

SWITCHBLADE LEGACY

by Bernard Levine (c)1990
published in KNIFE WORLD August 1990

AUGUST 12, 1958, a date that has faded into obscurity, the Congress of the United States enacted Public Law 85-623, an “act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes,” and sent it on to President Eisenhower for his signature. Under this act, “The term ‘switchblade knife’ meant any knife having a blade which opens automatically—

- (1) by hand pressure applied to a button or other device in the handle of the knife, or
- (2) by operation of inertia, gravity, or both.”

The maximum penalty for each violation of this law was a \$2,000 fine and five years in jail.

It is not within the constitutional authority of the United States to ban manufacture or possession of a class of item, although the individual states have almost unlimited authority to do so. What the federal government may do, according to Article I, Section VIII, Clause 3 of the Constitution, is “To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.” Using the authority of this “Interstate Commerce” clause, Congress did the very next thing to banning switchblade knives.

In 1958 only two American companies still made switchblades: Imperial and Colonial. Both were then in Providence, Rhode Island, and so telling them that they could not make switchblades for sale in interstate commerce was effectively the same as telling them not to make switchblades at all.

Up until 1954, Schrade-Walden in upstate New York had been the leading manufacturer of switchblades. That year the state of New York had banned their manufacture and sale, so Imperial, the parent company of Schrade-Walden, had taken over the firm’s switchblade production. The George Schrade Knife Co. of Connecticut had also been a major domestic supplier of switchblades. This firm was sold to Boker of New Jersey in 1956 (George Schrade had died in 1940). However both New Jersey and Connecticut banned switchblades shortly after New York had done so, and thus only the two Providence firms were still in the switchblade business in 1958.

THE DEBATES

The debate in Congress over the bills to ban switchblades from interstate congress (in 1958 there were four versions in the House and one in the Senate) had the surreal quality inevitable when immoral men put on a public show of enforcing morality. As in the present debate over “assault” rifles, Congressmen, media tycoons, and big-city police chiefs indulged in hysterical fits of fabricated sensationalism. Faced with this onslaught in 1958, most reasonable men kept silent and went along, out of fear of being labeled “pro-criminal.” Even the National Rifle Association knuckled under, then still believing in the power of appeasement. To its credit, the Izaak Walton League of America (IWLA) spoke out against the proposed ban, recognizing it both as unreasonable in itself, and as setting a dangerous precedent for additional bans. IWLA Conservation Director J. W. Penfold wrote, “Many of our State divisions and

local chapters have firmly resisted State or municipal legislation which would restrict ownership and use of sporting arms in efforts to control the ownership of weapons by thugs. Generally I believe our membership does not believe that such legislation would achieve its objective but would hinder and thwart the law-abiding citizens in his use of arms for sporting purposes...”

Not surprisingly, supporters of the ban later quoted a few lines of Penfold’s letter out of context, in order to convey the false impression that the IWLA supported the ban. New York State Senator Frank J. Pino of Brooklyn had a glib rebuttal for the sportsman angle. He testified, “Actually, these knives are, I would say inherently dangerous, they have only one purpose. They are just deadly. They are lethal weapons, and they are suited for crime, that is all they are suited for. So that the sportsmen really have nothing substantial to complain about. But they do complain. It is an emotional thing with them, somehow.

“I know we have had their complaints, too, in connection with a bill which I have had in the legislature to limit the sale of ammunition in the city of New York... “This is a problem that we have in all of the big cities. And it is a question of weighing the conveniences of a group against the welfare and the health and the lives of many, many people. That is all it is.”

No, Senator Pino, it is a question of rights versus tyranny. Your arguments are the same ones used to justify concentration camps. They “inconvenience” a group, to promote the “welfare” of the tyrannical majority.

