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AUTO THEFT PREVENTION ACT OF 1968

GOVERNMENT

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HEARINGS

BEFORE

SUBCOMMITTEE NO. 5

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

SECOND SESSION

ON

H.R. 15215, and related bills,

TO AMEND TITLE 18, UNITED STATES CODE, TO PROVIDE
CRIMINAL PENALTIES FOR THE MANUFACTURE, ADVER-
TISEMENT FOR INTRODUCTION, OR INTRODUCTION INTO
INTERSTATE COMMERCE OF MOTOR VEHICLE MASTER
KEYS, AND FOR OTHER PURPOSES

MARCH 6, 14, 1968

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AUTO THEFT PREVENTION ACT OF 1968

WEDNESDAY, MARCH 6, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2226, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler (chairman), Rogers, Mathias, McClory, and Railsback.

Staff members present: Benjamin L. Zelenko, counsel to the subcommittee, and Donald E. Santarelli, associate counsel.

The CHAIRMAN. The subcommittee will come to order.

Today we begin hearings on H.R. 15215, and related bills, to amend title 18, United States Code, to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes.

In his recent crime message to the Congress, the President called attention to the fact that auto theft is the third most frequent and the second most costly crime in the Nation. Estimates of annual loss through auto theft vary from \$140 to \$600 million. In 1967, the number of auto thefts is said to have exceeded 650,000. It is clear that over 80 percent of the thieves are juveniles or young adults.

Furthermore, I understand that a 1966 survey indicated that of those cars stolen in which the ignition was locked more than 50 percent were stolen by the use of some type of master key.

H.R. 15215 was introduced at the request of the administration. It prevents the advertisement, mailing, and shipment in interstate commerce of motor vehicle master keys and information and devices from which such keys can be made. The maximum penalties for violations would be a \$5,000 fine or imprisonment for not more than 2 years, or both.

The subcommittee is aware that the House recently approved H.R. 14935, a bill regulating the mailing, and I emphasize "mailing" of master keys. That measure was reported to the House by the Committee on Post Office and Civil Service. It amends the Postal Code solely to make master keys nonmailable. The Post Office Committee's report on the legislation acknowledged that the proposal was very limited in scope and contained no criminal penalty.

H.R. 15215 is broader in scope and would impose criminal sanctions for the manufacturer as well as against the shipper. Unlike the postal regulation bill, H.R. 15215 contains no exemptions for particular occupational classes; no delay in effective date, and no regulatory role for the Postmaster General.

The differences in these approaches will be among the matters that the subcommittee will explore in these hearings.

At this point we will place in the record H.R. 15215, and related measures, which are the subject of the hearings.

(The documents referred to follow:)

[H.R. 15215, 90th Cong., Second sess.]

A BILL To amend title 18 United States Code, to provide criminal penalties for the manufacture, advertisement for introduction, or introduction into interstate commerce of motor vehicle master keys, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Auto Theft Prevention Act of 1968".

SEC. 2. That chapter 2 of title 18, United States Code, is amended by—

(a) adding at the end thereof the following new section:

"§ 36. Manufacture, introduction or advertisement for sale of motor vehicle master keys

"(a) Whoever knowingly introduces or manufactures for introduction into interstate commerce, or transports or distributes in interstate commerce, any motor vehicle master key, or any pattern, impression or mold from which a motor vehicle master key may be made, shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

"(b) Whoever knowingly disseminates by any means in interstate commerce any advertisement for the sale of a motor vehicle master key, or any pattern, impression, or mold from which a motor vehicle master key may be made, shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

"(c) As used in this section, 'motor vehicle master key' means any key, other than the original key furnished by the manufacturer with the motor vehicle or an exact duplicate of the pattern thereof, so designed as to operate two or more motor vehicle ignition, door, or trunk locks of different patterns."

(b) Adding the following at the end of the chapter analysis:

"36. Manufacture, introduction, or advertisement for sale of motor vehicle master keys."

SEC. 3. Chapter 83 of title 18 United States Code, is amended by—

(a) inserting after section 1716 thereof the following new section:

"§ 1716A. Motor vehicle master keys as nonmailable

"(a) All motor vehicle master keys, or any pattern, impression, or mold from which a motor vehicle master key may be made, and advertisements for the sale or such keys or patterns, impressions, or molds are nonmailable matter and shall not be deposited in or carried by the mails, or delivered by any postmaster, letter carrier, or other person in the postal service.

"Whoever knowingly uses or attempts to use the mails or the postal service of the United States for the transmission of any matter declared by this section to be nonmailable shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

"(c) As used in this section, 'motor vehicle master key' means any key, other than the original key furnished by the manufacturer with the motor vehicle or an exact duplicate of the pattern thereof, so designed as to operate two or more motor vehicle ignition, door, or trunk locks of different patterns."

(b) inserting the following in the appropriate place in the chapter analyses:

"1716A. Motor vehicle master keys as nonmailable."

SEC. 4. Section 4001 of title 39, United States Code, is amended by inserting "1716A" in subsection (a) after "1716".

[H.R. 12047, 90th Cong., second sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for the introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended by—

(1) adding at the end thereof the following new section:

“§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

“Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

“Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

“This section shall not apply to—

“(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (a) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (b) any political subdivision of any such entity; or

“(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

“As used in this section, ‘master key’ means any key adapted to fit the ignition switch of two or more motor vehicles the ignition switches of which are designed to be operated by different keys.”

(2) adding at the end of the chapter analysis of such chapter the following:

“2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys.”

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

“All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

“(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

“(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

“(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section.”

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H.R. 14003, 90th Cong., first sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended—

(1) by adding at the end thereof the following new section:

“§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

“(a) Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

“(b) Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

“(c) This section shall not apply to—

“(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (A) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity; or

“(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

“(d) As used in this section, the term ‘motor vehicle master key’ means a key which will operate all of the ignition locks of two or more motor vehicles each of which can be operated by a key which will not operate the ignition locks of other such vehicles.”

(2) by adding at the end of the chapter analysis of such chapter the following:

“2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys.”

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

“All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

“(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

“(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

“(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section.”

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H.R. 14226, 90th Cong., first sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended by—

(1) adding at the end thereof the following new section:

“§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

“Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

“Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

“This section shall not apply to—

“(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (a) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (b) any political subdivision of any such entity; or

“(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.”

“As used in this section, ‘master key’ means any key adapted to fit the ignition switch of two or more motor vehicles the ignition switches of which are designed to be operated by different keys.”

(2) adding at the end of the chapter analysis of such chapter the following;

“2319. Introduction, sale, distribution, or advertisement or sale to the public of motor vehicle master keys.”

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

“All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

“(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

“(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

“(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section.”

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H.R. 14300, 90th Cong., first sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended by—

(1) adding at the end thereof the following new section:

“§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

“Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any

motor vehicle master key shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

"Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

"This section shall not apply to—

"(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (a) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (b) any political subdivision of any such entity; or

"(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

"As used in this section, 'master key' means any key adapted to fit the ignition switch of two or more motor vehicles the ignition switches of which are designed to be operated by different keys."

