

## DECLARATION OF BERNARD LEVINE

I, BERNARD LEVINE, subject to penalties of perjury, hereby declare the following to be true and correct on the basis of my personal knowledge and upon information from documents I have reviewed, including those in my custody and control.

1. I am an expert in knives, with more than four decades of experience. Since 1971 I have researched the history and identification of knives, as well as the art and technology of knifemaking. My business website is [www.knife-expert.com](http://www.knife-expert.com)
2. I am a native of Boston, Massachusetts. I attended Commonwealth School 1960-1965 and Harvard College 1965-1969. From 1969 to 1987 I lived and worked in California. I now live in Eugene, Oregon.
3. I began to research the history of knives in the early 1970s, in academic libraries around the country, and at the Smithsonian, and the Library of Congress. At the same time I began to build my own library of knife books, magazines, catalogs, brochures, photos, business directories, and other related material, including microfilms of rare books and manuscripts. This collection is now very extensive, occupying five large filing cabinets, and more than 40 shelf feet of knife books -- plus extensive computer files.

4. In 1974 I began original research on my first knife book, and also sold my first knife-related articles. I published that book in early 1978. For the next two decades I attended knife shows all over the United States, to promote my books, to meet and interview people active in the knife business, and to examine knives. I also visited many knife factories.
5. Knife books I have written include four editions of the standard reference work in the field, Levine's Guide to Knives and Their Values (1985, 1989, 1993, 1997); also Knifemakers of Old San Francisco (1978; 2nd edition 1998), The Knife Identification and Value Guide (1981), The Knife Collection of Albert Blevins (1988), Pocketknives, a Collector's Guide (1993; 2nd edition 2002; plus numerous foreign editions), and Identifying Pocketknives (1998).
6. I have been a frequent contributor to Blade Magazine since 1974 and to Knives Illustrated magazine since 1996; I have published hundreds of feature articles about knives in these and other periodicals. Since 1978 I have written the popular monthly "Whut Izzit" feature for Knife World magazine, in which I identify, explain, and evaluate unusual knives. From 1988 to 1996 I wrote the wide-ranging feature, "Bernard Levine's Knife Lore," for the National Knife Magazine, and "From U.S.A. Report" for Tokyo's Knife magazine.
7. I have served as an advisor and consultant on the history and technology of

- knives to the Smithsonian Institution's National Museum of American History, to the California Academy of Sciences, and to other leading museums.
8. I have done knife research, consultations, and appraisals for hundreds of individual, corporate, and government clients around the world.
  9. I have both consulted and testified as an expert witness in a wide variety of knife related legal cases around the country. These have included criminal cases, usually involving knife law violations, but also more serious cases including capital murder trials and appeals; personal injury cases, most often involving alleged lock failure on folding knives; intellectual property cases involving patents and trademarks (in my computer files I have thousands of U.S. knife patents); and other civil cases, often involving valuation of knife collections. The majority of cases I worked on did not require my appearance in court. I estimate that since 1980, I have testified at hearings or trials approximately 18 times in person, plus 2 times telephonically. I also testified telephonically before counsel for the United States International Trade Commission, on a pending tariff matter. Attached to this declaration is Exhibit A, which lists my legal clients from 2001-2012.
  10. In regard to the petition being presented to the TSA by the law firm Guerrieri, Clayman, Bartos & Parcelli, P.C. -- Mr. Robert S. Clayman retained my expert

services. Mr. Clayman directed my attention to one particular element of the proposed rule change regarding passenger screening at airports, the proposed change that would allow certain types and sizes of knives to be brought into the secure areas of airports, and into aircraft cabins. That particular element is summarized thus: Knives will only be allowed if they have no locking mechanism.

11. TSA intends to instruct screeners not to open knives to determine if they fall within the TSA's parameters.
12. I did a quick check of my U.S. Patent list, and noted 174 patents for various blade locks. Beyond this, several of the most common blade locks in use today were never patented. These locks are made in a wide variety of shapes and forms, in various locations on the knife.
13. Some of these locks, whether patented or not, are obvious, even to a casual observer. But many of them, especially some of the newer mechanisms, are almost entirely inside the knife's handle, difficult to identify as locking mechanisms on direct inspection, even to an expert such as myself. Examples include knives where a seemingly ordinary part of the knife, such as a bolster or escutcheon -- or even the blade itself -- must be moved in a particular manner in order to release the lock. Other examples include knives where the

lock parts, including the lock release, are small metal cylinders, difficult to distinguish visually from fasteners such as rivets or bolts. Some of these hidden lock mechanisms would become more apparent under X-ray, with the knife isolated in a plastic inspection tray. But many others would be difficult to recognize even then. This difficulty would be compounded if the knife were to remain inside passenger luggage, viewed on X-ray surrounded by a jumble of other items. The only sure way to determine if such a folding knife's blade locks open, is to open the blade fully.

14. In addition, there are several popular brands of pocketknives now on the market, which include paired models that look similar, except that one locks, and the other does not. Opinel of France makes knives like this, as does Spyderco of the USA. With more time for research I could list others.
15. In the petition memo, the picture captioned "*Ex. 12. A trade publication notes that this knife is designed as 'both a tool and a weapon' and suggests that it is the one 'you'd want if you get the call, 'Let's Roll.'"*" Ex. 11 at 6." shows two folding knives with notches or cut-outs in one handle. As a knife expert, I recognize that these notches were incorporated to facilitate access to the "nail nicks" in the side of the blade, for opening the blade. However, these notches look very similar to the notches in one handle of "locking liner" folding knives, in which the notch gives access to the lock release; a cut-out notch in only one

handle is a distinguishing feature of many, but not all, locking liner folding knives, but as these two knives demonstrate, other types of non-locking folding knives can have such a single notch, as well. The only way to be certain that these two knives are not locking liner knives would be to open and close the blades.

16. It is my expert opinion that if TSA intends to instruct screeners not to open knives to determine if they fall within the TSA's parameters, then with many folding knives, it will not be possible for screeners to determine if the blade locks open or not.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink that reads "Bernard Levine". The signature is written in a cursive style and is positioned above a horizontal line.

Bernard Levine

Executed on May 4, 2013