

## Testimony Opposing HB243

House Government and Oversight Committee

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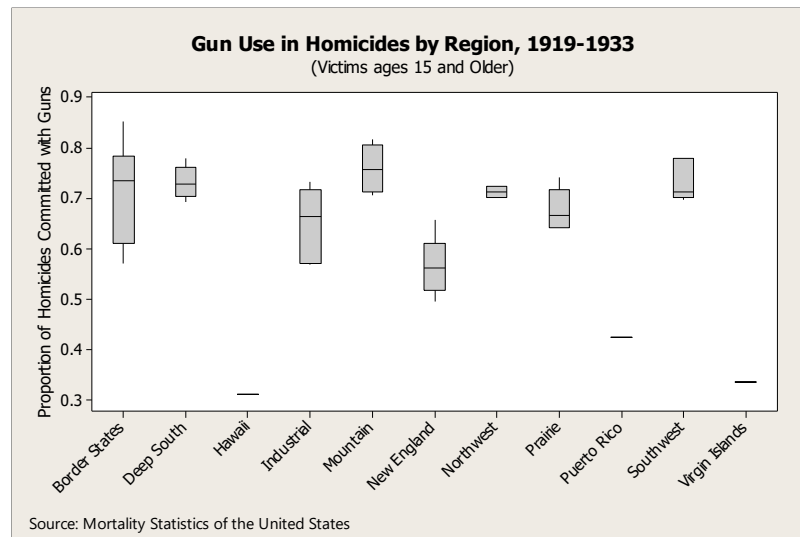
Chair Wilkin, Vice Chair White, Ranking Member Sweeney, and members of the committee, thank you for allowing me to provide testimony opposing HB243, which I believe has the potential in the future to restrict the power of law enforcement to prevent crime and prosecute career criminals in some of our most troubled neighborhoods. It is surprising to me, as a criminologist who studies Ohio, that this law has come forward, because we prefer to shoot our fellow Buckeyes. According to the Department of Health's most recent data, 2016-2019, fewer than 7 percent of homicides in Ohio today are committed with sharp objects of any sort, and virtually none with fighting knives—dirks, long-bladed switchblades, machetes, etc. When knives are used in Ohio crimes, they are for the most part kitchen knives, grabbed in the heat of the moment during domestic disputes, often in self-defense. I can't think of any reason why a local jurisdiction in Ohio would be interested in prosecuting someone for the possession of a knife, even a fighting knife, unless they intended to harm someone.

Because this proposed law came to my attention only late last week, I haven't had time to study it from a legal point of view. I have been informed, however, that it was prompted by outrage over a law in New York City, not Ohio. The problem with the proposed legislation is that it misunderstands the reasons why officials in New York City, with the support of law enforcement, would pass a local ordinance to give police and transit officials the right to seize knives—especially fighting knives. The proponents who have asked you to put this bill forward portray the ordinance as an effort by politicians to deprive law-abiding citizens of their right to carry knives, including ordinary knives used at home or on the job, whenever and wherever they wish. That is not the case.

Right up through the 1850s, when the U.S. was already the most homicidal nation in the Western world, Americans were knife-fighters, and they killed each other primarily with fighting knives, not guns. That's why Ohio and nearly every other state passed laws soon after the Revolution to ban the concealed carrying of fighting knives as well as pistols, and why they specified the character of those fighting knives carefully. They knew there was a clear difference between knives that were useful and knives that were designed solely to maim or kill.

The problem for New York City is that it has long faced a threat from fighting knives. New York has high concentrations of first- and second-generation Puerto Ricans and Filipinos whose cultures favor knife-fighting. That's not to say that those immigrants are more violent than other Americans. On the whole, immigrants are *far* less violent than native-born Americans, which is why El Paso, San Diego, and New York City are among the safest cities in the United States today. But as you can see from the graph below, American citizens who lived in our territories in the 1920s and 1930s—Hawaiians, Puerto Ricans, Virgin Islanders, and we could add Alaska Natives and Filipinos—fought and killed with knives, not guns. Please don't forget

the plot of *West Side Story*. Guns have been the weapons of choice for European Americans and African Americans since the late 19<sup>th</sup> century, but not for every American.



My late friend and colleague Eric Schneider, who taught at the University of Pennsylvania, wrote the best book on the knife-fighting gangs of Spanish Harlem, New York's predominantly Puerto Rican neighborhood: *Vampires, Dragons, and Gypsy Kings*. Eric understood those gangs not only because he was a superb historian and criminologist, but because he grew up in Spanish Harlem, as the son of one of the few non-Hispanic working-class families who lived in the neighborhood. As he said in the introduction to his book, it was indeed a dangerous neighborhood, if you moved beyond your block into someone else's territory and weren't accompanied by friends with fighting knives or didn't have a truce with a rival gang.

Ohio has not experienced such violence because it has not attracted as many immigrants from knife-fighting cultures as have some other states and cities. Our economic decline since 1960 has made it impossible to create jobs at the pace of most of the rest of the nation. But New York City, because of its economic vibrance, is a magnet for immigrants. That is why, I think, its elected officials and police officers feel the need to go after illegal knives as well as illegal firearms. The idea that the NYPD would arrest and prosecute a carpet installer for carrying a utility knife is fanciful. They know who they are going after, and why, and they need to. They did not seek a blanket law covering every jurisdiction in New York State, because most jurisdictions haven't attracted large numbers of immigrants from knife-fighting cultures, especially in New York's depopulating upstate cities and rural communities. It's a local problem that requires a local solution. That's why Bill 243 is unnecessary and potentially dangerous. We may face such local problems in the future, and we need to give local jurisdictions the power to go after fighting knives if they become a threat to life and property.

