

## **The Airplane in McBoyle**

### **Chapter 8 — Statutes**

The Tenth Circuit opinion says that in 1926 McBoyle had “caused to be transported in interstate commerce” a stolen “Waco airplane” (textbook page 86). The Waco Aircraft Company, located in Ohio, was one of the largest airplane manufacturers in the 1920’s. Its name is pronounced “*waah-ko*” and has no relationship to the Texas city of Waco (which is pronounced “*way-ko*”).

In the 1920’s, a typical airport was a grassy field with a gas pump and some mechanic’s equipment in a shed. McBoyle operated an airfield in Galena, a small town in rural Illinois. He got one of his employees, a pilot named Lacey, to steal the Waco from an airfield in Ottawa, another small town about a hundred miles away, and fly the plane to Galena, where McBoyle painted over the plane’s serial number, gave Lacey some money for food and fuel, and told him to fly the plane west. Lacey got as far as Oklahoma.

Neither the Tenth Circuit nor the Supreme Court tells us which model Waco was stolen, but it was probably a Waco 9. The first Waco 9 was built in 1925. In 1926, when McBoyle and Lacey stole one, it was state-of-the-art aviation. It cruised at 80 miles per hour and in a pinch could exceed 90. It had to be refueled every 400 miles, which is why Lacey had to land in Missouri and Kansas along the way.

Today finding a Waco 9 is extraordinarily difficult. But in 1930 the company started manufacturing a slightly larger type called the F series. The final variant was the YMF.

Waco went out of business in 1947. Decades later a small company in Michigan named itself the WACO Classic Aircraft Corp., bought the YMF blueprints, and now builds a few new YMF’s by hand (see [www.wacoaircraft.com](http://www.wacoaircraft.com)). On the next page is a picture of one.

The Waco 9 was a thinner plane than the YMF, along the lines of the New Standard Aircraft Company’s model D-25. On page 3 is a D-25 built in 1929 and still flyable today. On page 4 is a picture taken from the cockpit at the altitude Lacey would have flown on his way to Oklahoma. That’s what the ground would have looked like as he glanced out over the wing. Like all other pilots of that era, Lacey would have worn goggles as well as the soft leather helmet pictured from the back on page 5. The helmet did not reduce the engine’s noise, which was deafening.