(2) adding at the end of the chapter analysis of such chapter the following:

"2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys."

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

"All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

"(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer, or employee of any rental car agency for use in their business;

"(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

"(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section."

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H.R. 14359, 90th Cong., first sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended by—

(1) adding at the end thereof the following new section:

"§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

"Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

"Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any

advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

"This section shall not apply to—

"(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (a) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (b) any political subdivision of any such entity; or

"(2) the shipment transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

"As used in this section, 'master key' means any key adapted to fit the ignition switch of two or more motor vehicles the ignition switches of which are designed to be operated by different keys."

(2) adding at the end of the chapter analysis of such chapter the following:

"2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys."

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

"All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

"(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

"(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

"(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section."

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H.R. 14368, 90th Cong., first sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended—

(1) by adding at the end thereof the following new section:

"§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

"(a) Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"(b) Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

“(c) This section shall not apply to—

“(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (A) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity; or

“(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

“(d) As used in this section, the term ‘motor vehicle master key’ means a key which will operate all of the ignition locks of two or more motor vehicles each of which can be operated by a key which will not operate the ignition locks of other such vehicles.”

(2) by adding at the end of the chapter analysis of such chapter the following:

“2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys.”

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

“All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

“(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

“(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

“(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section.”

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H.R. 14407, 90th Cong., first sess.]

A BILL To Amend title 18, United States Code, in regard to the distribution of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1716 of title 18, United States Code, is amended by inserting immediately after the seventh paragraph the following new paragraph:

“All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

“(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency, for use in their business;

“(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with activities of such club or association; and

"(3) to supply or procurement personnel of—

"(A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States; or

"(B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section."

(b) Chapter 113 of such title is amended—

(1) by adding at the end thereof the following new section:

"§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

"(a) Whoever knowingly—

"(1) introduces, or manufactures for introduction into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key; or

"(2) disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

"(b) This section shall not apply to—

"(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of—

"(A) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States; or

"(B) any political subdivision of any such entity.

"(c) As used in this section, 'master key' means any key adapted to fit the ignition switch of two or more motor vehicles the ignition switches of which are designed to be operated by different keys."

(2) by adding at the end of the chapter analysis of such chapter the following:

2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys."

SEC. 2. This Act shall take effect on the sixtieth day after the date of the enactment of this Act.

[H. R. 14409, 90th Cong., first sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended by—

(1) adding at the end thereof the following new section:

"§ 2319. Introduction, sale, distribution or advertisement for sale to the public, of motor vehicle master keys

"Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

"Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

"This section shall not apply to—

"(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common

carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (a) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (b) any political subdivision of any such entity; or

"(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

"As used in this section, 'master key' means any key adapted to fit the ignition switch of two or more motor vehicles the ignition switches of which are designed to be operated by different keys."

(2) adding at the end of the chapter analysis of such chapter the following:

"2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys."

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

"All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

"(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

"(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

"(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section."

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H.R. 14411, 90th Cong., first sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended—

(1) by adding at the end thereof the following new section:

"§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

"(a) Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"(b) Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"(c) This section shall not apply to—

"(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate

thereof, or any department, agency, or instrumentality of (A) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity; or

"(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

"(d) As used in this section, the term 'motor vehicle master key' means a key which will operate all of the ignition locks of two or more motor vehicles each of which can be operated by a key which will not operate the ignition locks of other such vehicles."

(2) by adding at the end of the chapter analysis of such chapter the following:

"2319. Introduction, sale distribution, or advertisement for sale to the public of motor vehicle master keys."

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

"All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

"(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

"(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

"(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section."

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H. R. 14440, 90th Cong., first sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended—

(1) by adding at the end thereof the following new section:

"§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

"(a) Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"(b) Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"(c) This section shall not apply to—

"(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (A) the United

States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity; or

"(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

"(d) As used in this section, the term 'motor vehicle master key' means a key which will operate all of the ignition locks of two or more motor vehicles each of which can be operated by a key which will not operate the ignition locks of other such vehicles."

(2) by adding at the end of the chapter analysis of such chapter the following:

"2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys."

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

"All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

"(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

"(2) to any officer or employee of an automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

"(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section."

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H.R. 14720, 90th Cong., second sess.]

A BILL To provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code, is amended—

(1) by adding at the end thereof the following new section:

"§ 2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys

"(a) Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"(b) Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"(c) This section shall not apply to—

"(1) the introduction, manufacture for introduction, transportation, distribution, sale, or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (A) the United States, any State, the District of Columbia, the Commonwealth

of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity; or

"(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

"(d) As used in this section, the term 'motor vehicle master key' means a key which will operate all of the ignition locks of two or more motor vehicles each of which can be operated by a key which will not operate the ignition locks of other such vehicles."

(2) by adding at the end of the chapter analysis of such chapter the following:

"2319. Introduction, sale, distribution, or advertisement for sale to the public of motor vehicle master keys."

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

"All keys adapted to fit the ignition of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

"(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

"(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

"(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section."

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

[H. R. 16518, 90th Cong., second sess.]

A BILL To amend title 18, United States Code, to provide criminal penalties for the manufacture, advertisement for introduction, or introduction into interstate commerce of motor vehicle master keys, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Auto Theft Prevention Act of 1968".

SEC. 2. That chapter 2 of title 18, United States Code, is amended by—

(a) adding at the end thereof the following new section:

"§ 36. Manufacture, introduction, or advertisement for sale of motor vehicle master keys

"(a) Whoever knowingly introduces or manufactures for introduction into interstate commerce, or transports or distributes in interstate commerce, any motor vehicle master key, or any pattern, impression, or mold from which a motor vehicle master key may be made, shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

"(b) Whoever knowingly disseminates by any means in interstate commerce any advertisement for the sale of a motor vehicle master key, or any pattern, impression, or mold from which a motor vehicle master key may be made, shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

"(c) As used in this section, 'motor vehicle master key' means any key, other than the original key furnished by the manufacturer with the motor vehicle or an exact duplicate of the pattern thereof, so designed as to operate two or more motor vehicle ignition, door, or trunk locks of different patterns."

(b) adding the following at the end of the chapter analysis:

"36. Manufacture, introduction, or advertisement for sale of motor vehicle master keys."

SEC. 3. Chapter 83 of title 18, United States Code, is amended by—
 (a) inserting after section 1716 thereof the following new section:

“§ 1716A. Motor vehicle master keys as nonmailable

“(a) All motor vehicle master keys, or any pattern, impression, or mold from which a motor vehicle master key may be made, and advertisements for the sale of such keys or patterns, impressions, or molds are nonmailable matter and shall not be deposited in or carried by the mails, or delivered by any postmaster, letter carrier, or other person in the postal service.