WORDS OF WISDOM

The only prominent public agencies with the courage to oppose the anti-switchblade measure were the two that would be charged with enforcing it: the Department of Justice and the Department of Commerce. They argued that the measure would be both costly to the government and burdensome to law-abiding citizens, yet it would accomplish no useful purpose. Moreover, it would extend the powers of the federal government into areas that had hitherto been the exclusive domain of the states. They were joined in their opposition by the Bureau of the Budget.

Deputy Attorney General William P. Rogers wrote, “The Department of Justice is unable to recommend enactment of this legislation.

“The committee may wish to consider whether the problem to which this legislation is addressed is one properly within the police powers of the various States. As you know, Federal law now prohibits the interstate transportation of certain inherently dangerous articles such as dynamite and nitroglycerin on carriers also transporting passengers. The instant measures would extend the doctrine upon which such prohibitions are based by prohibiting the transportation of a single item which is not inherently dangerous but requires the introduction of a wrongful human element to make it so. “Switchblade knives in the hands of criminals are, of course, potentially dangerous weapons. However, since they serve useful and even essential purposes in the hands of persons such as sportsmen, shipping clerks, and others engaged in lawful pursuits, the committee may deem it preferable that they be regulated at the State rather than the Federal level.”

Secretary of Commerce Sinclair Weeks wrote, “The general intent of these legislative proposals appears to be to improve crime prevention by control of the use of the switchblade knife as a weapon of assault. This approach gives rise to certain objections. One is that, at best, it is an indirect approach which

addresses itself to only one of many implements useable by an assailant. This casts doubt upon the resulting effectiveness in the reduction of crime in relation to its enforcement problems...

“While this proposed legislation recognizes that there are legitimate uses that have need for switchblade knives, the exemptions would appear to assume that the most significant of these uses lie in Government activities. To us, this ignores the needs of those who derive and augment their livelihood from the ‘outdoor’ pursuits of hunting, fishing, trapping, and of the country’s sportsmen, and many others. In our opinion there are sufficient of these that their needs must be considered.”

The Department of Defense, by contrast, pusillanimously endorsed the ban, but only on condition that it be declared exempt itself. It was, as were all other local, state, and federal government agencies.

THE CRUSADERS

Oddly, most of the backers of the anti-switchblade bills agreed with Secretary Weeks that prohibiting switchblades would accomplish little in the way of curtailing crime. They readily admitted that their measure was largely symbolic. Being politicians, however, they knew that empty but highly visible symbolic acts garner far more votes than low-profile but effective reforms. They also knew that it was politically safer to criminalize the actions of a couple of small manufacturers, rather than to punish the juvenile delinquency of the children of some of their constituents. The most persistent advocate of a switchblade ban was Representative James J. Delaney of New York City, author of the first federal anti-switchblade bill back in 1954. That first effort never made it out of committee. In his testimony before the House commerce committee on April 17, 1958, Delaney stated, “Every day our newspapers report numerous muggings and attacks, most of them involving knives. Can we sit by complacently and ignore the bloodshed in our streets? Doing away with switchblades will not be a cure-all for the crime wave sweeping the Nation, but it will remove one of the favorite weapons of our juvenile and criminal element.

“... it was not until about 1949 or 1950 that these things came into common usage. In the gathering of juvenile gangs and clans, nearly every one of them has a switchblade. It is a ritual with some of them to carry switchblades. It is not only the boys, but I was surprised to find that a great number of the girls carry them also.”

Congressman Delaney’s mind was made up, so it probably would have been pointless to confuse him with the facts. Switchblades came into common use in the United States, not around 1950 as he stated, but around 1850. After the turn of the century, thanks to the inventive genius of George Schrade (and the “protection” of the Tariff Acts of 1891 and 1897), American made switchblades of all sizes became popular and commonplace.

Another backer of the ban had an even more creative view of history than Delaney. U.S. Senator Frederick G. Payne of Maine asked a witness, “Isn’t it true that that type of knife, switchblade knife, in its several different forms, was developed, actually, abroad, and was developed by the so-called scum, if you want to call it, or the group who are always involved in crime?” The witness, New York State Justice John E. Cone, co-founder of the Committee to Ban Teen-Age Weapons, enthusiastically agreed.