Most knife fighters do not as a matter of course try to kill their opponents, which is why the vast majority of crimes committed with fighting knives don't show up in homicide statistics. Traditionally, in knife-fighting cultures, like the culture of early America, the goal was to humiliate your opponent and leave him permanently scarred with a visible knife wound, a

severed ear or nose, or a missing eye. And as we all know, fighting knives are terribly effective for rapists and robbers. So no, New York City isn't trying to make life hard for law-abiding citizens. The police know by and large which individuals are dangerous. My concern is for law-abiding young people in troubled neighborhoods, like my late friend Eric, who need those knives to defend themselves against violence. They're the ones who face arrests that could ruin their lives, not carpet layers. My hope is that the New York City police will simply confiscate fighting knives from young people who lack criminal records and leave it at that. But they need to keep those knives out of the hands of gangs and criminals from knife-fighting cultures.

Like Eric, I happen to know something about knife fighting, because my father was a knife fighter from one of those cultures. My father was a remarkable man—a Purple Heart veteran of World War II, our Cubmaster and Scoutmaster, a deacon in our church, and one of the greatest original design engineers of his generation. Yet he grew up as a poor immigrant child in one of America's most dangerous neighborhoods: Globeville in Denver, Colorado. His native language was not English. The neighborhood was deadly. Four of his seven siblings died in childhood, and things were not much better for anyone who worked in the railyards, stockyards, meat packing houses, and smelters that surrounded their homes.

Because of the rivalries among the neighborhood's Italian, Mexican, German, and Jewish youths, every young man, including my father, carried a fighting knife, especially when walking to or from school or venturing into a different neighborhood. My data said that knives were like American Express cards—you didn't leave home without them. I could have done a show-and-tell for you today, were it not for the statehouse metal detectors, to demonstrate how different fighting knives are from regular knives, including carpet-laying utility knives, because my father mailed his fighting knives to our son when he crossed over from Cub Scouts to Boy Scouts. That inappropriate present was promptly hidden away. But yes, my father kept his long-bladed switchblades and serrated dirk knives, complete with the sheaths which allowed him to conceal the dirks under his pant legs. Thanks to the fact that my dad was tall, long-armed, imposing, and quick with his fists, no one dared take him on when he had to pull his knife. That would have been a losing proposition. But others in the neighborhood who were less imposing were not so lucky.

My father had no nostalgia for Globeville—violent on the streets and violent at home, as in most neighborhoods in which people live in concentrated poverty. And he had absolutely no respect for men who fight with guns—"wimps," in his opinion, who don't have the guts to fight fair with fists or knives. There's no question, however, that his neighborhood would have been safer for law-abiding citizens and for youths who stood on the brink of joining the criminal underworld or committing terrible acts of violence, if law enforcement had been more active than it was in that under-policed neighborhood and if the police had been confiscating fighting knives, especially from the minority of young men who were known criminals.

Fighting knives can be distinguished readily from other knives. You only need to consider who would have an advantage in a knife fight—the person with the longer arms, yes, but also the person with the longest knife. Switchblades like my father's had six-inch blades—way longer than an ordinary pocketknife. Dirk knives are also extraordinarily long, as are

rapiers, machetes, and swords. Length is the most important distinguishing mark of a fighting knife.

Will Ohio face a problem from knife fighters in the future? That's hard to tell. But why deprive local jurisdictions of the right to take fighting knives from suspects, if they feel that need in the future? MS-13, the notorious Salvadoran drug gang, has adopted machetes as one of its preferred methods for intimidating, maiming, and murdering our citizens. Many homeless people, because live in a very dangerous world, as my father did, carry fighting knives for self-defense; but those same knives, in the hands of the small minority of homeless people who suffer from dangerous forms of mental illness, can be deadly. Our greatest threat from knives, however, will probably come from terrorists, as we saw on Ohio State's campus several years ago in an attack by a suicidal undergraduate who the police determined was failing all of his courses. And we also face a growing threat from radical white supremacists, who are as fascinated by fighting knives as they are by explosives and fully automatic firearms. As a Scouter and an outdoorsman, I run into these folks all the time, and they are quite candid with me and other Scouters, because they presume that Scouts who embrace God, country, and family somehow share their despicable values. I could share many stories, but I'll settle for telling you about the time one of our troop's future Eagle Scouts attended a gun show in central Pennsylvania at age 12 with his uncle. His uncle purchased an imposing fighting knife for him as a gift. As the vendor handed the knife to the boy he said "Here, you can use that to hunt your first [N-word]."

That's where we may be in the future with fighting knives. And that's why we need to give local jurisdictions the right to seize dangerous knives from people who they know are dangerous. I can't think of a single one of the many officers I know in Ohio who would hassle a law-abiding citizen about a knife—any knife. But I know that if they worked in New York City, they'd see the need to have the right to confiscate fighting knives from dangerous people. I defer to your expertise as legislators as to how we might write such responsible, targeted laws aimed specifically at fighting knives. You know best how that might be done. I'm just a criminologist and historian. But such laws are necessary today in certain local jurisdictions outside Ohio; and in the future, they may be necessary in Ohio as well. And giving local jurisdictions the opportunity to experiment with new laws has always been one of the best ways our nation has found to create laws that strike the proper balance between rights and responsibilities, as they seek to protect the public and serve the common good.

Thank you for your time and consideration.