“(b) Whoever knowingly uses or attempts to use the mails or the postal service of the United States for the transmission of any matter declared by this section to be nonmailable shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

“(c) As used in this section, ‘motor vehicle master key’ means any key, other than the original key furnished by the manufacturer with the motor vehicle or an exact duplicate of the pattern thereof, so designed as to operate two or more motor vehicle ignition, door, or trunk locks of different patterns.”

(b) inserting the following in the appropriate place in the chapter analyses:

“1716A. Motor vehicle master keys as nonmailable.”

SEC. 4. Section 4001 of title 39, United States Code, is amended by inserting “1716A” in subsection (a) after “1716”.

The Chairman. Our first witness this morning is our distinguished Representative in Congress, the Honorable Joseph P. Vigorito, of the State of Pennsylvania.

STATEMENT OF HON. JOSEPH P. VIGORITO A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. VIGORITO. I have a very brief statement but I think it is to the point.

Mr. Chairman, I appreciate the opportunity your subcommittee has given me to appear before you today in support of my bill, H.R. 14368, and companion legislation such as H.R. 15215, all designed to curb the growing menace caused by the sale and distribution of automobile master keys.

The prompt passage of this bill is absolutely necessary to protect our public and to cut down the rising number of automobile thefts. Several states, including my State of Pennsylvania, allow mail order firms to sell master car keys to anyone who asks. In this way master keys fall into the hands of the criminally inclined.

It is frightening to think about it, but a car is stolen in the United States every 57 seconds and the total is rising annually. In the city of Philadelphia alone close to 7,000 cars were stolen in 1967. Nationwide there were 557,000 car thefts reported, compared with only 493,000 in 1965. Since 1960 this crime has risen steadily and the total increase for the 7-year period is 71 percent.

There are serious economic aspects of the problem. Although nine out of 10 stolen cars are recovered, auto thefts continue to cost the public and the insurance industry more than half a billion dollars a year. And if insurance costs rise, every person is going to feel the pinch in his own pocket because everybody's insurance premiums will jump upward.

Finally, we must not forget there is an equally serious social problem involved. A good part of the cars stolen off the streets are by young men and boys. These are boys looking for their first thrill, their first taste of forbidden adventure. By allowing master keys

to easily fall into their hands, we are putting before them a temptation to commit a crime.

Let us look at what happens: These boys obtain a master key, they steal a car and then are caught by the police. They end up with a record on the police blotter and because they have made one bad step they are more or less dragged into a life of crime.

It is the responsibility of Congress to act quickly and firmly to stamp out this evil. Let us pass this bill and place sufficient penalties on the manufacture and introduction of master car keys in interstate commerce so as to solve a steadily growing national problem.

Thank you, Mr. Chairman.

The CHAIRMAN. I take it that you have seen some of the other bills?

Mr. VIGORITO. Yes, they are very similar.

The CHAIRMAN. Have you seen the bill that the chairman of this subcommittee has offered and do you approve of that bill also?

Mr. VIGORITO. I approve of that bill, sir.

Mr. MATHIAS. I would like to thank the gentleman for his contribution and particularly for raising the point of the impact on insurance, which means that the innocent suffer along with the guilty in this particular case.

As insurance premiums are driven up by the rising costs of claims, the entire public pays the bill. Therefore, the entire public has an unusual stake in this particular problem.

Mr. VIGORITO. Thank you.

Mr. RAILSBACK. I have no questions.

The CHAIRMAN. Thank you very much and I repeat what the distinguished gentleman from Maryland has said, that we are very grateful to you for your statement this morning.

Mr. VIGORITO. Thank you.

The CHAIRMAN. Our next witness is a very dedicated public servant and a good friend of mine and a friend of members of the committee, I am sure, the Honorable Fred M. Vinson, Jr., Assistant Attorney General of the criminal division.

You are accompanied by your executive assistant, Mr. Richard L. Braun. We welcome both of you.

STATEMENT OF HON. FRED M. VINSON, JR., ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION; ACCOMPANIED BY RICHARD L. BRAUN, EXECUTIVE ASSISTANT

Mr. VINSON. Thank you, Mr. Chairman and distinguished members of the subcommittee.

I am Fred M. Vinson, Jr., Assistant Attorney General in charge of the criminal division of the Department of Justice, and with me is Mr. Braun, executive assistant in the criminal division.

The bill which the committee is considering today was forwarded here because in the judgment of the President and the Attorney General this is one of a number of significant ways that we can control auto theft.

Mr. Braun, who accompanies me, has been working in the many faceted field of auto theft prevention for almost 2 years now. I would introduce him to the committee at this time and ask him to state the position of the Department in further detail.

Mr. BRAUN. Mr. Chairman, you have already highlighted the important and the serious aspects of auto theft with respect both to its frequency and to its cost.

Congressman Vigorito has emphasized the fact that it is a very serious youth crime. It is a real steppingstone for young people into careers of crime. It is also a very serious highway hazard. It creates a highway hazard that is very serious. You have apprehensive youngsters, many of whom are too young to have driver's licenses, stealing cars and driving them when they are not familiar with the car and have no financial interest. It is obvious you have an accident that is looking for some place to happen. The statistics bear this out.

We conducted a survey just about a year ago into this and we learned from the survey that one out of a little more than 4,000 auto thefts, almost 20 percent—it was just about 17 percent—of the stolen cars became involved in automobile accidents.

What this amounts to is that last year there were about 100,000 accidents involving stolen cars. There were many thousands of injuries and deaths, oftentimes to innocent people that result from this.

This is simply another reason that auto theft is so important to reduce.

We have taken steps on a number of fronts including a vigorous campaign to convince motorists that they should take more care in safeguarding their cars by removing their keys and locking their cars. This is very important, that motorists do use care in this respect.

But even when they lock their cars and take their keys, if master keys are readily available—which they have been—then it is still a fairly simple matter for an experienced youngster, even, to steal the car by use of the master key.

In addition to the other steps we have taken, we feel that the control and strict prohibition of this traffic in master keys is important. At this time, I should like to turn to my prepared statement.

The CHAIRMAN. Go right ahead.

Mr. BRAUN. Although auto theft is not a dramatic crime, it is one of serious proportions. It is the third most frequently committed felony in the country.

About one of every four Federal prison inmates is incarcerated for auto theft. In 1967 more than 650,000 cars were stolen. The total cost of auto theft for the past year is estimated to be in excess of \$500 million.

Second, auto theft is essentially a crime committed by young people—more than 60 percent of all auto thefts are committed by youngsters under 18. Too frequently, it is the first step on a path to a criminal career.

Finally, auto theft creates a major danger to highway safety. Apprehensive youngsters driving cars in which they have no financial interests create a real highway hazard. The accident rate for stolen cars is at least 200 times greater than the overall accident rate.

We estimate in 1967 more than 100,000 stolen cars were involved in accidents, resulting in many thousand deaths and injuries.