The most outspoken proponent of a ban chose a sexual metaphor to express his anxieties. Representative Sidney R. Yates of Illinois testified, “Vicious fantasies of omnipotence, idolatry... barbaric and sadistic atrocities, and monstrous violations of accepted values spring from the cult of the weapon and the switchblade knife is included in this.

“Minus switchblade knives and the distorted feeling of power they beget—power that is swaggering, reckless, and itching to express itself in violence—our delinquent adolescents would be shorn of one of their most potent means of incitement to crime.”

WHICH KIND OF REPUBLIC?

So how could the United States of America, the land of the free and the home of the brave, have sunk so low as to submit to these demagogues, to feel obligated to “save” its citizens from an everyday item sold here regularly for the past hundred years, and in common use for the past fifty? The answer can be found in the most basic philosophical underpinnings of our country.

From its establishment in 1789, the American republic itself, as well as its promises of Life, Liberty, and the Pursuit of Happiness, have meant different things to different of its citizens. The most important of these differences can be traced to two fundamentally different and largely irreconcilable philosophical outlooks. Two centuries ago, these differences were widely recognized and understood, because they very nearly prevented the Constitutional Convention from reaching any conclusion at all. Today the differences are just as deep, and just as pervasive, but most of us tend to see them only in regard to specific contemporary issues, rather than as more general matters of philosophy. The conflicts over such divisive issues as abortion, gun control, drug prohibition, affirmative action, environmental protection, and industrial policy can never be settled by reasoned debate, because the adherents to each side of these issues do not share a common philosophy. Instead the resolution of these issues will be dictated, unsatisfactorily to all, by the naked exercise of political power: the tyranny of popular or Congressional majorities inflamed by media hysteria, or the arbitrary absolutism of the courts.

The two irreconcilable views of the nature of our republic that underlie these issues today have been a part of the republic since the beginning. A clear exposition of these two views is set forth by University of Alabama professor Forrest McDonald in his 1985 book, *Novus Ordo Seclorum, The Intellectual Origins of the Constitution*. On pages 70-74 he explains the differences between what he calls puritanical republicanism, on the one hand, and agrarian republicanism, on the other. First, however, he elucidates their common ground.

He says that in a true republic, a system of “rule by the public,” the vital principle is public virtue (from *virtus*, manly strength). In Professor McDonald’s words, public virtue “entailed firmness, courage, endurance, industry, frugal living, strength, and above all, unremitting devotion to the weal of the public’s corporate self, the community of virtuous men. It was at once individualistic and communal: individualistic in that no member of the public could be dependent upon any other and still be reckoned a member of the public; communal in that every man gave himself totally to the good of the public as a whole. If public virtue declined, the republic declined, and if it declined too far, the republic died.

“Philosophical historians had worked out a regular life cycle, or more properly death cycle, of republics. Manhood gave way to effeminacy, republican liberty to licentiousness. Licentiousness, in turn, degenerated into anarchy, and anarchy inevitably led to tyranny.” Thus far did the two republican philosophies agree.

“What distinguished puritanical republicanism from the agrarian variety was that the former sought a moral solution to the problem of the mortality of republics (make better people), whereas the latter believed in a socioeconomic-political solution (make better arrangements). “Almost nothing was outside the purview of puritanical republican government, for every matter that might in any way

contribute to strengthening or weakening the virtue of the public was a thing of concern to the public—a res publica -- and it was subject to regulation by the public. [Puritan] Republican liberty was totalitarian: one was free to do that, and only that, which was in the interest of the public, the liberty of the individual being subsumed in the freedom or independence of his political community.”

