Tito.Jackson@cityofboston.gov)