Thus, it is a fair summary to say that a reduction in auto thefts will reduce the overall cost of crime in our country, tend to prevent many young people from starting in criminal careers, and improve highway safety.

The Department of Justice is taking action to alleviate this problem.

On March 1, 1967, the Attorney General of the United States announced a nationwide campaign to prevent automobile theft.

The Criminal Division of the Department of Justice serves as coordinator. Since most stolen cars were left unlocked by their operators and nearly half had been left with the keys in the ignition, the gist of the campaign is to persuade citizens, by public information means, to remove the keys from their vehicles, and to lock their cars before leaving them.

We are convinced that a significant number of auto thefts could be avoided if citizens would remove the keys from their vehicles, and lock them before leaving them. However, master keys would still be available to gain entry to locked cars and to start the motors.

In the early part of 1967, the Criminal Division of the Department of Justice conducted a survey to gather information which would be helpful in analyzing the crime of auto theft. The surveyed group was composed of 1,659 convicted auto thieves who would no longer be prejudiced by talking frankly about their experiences. These 1,659 individuals submitted data covering 4,077 auto thefts which had been committed by them.

The survey showed that a master key was used to start the automobile in nearly 5 percent of these thefts. Thus, master keys were a contributing factor in more than 30,000 auto thefts last year. A copy of our survey is submitted for the record.

This survey substantiates the conclusion that in combating the problem of auto theft, it is important that the supply of these keys be eliminated.

Some of the States in our country have passed laws proscribing the sale and/or possession of motor vehicle master keys. These efforts, however, are not the complete answer to the problem since dealers can easily avoid the effect of individual State laws by moving their base of operation and by advertising and selling these keys through the mail.

Clearly, a Federal statute is needed to reinforce State efforts.

The Department of Justice believes that H.R. 15215 is responsive to the problem of master keys. It will prohibit the manufacture for introduction, advertisement, mailing, and shipment in interstate commerce of motor vehicle master keys and other devices from which such keys can be made. Further, it provides a practical definition of the term "master key" for a statute of general application.

Technically, a master key is one which will operate all locks in a particular series which have been designed to be operated by a single master key, in addition to individual keys of different patterns.

In other words, the locks are constructed to be operated by a master key, as well as by different individual keys. To our knowledge such locks and keys are not manufactured or used in the automobile industry at the present time.

The keys which are so widely advertised and sold as master keys are not true master keys. They are in fact keys which are designed to take advantage of unplanned construction similarities or of tolerances in locks. They are known to locksmiths as "try out" or manipulation keys.

The definition contained in H.R. 15215 is aimed at outlawing all types of keys which can be used to operate automobile locks of different patterns, except true master keys which might be made and

furnished by the automobile manufacturer for fleets of cars, should they see a need to produce such locks and keys on a limited basis.

By defining "master key" in this generic sense, the bill sets forth a workable legal definition, superior to technical language for a statute of general application and consistent with the general language of the circulated advertisements.

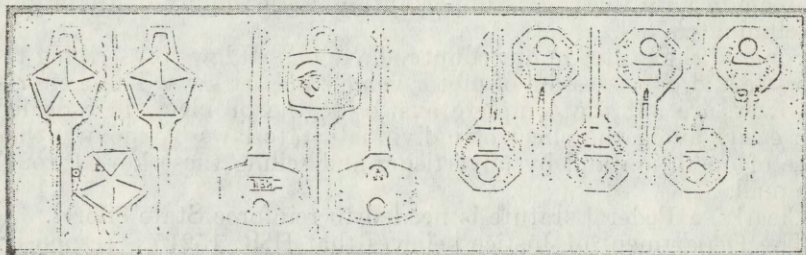
It is also important that no unnecessary exceptions which would allow certain classes of persons to purchase keys be specified in this legislation since these would invariably lead to enforcement problems and severely weaken the law.

In this regard I am submitting copies of two advertisements for master keys which are purportedly directed at persons who might be considered for exception from the coverage of this bill. (The materials referred to are as follows:)

ATTENTION ▶

- | | | |
|--------------------|------------------------|-------------------------|
| ○ NEW CAR DEALERS | ○ AUTO BODY SHOPS | ○ WHOLESALERS |
| ○ USED CAR DEALERS | ○ AUTO RENTAL AGENCIES | ○ PARTS STORES |
| ○ AUTO WRECKERS | ○ REPOSSESSORS | ○ INDEPENDENTS |
| ○ AUTO AUCTIONS | ○ COLLECTION AGENCIES | ○ PARKING LOTS |
| ○ MUNICIPALITIES | ○ POLICE AGENCIES | ○ TRAFFIC MANAGERS |
| ○ BANKS | ○ FINANCE Companies | ○ Gov't. Agencies, etc. |

NEED AUTOMOBILE & TRUCK MASTER KEYS?



OUR KEYS WILL OPEN DOORS AND IGNITIONS ON
ALL CARS & TRUCKS BUILT 1955-1967.

(Prices Subject to Change)

(Fla. Buyers Add 3% S. T.)

There is no EASIER, FASTER, or more ECONOMICALLY
way to open locked vehicles.

STOP LOSING SALES! ○ SAVE ON SERVICE CALLS!

3 - KEYS TO OPEN ALL FORD CO.
PRODUCTS

(FORDS, LINCOLNS, MERCURYS, etc.)

\$5 ☐

3 - KEYS TO OPEN ALL CHRYSLER
MOTOR CO. PRODUCTS

(CHRYSLERS, PLYMOUTHS, DODGES, etc.)

\$5 ☐

6 - KEYS TO OPEN ALL GENERAL
MOTORS CO. PRODUCTS

(CHEVYS, OLDS, BUICKS, PONTIACS, CADDDYS, etc.)

\$6 ☐

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W

\$12⁰⁰

BUYS ALL
THREE
GROUPS

(Original Retail Value \$16.00)

(OUR LOW PRICES ARE BASED ON "PAYMENT WITH ORDER" PLEASE.)

▶ In lots of "TEN" or more complete sets . . . your
cost will be ONLY \$9.00 per set. (WE PAY ALL POSTAGE) ◀

"MONEY-BACK GUARANTEE"

If, for any reason, you are not completely satisfied with your purchase . . . simply return merchandise in good condition along with a photostatic copy of your original check and you will receive full refund. Returns must be shipped within a ten-day period from date of arrival for refund purposes. Sorry . . . No Sales to Individuals! (Please guard your keys against unlawful use.)

Order Today

SEND CHECK or MONEY ORDER to ▼

A. K. SUPPLY CO.

4710 - 28th STREET (N)

P. O. BOX 13547

ST. PETERSBURG, FLORIDA 33733

(PRINTED IN THE U.S.A.)

WATSON'S
Member Watson Chamber of Commerce

WATSON, ILL.