This totalitarian view of a fragile and tottering republic, one that would be undermined by the slightest private indiscretion, one that could only be preserved by an aggressive policing of every individual’s private morality in every minute particular, predominated in Puritan New England, especially Massachusetts. It also found favor in the areas of the South, especially parts of Virginia, where the evangelical Great Awakening took hold. Most southerners, however, adhered to the agrarian view of republicanism. In the agrarian view, again quoting McDonald, “Virtue meant manliness, and manliness meant independence... the necessary independence could be had only if a man owned enough land, unencumbered by debts or other obligations, to provide himself and his family with all their material needs; and this independence... was in the last analysis measured by his ability to bear arms and use them in his own quarrels... In sum, ownership of the land begat independence, independence begat virtue, and virtue begat republican liberty... In the southern scheme of things, private virtue, in the rigorous sense in which it was defined by the Yankees, was unnecessary to the maintenance of republican liberty. The arch agrarian John Taylor of Caroline [1753-1824] put it succinctly: ‘The more a nation depends for its liberty on the qualities of individuals, the less likely it is to retain it. By expecting public good from private virtue, we expose ourselves to public evils from private vices.’” If Taylor were to return today, he would nod sagely at our drug “crisis” and say, “end the prohibition and you will end the crisis.” The puritans among us (currently a majority, especially in the mass media) would gasp with horror, and predict the imminent demise of our republic.

McDonald continues, “Agrarian republicanism was therefore essentially negative in the focus of its militance: it demanded vigilance only in regard to certain kinds of men and institutions which, as its adherents viewed history, had proved inimical or fatal to liberty... standing armies, priests, bishops, aristocrats, luxury, excises, speculators, jobbers, paper shufflers, monopolists, bloodsuckers, and monarchs...”

Agrarian republicans, in theory anyway, viewed their republic as well-founded and durable. The puritan view of a fragile and tottering republic baffled them. Private morality, or a lack thereof, simply had no effect on an agrarian republic’s overall vitality. The only kind of behavior that could endanger their republic was a calculated self-serving attack on one of its fundamental institutions: private property, equality before the law, free markets, the right to keep and bear arms.

Puritan republicans, by contrast, view every sin, indeed every temptation to sin, as dire threats to their republic. Their response in every case is simple and direct. First ban the sin. Then, just to be on the safe side, ban the temptation, too.

This is not at all a left-versus-right issue. Militant puritans dominate the extremes on both sides. Those on the right who would ban abortion and those on the left who would ban hand guns both aspire to a puritan police state that will regulate the behavior of their neighbors and themselves—although puritan leaders often exempt themselves from their own rules.

An agrarian, by contrast, might say, “if you oppose abortion, don’t have one; if you oppose hand guns, don’t own one; if you oppose drugs, don’t use them. He is willing to live and let live, unless someone attacks him or his republic.

PHILOSOPHY IN PRACTICE

In the 1950s, America's puritan republican zeal, ever watchful for temptation and sin, turned its basilisk gaze on to pocketknives. The 1950s, a time of happy nostalgia for people too young to remember the decade, saw the almost unchallenged dominance of the puritan outlook. That was a time when the fortunes of the agrarian viewpoint had fallen so low that hardly a single public figure North or South dared to espouse it.

There is a fascinating double standard in puritanism, an unwritten rule that the enforcers of private morality are exempt from its strictures. This applies equally to private life (such as J. Edgar Hoover's homosexuality or John F. Kennedy's adultery) and to public pronouncements. Today the proponents of "assault" rifle and hand gun bans simply make up their statistics (see my letter citing examples in the October 1989 American Rifleman, page 18), and their predecessors did the same thing about switchblades in the 1950s.

As early as 1953, Representative Delaney "made a 1-man review and addressed inquiries to the police heads of some 40 of our largest and medium-sized cities. The response established beyond doubt that switchblades are commonly involved in crimes in smaller cities, as well as in the metropolitan areas."

