

American Sportfishing Association * Archery Trade Association * Boone and Crockett Club * Campfire Club of America * Catch-A-Dream Foundation * Congressional Sportsmen's Foundation * Dallas Safari Club * Houston Safari Club * Mule Deer Foundation * National Rifle Association* National Shooting Sports Foundation * North American Bear Foundation * Quail Unlimited * Rocky Mountain Elk Foundation * Safari Club International * Texas Wildlife Association * United States Sportsmen's Alliance * Wild Sheep Foundation * Wildlife Forever * Whitetails Unlimited *

June 19, 2009

Secretary Janet Napolitano
United States Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano:

The conservation organizations listed below represent the interests of millions of hunters, anglers, trappers and other outdoor enthusiasts from across the United States. We write to you today asking you to withdraw the notice of proposed revocation of ruling letters and revocation of treatment relating to the admissibility of certain knives with spring assisted opening mechanisms immediately; as outlined in 19 CFR Part 177 under the Office of Customs and Border Patrol with in the Office of International Trade, Regulations and Rulings.

The proposed regulation could have severe implications on all knives, not just assisted-opening knives. The proposed regulation would designate these knives as being switchblades, even though the federal law definition does not declare these types of knives as switchblades. This reclassification will render millions of law-abiding knife owners as criminals and expose major market retailers, manufacturers, dealers and importers to possible federal felony charges.

The Switchblade Knife Act of 1958, 15 U.S.C. Section 1241, has clearly defined a "switchblade." Under current law, a switchblade is defined as being any knife having a blade which opens automatically by hand pressure applied to a button or other device in the handle of the knife, or by operation of inertia, gravity, or both. Court cases in several states such as California, Illinois, Michigan, and Texas, have all ruled in favor of assisted-opening and one-hand opening knives NOT being switchblades because they do not possess the activating button or device on the handle of the knife. Recently, Texas has enacted state law protecting one-hand-openers and assisted-openers as legal tools. We are concerned that Customs' intent is bypassing Congress, and it's will to make laws and uphold current statute.

According to the American Knife and Tool Institute, there are over 35.6 million Americans, including many who are hunters and anglers, who carry and use some type of utilitarian knife which opens with one hand. In the United States, assisted-opening and one-hand-opening knives are 80 percent of all knives sold. This proposed regulation could make these Americans *de facto* criminals.

These knives, used by hunters, anglers and other outdoor enthusiasts, have been commonly sold for years in any number of independent and major retail outlets throughout the United States. Designation of these knives as “switchblades” will criminalize such tools. It will drive importers out of business. It will drive domestic manufacturers out of business. Thousands of jobs will be lost. Further, it is not clear if [or ... we fear] Customs intends to treat all one-hand opening knives in the same manner, thus impacting millions more knives. In addition, Customs’ proposed revocation does not identify any specific “intrinsic health and public safety concerns” which it purportedly is attempting to prevent by this new designation.

We urge that you insist Customs and Border Protection withdraw its notice of proposed revocation of ruling letters and revocation of treatment relating to the admissibility of certain knives with spring assisted opening mechanisms immediately.

Sincerely,

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