Phone 244-2440 Area Code 609

Dear Friend:

You are in one or more of the preferred business categories listed below and we have something different for you. Something we know you will have use for now and over the years.

You can enter and drive over any Major brand American made car or truck manufactured from 1960 to 1967 with our MASTER KEYS

SOLVE LOCK-OUTS

NEW CAR DEALERS
USED CAR DEALERS
AUTO WRECKERS
AUTO AUCTIONS
MUNICIPALITIES
BANKS

AUTO BODY SHOPS
AUTO RENTAL AGENCIES
REPOSSESSORS
COLLECTION AGENCIES
POLICE AGENCIES
FINANCE Companies

WHOLESALEERS
PARTS STORES
INDEPENDENTS
PARKING LOTS
TRAFFIC MANAGERS
Gov't. Agencies, etc.

MASTER KEYS

NEED MASTER KEYS?

"I" KEYS TO OPEN ALL FORD MOTOR CO. PRODUCTS \$2.00 -- ☐ "M" KEYS TO OPEN ALL RAMBLER AND AMERICAN \$2.00 -- ☐
"J" KEYS TO OPEN ALL CHRYSLER MOTOR CO. PRODUCTS \$2.00 -- ☐ "A" KEYS TO OPEN ALL GENERAL MOTORS CO. PRODUCTS \$2.00 -- ☐

KEYS WILL OPEN DOORS & IGNITIONS ON ALL CARS & TRUCKS BUILT 1960-1967 SPECIAL 10-DAY OFFER IF YOU BUY ALL FOUR SETS ONLY \$10.00

(From Other Side)

"Ke-Master" No. _____

"E-Z Door Unlocker" _____

Our prices are subject to change without notice.

SENDING INFORMATION

IN LOTS OF
FOUR COMPLETE SETS
OR MORE--YOU PAY

ONLY \$10.00

FOR EACH COMPLETE SET
(1 complete set includes Ford, Chrysler, Gen. Motors, Rambler and American)

(WE PAY ALL POSTAGE)
(Our LOW PRICES are based on "Payment With Order" alone).

We do NOT sell these keys to INDIVIDUALS. We will not knowingly deliver our keys to anyone who orders these keys to INDIVIDUALS. Your cooperation is required in purchasing keys ONLY for companies who have a genuine need for these keys. Guard your keys and distribute ONLY to legitimate personnel.

FIRM _____

AUTHORIZED SIG. _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

SPECIAL 10-DAY OFFER
ONLY \$10.00 BUYS ALL FOUR GROUPS

CHECK BACK OF THIS PIECE
FOR OTHER WORTHWHILE ITEMS

Check with KING CHICK
AUTO PARTS & SERVICE
CREDIT AGENCY (Order to 247) WATSON, ILL.
WATSON, MINN. 56095

CHECK IN THE

AMOUNT OF...\$ _____

ENCLOSED

ABSOLUTELY NO SALES MADE TO INDIVIDUALS

R.S. FINAL OFFER:

SOLDIER TODAY

It can readily be seen that it would be impossible to prevent illegitimate users or purchasers from posing as members of these excepted classes. In addition, despite inquiry we have not learned of any substantial legitimate need for such keys.

In conclusion, we urge the prompt enactment of H.R. 15215 as requested in the President's message on the challenge of crime to our society.

Thank you, Mr. Chairman and members of this subcommittee.

The CHAIRMAN. As to the definition of master keys, if you have the bill before you, H.R. 15215, on page 2, beginning on line 16, states:

As used in this section, motor vehicle master key means any key other than the original key furnished by the manufacturer with a motor vehicle or an exact

duplicate of the pattern thereof, so designed as to operate two or more motor vehicle ignition, door or truck locks of different patterns.

What do you mean by "patterns" there? I ask you because you wrote the bill, I assume.

Mr. BRAUN. We had a part in it. The pattern simply means the pattern of the key itself, the rises and falls and the peaks and valleys that you have in every key. In other words, every key has some pattern, it has geometrical design, and perhaps that would be another word.

Mr. MATHIAS. If you would yield just a moment, is this a word of art among locksmiths, the word "pattern"?

Mr. BRAUN. Congressman Mathias, I wish that I could say that there were very clearly delineated words of art in this field, but interestingly there has been so little communication in this area of master keys, I can't say it is a real word of art. It is frequently used to designate the design or the geometric formula for any given key.

But I can't say it is the only word. If we use another word such as "design" we get into other possible meanings.

The CHAIRMAN. Could there be some sort of a device—I don't know what the technical term would be—that might be something other than a key, that could have this same objective and be used for the same purpose?

Would the person having that device come within the purview of the act?

Mr. BRAUN. Are you referring to something like a screwdriver, Mr. Chairman?

The CHAIRMAN. Here is what I am driving at: Maybe you should have words like the following, that the definition shall include, say, any device designed or capable of operating two or more vehicle locks—something along that line. That would be something a little broader. You seem somewhat specific here.

Mr. BRAUN. We considered that problem, Mr. Chairman.

We chose the word "key" because this legislation is aimed at stopping the traffic in master keys. Now, if we use a broader word like "device" it is going to include everything from bobbypins to screwdrivers. These all can be used for that purpose.

The CHAIRMAN. That is going to be one of the dangers of the enforcement of this statute.

Mr. BRAUN. That is correct, Mr. Chairman, but I don't feel it is feasible to prohibit, say, the traffic in bobbypins or screwdrivers and so many other things, even icepicks that could be used.

Now, if the Congress would choose to use a broader term and feels that is appropriate, we would not have any serious quarrel with it.

The CHAIRMAN. In the bill that came out of the House Post Office and Civil Service Committee, H.R. 14935, there is a definition which provides: "Any key or other manipulation-type device which is designed or adapted to operate the ignition," and so forth. They make it very broad in their legislation.

Mr. BRAUN. We noticed that, Mr. Chairman, and as that definition ends up, it refers to different keys.

The CHAIRMAN. You might have this situation: Under the bill passed by the House and recommended by the Post Office Department, something other than a key could not be mailable but would

not be subject to criminal penalties but would be subject to criminal penalties under our bill, H.R. 15215.

Is that what you intend?

Mr. BRAUN. Well, Mr. Chairman, the main problem here is keys. Those are what are advertised and those are what are sold. Our problem was that if you get into the word "device," and start prohibiting the use of such things as screwdrivers, or bobbypins, which could be adapted for this purpose, we have such a broad bill we might get into real problems in prohibitions.

If you wish to include the words "key or device," certainly I don't think that that would weaken the bill at all.

The CHAIRMAN. We want your wise counsel in that regard.

Mr. ROGERS. That is what I would like to be enlightened on. On page 2, line 16, of H.R. 15215, the following definition is set out:

As used in this section, motor vehicle master key means any key other than the original key furnished by the manufacturer with the motor vehicle or an exact duplicate or pattern thereof . . .