In 1957 and 1958, similar "surveys" were undertaken by Tennessee Senator Estes Kefauver for the Senate Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency. These surveys asked police chiefs for hard data on switchblades used in crimes, especially juvenile crimes. Not quite half of the chiefs responded, furnishing the coon-skin-capped crime buster overall crime statistics, total juvenile arrest statistics, and enthusiastic letters of support assuring the senator that switchblade knives were no doubt involved in practically all of these tens of thousands of incidents. Kefauver quoted excerpts from some of these letters, happily oblivious to their irony. San Francisco police chief Francis J. Ahern wrote "... a substantial amount of our juvenile crimes of violence involve the use of this type of knife." He further stated that since the enactment of a local ordinance, the use of such knives in crimes has diminished."

San Francisco sure was lucky to have such law-abiding violent criminals.

Senator Kefauver may have had no sense of irony, but at least he knew a little more knife history than his colleagues on Capitol Hill. He remarked toward the close of his statement, "Invented by George Schrader in 1898 [actually 1892], the pushbutton opening knife was a useful article produced on a limited scale."

Half a page earlier in the same statement, Kefauver quoted Boston police chief James F. Daley as having written, "... these weapons are specifically designed as a vicious insidious weapon of assault, and can be devoted to no legitimate use in the everyday life of law-abiding citizens."

Having no sense of irony did not worry the crusading senator, and neither did having no data. He stated, "The following statistics give a general indication of the increase in the use of weapons by juveniles. Although no statistics are available as to the ratio of these switchblade knives and stiletos to other weapons, it is believed to be substantial:

"In New York City in 1956, there was an increase of 92.1 percent of those under 16 arrested for the possession of dangerous weapons, one of the most common kind being the switchblade knife; and also in New York 36.9 [percent] of the felonious assaults, many involving use of switchblade knives, were committed by those under 16. On the national level, 29.6 percent of the total arrested for carrying dangerous weapons was attributable to young persons under the age of 18. A more shocking and

striking figure is that 43.2 percent of the total robberies committed in the United States last year were by persons under 21 years of age. A switchblade knife is very often part of the perpetrator's equipment in a robbery." If Senator Kefauver had lived longer (he died in 1963), he might have become a writer for Saturday Night Live, or else a co-author of the classic work, *How to Lie with Statistics*.

Only one police chief in the country had the professional integrity and poor political judgement to compile actual statistics on switchblades. This was W. E. Parker, the acting chief of the Kansas City, Missouri, Police Department. That Lt. Col. Parker was a career policeman, rather than a political appointee, probably accounted for his naive indiscretion.

Parker reported that in the entire year 1956, a total of 15 switchblade knives were used in assaults and robberies in Kansas City (just over one per month). An additional 80 switchblades were taken from suspects booked for investigation of crimes (well under two per week). "In addition," he wrote, "there were 10 to 12 cases in which these knives were used by one juvenile to take money from another [less than one per month], and during the same period there were 6 cases of cuttings [one every two months] as well as several cases where knives were thrown by one juvenile at another." In a city of nearly half a million population, these three dozen switchblade crimes, misdemeanors, and incidents of horseplay in one year hardly constituted a crime wave, let alone a crisis.

These lonely facts from Kansas City did not interest the Congress. They found much more fascinating the lurid sensationalist stories and editorials in *Life* magazine, the *Saturday Evening Post*, many daily newspapers, and even on radio and television "news."

These articles were timed to coincide with the congressional switchblade hearings. They were calculated to convince frightened credulous puritans in and out of congress that the country was awash in blood from frenetic waves of juvenile switchblade violence—that the republic was tottering. Congressman Yates said, "newspapers and magazines are filled with descriptions of gang fights, holdups and stabbings, committed by teenagers, and running through almost all such stories is the switchblade knife. The gruesome similarity in detail related by these stories is relieved only by the horror that each one reflects individually... The switchblade knife has become the symbol, as well as the weapon, of the teenage gang."

As news reporting this material was a travesty, even more luridly overblown than firearms stories are today. As propaganda, however, these articles passed the only important test. They worked.

*** END ***

<http://www.knife-expert.com/>