Now, do you mean that once a motor vehicle manufacturer or dealer who have these keys deliver them to the purchaser, it then would be against the law for anybody to send a duplicate key in interstate commerce?

Mr. BRAUN. No, sir, you will see further on that it is any key which is designed to operate two or more ignition, door, or trunk locks of different patterns. So, it would only outlaw the use of keys which will operate locks of different patterns.

Mr. ROGERS. That is two or more.

Now, we are in an age of two-car families or two cars in the family. Suppose as a matter of convenience the manufacturer fixes one key that will operate both automobiles.

Mr. BRAUN. That wouldn't be prohibited by this.

Mr. ROGERS. It would not be?

Mr. BRAUN. No.

Mr. ROGERS. But it would operate the locks in more than one machine.

Mr. BRAUN. But it refers to ignition, door or trunk locks of different patterns. You see the locks themselves have to be of different patterns.

If you put the same lock in two or three or four cars to be operated by the same key, that would not be in violation.

Mr. ROGERS. Thank you, sir.

The CHAIRMAN. May I pursue that a little differently?

Suppose a man wants to get a duplicate key and he goes to Sears, Roebuck. He gives them the key and Sears, Roebuck in one of its departments makes a duplicate key and it is discovered later on that that key opens two or more motor vehicles, that is one in addition to the automobile that the man owns.

Would that get Sears, Roebuck into difficulty?

Mr. BRAUN. No, Mr. Congressman, because only the knowing manufacture or introduction or mailing and so on of such keys would be prohibited.

Mr. RAILSBACK. Will the chairman yield?

Am I correct that you are trying to reach the people that are really involved in the commerce business of manufacturing or introducing these master keys that have been used so frequently, and this is really the purpose behind this bill, isn't it?

It involves the manufacturer knowingly manufacturing for this purpose.

Mr. BRAUN. That is right.

Mr. RAILSBACK. Mr. Chairman, I think that I agree with what I think are his comments that we have to be a little careful when we get into "other devices."

This, I understand, is a commercial business, manufacturing these master keys and for this very purpose of operating more than one particular automobile ignition or door. I think this is really the main thrust of this legislation.

It may be that we can tighten it up by including some other carefully worded phrase, but it involves really the manufacturer.

The CHAIRMAN. Because these people, if they find the keys cannot be used, they will start some other method and get some other device so that they won't get within the toils of this statute.

If we limit it to a key, that could be done. I think we may have to broaden it.

Mr. BRAUN. That would require advertisement of a device in effect to steal cars. I would think that it would be unlikely that someone would go that far.

However, as I say, we would certainly have no serious objection to adding the words "or device" after the words "any key."

The CHAIRMAN. Just as they did in the other bill.

Mr. BRAUN. Yes, sir. However, that other definition has other defects in our opinion that would make this definition, if you wish to add "device," preferable.

The CHAIRMAN. Would you supply us with this alternative language if we wanted to tighten this up?

Mr. BRAUN. We will be glad to.

The CHAIRMAN. To see that it is free of all bugs.

Mr. BRAUN. Yes, sir.

Mr. McCLORY. I am disturbed because of the fact that you don't need a master key. You can use all kinds of other devices to operate motor vehicles and steal them. Isn't it possible to devise a lock, an ignition lock and key, that isn't susceptible of this easy use or the substitution of some other device for opening the lock?

Mr. BRAUN. This is a continuing area of debate, Mr. Congressman, but I feel that it is possible to devise more secure locks.

The auto makers have been doing this. Now, it is only a few years ago that the locks were ridiculously easy to open, just as far back as 1963 and 1964.

Since then they have tightened up the security of the locks tremendously. They have made it more difficult to get in behind the locks to cross wires or to substitute a different lock.

Unfortunately, many thieves are ingenious and it is a sort of continuing cat and mouse game where the thieves think up new means of avoiding it. But the auto makers have made it very much more difficult in recent years and they are continuing to.

We have made additional suggestions to them, including putting some very hard cable or plating over the wires, so that people can't get to the wires and cut them and substitute another lock.

Mr. McCLORY. I am thinking primarily of the locks and keys used in the locks. Isn't it possible to develop locks that can't be opened with master keys?

Mr. BRAUN. Well, the locksmiths have also made this much more difficult. The master keys are not anywhere nearly as effective now as they were just 3 or 4 years ago. They are much more difficult to use. In fact, some of the new sets of master keys are advertised as requiring as many as 64 keys to open one type.

Now, you can imagine what it would be like with a ring of 64 keys. You would have to go through these to find the right one. So, they are improving it.

I think that they certainly could improve the locks a good deal more. The question of how rapidly they do so is one that we have been in considerable negotiations with them and we have urged them to tighten up the security in every one of these aspects.

Now, I am not a locksmith and I am far from an expert in this field. Good locksmiths tell me that you can pick most any lock if you are experienced enough.

Mr. ROGERS. On line 3 of the bill it states: "Whoever knowingly introduces." Now, does that mean that if you sit down and talk about getting a master key the statute would apply? What constitutes "Whoever knowingly introduces or manufactures for introduction in interstate commerce?"

Does it require the combination of the two acts? What is your definition of "introduction?"

Mr. BRAUN. Our definition of that, Mr. Congressman, would be that it requires the act of placing the item into interstate commerce. Certainly it is not just a discussion of it.

Mr. ROGERS. In other words, knowingly introducing—with reference to that we could talk about it and actually not have the article itself but it might get around to the question of entering into a conspiracy.

Mr. BRAUN. Yes, there might be a conspiracy, but if you just talk about it, that would not be introducing it under this statute.

Mr. ROGERS. I wanted to make sure. Suppose that I came along to you and I said, "Here is a master key. It is a nice thing that could be used in opening any automobile in the United States. Don't you think it is a good key?"

And you would say, "Yes."

I have introduced it to you, but I haven't made any suggestion that I am going to take it or that you are going to take it and send it in interstate commerce.

Under that definition I have not violated this section if it is passed; is that true?

Mr. BRAUN. I would say that would be correct, sir. Now, of course, if you advertise it for that purpose, you would be violating the statute, but the statute prohibits introduction into commerce.

Mr. ROGERS. Well, it provides "Whoever knowingly introduces or manufactures for introduction." That is, two separate offenses, isn't it?

Mr. BRAUN. I think it would take either of two acts. It would be either the manufacture for that purpose knowingly, or the introduction of a key that has already been manufactured, perhaps by someone else.

Mr. ROGERS. As indicated by other members of the committee, there is a special business of manufacturing keys, legitimate in its nature. They are in practically every State in the Union. They have

people come in and say, "I want you to duplicate this key," or "can you make this key for me?"

Would the fact that he asked them to make it, and he introduces them to the question of making one, does that constitute a crime?

Mr. BRAUN. You mean a master key, Congressman?

Mr. ROGERS. Well, it says "Whoever knowingly introduces." Now that refers to everything.

Mr. BRAUN. It is introduced into interstate commerce. If an individual goes into one of these places like a 7-11 or hardware store and he wants a key reproduced, it is doubtful that that would be an introduction into interstate commerce. Even assuming that it were, it would not be a violation of this statute unless there were a knowing use of that key as a master key.

Mr. ROGERS. Then, if I take your words, suppose that I have an automobile down in Virginia, and I go into a 7-11 store in the District of Columbia that has a key shop and say, "I want you to make a key to fit that automobile, and here is a pattern and I am going to take it down in Virginia to my automobile."

Would that be a violation under this section?

That is, because I told the 7-11 man that that is what I was going to do with it?

Mr. BRAUN. If he knew that was a master key, I believe it would be.

Mr. ROGERS. How is he going to tell whether it is a master key or not?

Mr. BRAUN. Usually, some locksmiths can tell and some cannot. If he can't tell that it is a master key, I don't think that he has violated the statute. It is an innocent act. But you might have a violation, Mr. Congressman, if you do such a thing with a master key.

Mr. ROGERS. You are putting it in reverse; you are making him guilty of a crime depending on whether he is ignorant or smart. Isn't that what it amounts to?

Mr. BRAUN. Guilty intent certainly is a factor of almost all crimes.

Mr. ROGERS. There is no question about the facts. The main thing is that here is a man engaged in the key-making business in the District of Columbia.

I walk into him and say, "I have an automobile down in Virginia, and I would like for you to make a copy of this, and give me a master key to go open that car."

Mr. BRAUN. I think he would violate the statute in that event.

Mr. ROGERS. And the locksmith would be in violation?

Mr. BRAUN. Yes, sir.

Mr. ROGERS. Thank you.

The CHAIRMAN. I would like you to elucidate on your statement. For example, on page 6, at the last paragraph you say:

The definition contained in H.R. 15215 is aimed at outlawing all types of keys that can be used to operate automobile locks of different patterns, except true master keys which might be made and furnished by the automobile manufacturer for fleets of cars, should they see a need to produce such locks and keys on a limited basis.

Would you elucidate a bit on that?

Mr. BRAUN. Yes, the true master key is one which is designed in conjunction with the design of a series of locks, so that that master key will open all of those locks. The locks have to be constructed for that purpose and the key, also.

You probably are familiar with this type of master key in buildings. Now, it is conceivable to us that the owner of a fleet of trucks or automobiles might well wish to have for himself a master key which will open any of them. In that event, we do not see any strong policy reasons for prohibiting such an act or such a series of events.

The CHAIRMAN. That key could then be sent through the mails; could it not?

Mr. BRAUN. Yes, sir.

The CHAIRMAN. It could be sent in interstate commerce?

Mr. BRAUN. Yes, sir.

Mr. ZELENKO. Is that the meaning of the word "patterns," on page 2, lines 20 and 21. The term "pattern" there really refers to the pattern of the lock and key. Is that the language of the "master key" definition that would permit a manufacturer to make a key to fit many locks, for example, for a fleet of cars?

Mr. BRAUN. Yes, sir; the word "pattern" applies to the word "locks."

Mr. ZELENKO. Is it locks and keys?

Mr. BRAUN. I think it applies strictly to the lock, but naturally a lock with a different pattern requires a key of a different pattern.

The CHAIRMAN. Is there any precedent that you know of in existing Federal criminal law for a provision as contained in this bill prohibiting the manufacturer of master keys for introduction into commerce other than, I think, the bill that is pending which prohibits shipment of wiretapping apparatus and wiretapping machines in interstate commerce?

Do you know of any provision of law which would cover this situation?

Mr. BRAUN. We feel, Mr. Chairman, and I have discussed this with a number of constitutional and legislative experts, there is no policy or constitutional reason why the manufacture for introduction into commerce cannot be prohibited where there is a serious evil such as the traffic in master keys.

The CHAIRMAN. Have we ever done that before?

Mr. BRAUN. I don't know of any criminal statute that does that. Now there is a statute which is very close that imposes a very serious civil penalty and that is the Auto Safety Act, that was only passed I think in 1966, which prohibits the manufacture for sale or introduction in interstate commerce of vehicles which violate this.

The CHAIRMAN. That would be a precedent; not a criminal law precedent but a civil law precedent.

Mr. BRAUN. But it imposes a civil penalty of \$1,000 a day.

The CHAIRMAN. Do you know of any State laws which would prohibit trade in master keys as this bill prohibits such trade?

Mr. BRAUN. Yes, Mr. Chairman, there are a number of State laws. I could furnish you a list of them.

The CHAIRMAN. I would like to have that for the record.

Mr. BRAUN. Yes, indeed, we will be happy to. Texas has one, and New Hampshire has one.

The CHAIRMAN. I have a copy of a bill that is pending in New York, and I shall insert it in the record at this point.

(The document referred to follows:)

STATE OF NEW YORK
904

IN ASSEMBLY
(*Pre filed*)

January 3, 1968

Introduced by Mr. GRIFFIN—read once and referred to the Committee on
Judiciary

AN ACT To amend the general business law, in relation to sale or possession of master or manipulative
keys for motor vehicles

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is hereby amended by inserting therein a new section, to be section three hundred ninety-one-b, to read as follows:

§391-b. *Sale or possession of master or manipulative keys for motor vehicles. 1. Any person, other than a new or used car dealer, licensed locksmith, garage repairman, auto supply dealer, car rental agency or a law enforcement officer, who knowingly has in his possession any master or manipulative key designed to or capable of starting the ignition of any motor vehicle is guilty of a misdemeanor.*

2. Any person, firm, corporation or association, or agent or employee thereof who sells, offers for sale or advertises for sale any master or manipulative key designed to or capable of starting the ignition of any motor vehicle, other than to persons exempted in the foregoing subdivision, is guilty of a misdemeanor.

§2. This act shall take effect September first, nineteen hundred sixty-eight.

EXPLANATION.—Matter in *italic* is new; matter in brackets [] is old law to be omitted.

Mr. BRAUN. That has been introduced in New York. Massachusetts now has one, and Wisconsin now has one. I think that there are about 10 States that have them and I can give you a list of all of them. There are several in States, but it is still a fairly small percentage.

The CHAIRMAN. We would like to have that.

Mr. BRAUN. All right, sir.

(The information to be furnished follows:)

STATE "MASTER KEY" STATUTES

A. The following states have published laws proscribing the sale and/or possession of motor vehicle "master Keys:"

1. Texas (Texas Penal Code, § 799(a)).
2. New Hampshire (N. H. Rev. Stats. Anno. 263: 82a-d).
3. Ohio (O Code Anno., § 4549.04.2 and 4549.99).
4. Massachusetts (Anno. Laws of Mass. § 266:49 and 266:140).
5. Michigan (Mich. Stats. Anno. § 28.646(1)).

B. Additionally, statutes have been proposed in the following states, but have not yet been published:

1. Oregon.
2. California.
3. Illinois.

C. Finally, at least three states have pending legislation on the subject:

1. New York.
2. West Virginia.
3. Wisconsin.

The CHAIRMAN. Now, in the bill that the House passed, H.R. 14935, that came out of the Post Office and Civil Service Committee, there were certain exceptions for specific occupational classes. You have no exceptions in this bill at all.

Could you tell us why?

Mr. BRAUN. Yes, that is a very difficult point, and we agree that if it were feasible to work out exceptions it might be desirable.

If you will notice, every time exceptions are proposed they include locksmiths, garage mechanics, automobile dealers, parking lot attendants, and other classes.

The CHAIRMAN. The bill under discussion, H.R. 14935, will be inserted in the record at this point:

[H.R. 14935, 90th Cong., second sess.]

AN ACT To amend title 39, United States Code, to regulate the mailing of master keys¹ or motor vehicles ignition switches, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4001 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any key or other manipulation type device which—

"(1) is designed or adapted to operate the ignition switches, door locks, and trunk locks, or any of them, of two or more motor vehicles, the ignition switches, door locks, and trunk locks of which are designed to be operated with a different key or set of keys for each such vehicle, and

"(2) is defined in regulations which the Postmaster General shall prescribe, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs. Notwithstanding the immediately preceding sentence, such key or manipulation-type device may be transmitted in the mails, in accordance with regulations which the Postmaster General shall prescribe, to—

"(A) a bona fide locksmith, dealer in motor vehicles, officer or employee of a parking facility, officer or employee of a common carrier or contract carrier, or officer or employee of any motor vehicle rental business, for use in connection with his business;

"(B) an officer or employee of an automobile club or association operating in more than one State, or of an affiliate of such club or association, for use in connection with the activities of such club or association; and

"(C) supply or procurement personnel of the Government of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States, or of any political subdivision thereof, for use in connection with the activities of such government.

The Postmaster General may require, as a condition of the transmission of any such key or manipulation type device in the mail to an addressee described in subparagraph (A), (B), or (C) of this subsection, that the mailer file with the postmaster at the time of mailing—

"(i) a certification of the addressee that the addressee is qualified to receive such key or manipulation type device through the mail under one of the eligible categories of addressees described in subparagraph (A), (B), or (C) of this subsection, and

"(ii) a certification of the mailer that, according to the information and belief of the mailer, the addressee is so qualified."

SEC. 2. The amendment made by this Act shall become effective on the sixtieth day following the date of enactment of this Act.

Passed the House of Representatives February 19, 1968.

Attest:

W. PAT JENNINGS,

Clerk.

The CHAIRMAN. H.R. 14935, as passed by the House, excepts an "officer or employee of a common carrier or contract carrier," an "officer or employee of any motor vehicle rental business," an "officer or employee of an automobile group or association, operating in more than one State."

Mr. BRAUN. The difficulty, Mr. Chairman, with such exceptions is that once you make any of these exceptions, you open the door for anyone to write to this locksmith and say, "I am a garage mechanic" or "I am a locksmith, please send me this."

As a matter of fact, many of the ads purport to be directed to these people. A lot of the ads say, "Attention locksmiths or garage mechanics and so on."

Despite this, they sell to anyone who writes in.

Now, the other problem is that practically anybody can be a garage mechanic. Only in very few States are there any licenses required for locksmiths. Practically anybody can say, "I am a locksmith." Certainly almost anyone can say, "I am a parking lot attendant or employee."

As soon as you open this door, we feel that it would be extremely difficult to police this statute and make it effective.

The CHAIRMAN. What do they do in these parking lots, for example? Do they have a master key that can open all of these doors?

Mr. BRAUN. Very few of them do.

The CHAIRMAN. When you go to a theater and you park your car in a lot, you usually have to leave your original key with the attendant.

Mr. BRAUN. They usually require that. Very few parking lots use these master keys, Mr. Chairman. As a matter of fact, it is like the police. The police don't use master keys and you would think they would be the ideal people to use them but they don't. They use wire contraptions or other gadgets that can open the car door and then they can either pick the lock or they can insert a separate ignition lock simply by attaching it to the wires.

The CHAIRMAN. You mean the police do not use these master keys at all?

Mr. BRAUN. I don't know of any police department that uses them.

Mr. VINSON. My wife locked her keys in the car last week and she called the police and said she had heard that they had a device that would allow them to get into cars, and they replied that they had a hammer.

She finally extricated hers by the use of a coat hanger but that takes a long time, to fish with a coat hanger, and the mere fact that you can increase the time that it takes for someone to get into a car will in itself, we think, reduce auto theft. It increases the exposure.

Mr. BRAUN. We have inquired, Mr. Chairman, of the groups that we felt would most likely use these master keys. So far we have seen no real need for any exceptions. We have inquired of the locksmiths.

The president of the Locksmith Association tells me that locksmiths don't use these and they don't need them. They can pick the locks without them.

We have sent a copy of this bill to the National Automobile Dealers Association and requested their views. They so far, and that was several months ago, have made no objection to this proposal to outlaw all master keys.

The CHAIRMAN. In other words, you wouldn't include any exceptions at all?

Mr. BRAUN. That is correct, sir.

Now let me add, Mr. Chairman, that we don't feel that there is only one possible answer. So far we have found no need for any exceptions, and as I say, we have contacted the automobile dealers and we have contacted locksmiths and we have contacted a number of big parking lot concerns. We have contacted the Triple A and none of those groups have told us that they saw any need for exceptions.

Now it may be that some group will come along and say, "We are going to be really hurt if we are not exempted." In that case it might be feasible to create such an exception. But we haven't found one yet.

There are isolated individuals who use these legitimately, but we feel it is more important to outlaw the traffic without major loopholes than it is to protect certain isolated individuals.

For example a few parking lots have said that they use master keys, but most parking lots including the chains we have contacted, don't. We feel that is only a convenience to them which can easily be remedied by other means.

The CHAIRMAN. I take it that you have read the bill that came out of the Post Office and Civil Service Committee, particularly the provisions on page 3 therein concerning certification that the Postmaster General may require as a condition for the transport of master keys, including a certification by the mailer of the keys that the addressee is qualified to receive such key or device.

Have you considered requiring similar certification and the granting of exceptions in drafting this bill?

Mr. BRAUN. Yes, sir, we have. The fact is, however, that most of these master key sales are directed at illegitimate use now. We don't feel it is probable that we will get any cooperation without very close policing, that would be more complicated and more expensive than the benefits derived.

It still is a simple matter for a person to say I am a parking lot attendant or employee, or I am a garage mechanic. It is pretty difficult to deny that.

Mr. ROGERS. Now you recognize, of course, that almost every large city has good locksmiths or experts capable of making master keys. Under the provisions of this proposal they would not be prohibited from carrying on their trade of making master keys within the city of Washington or New York or the county of Denver or Los Angeles?

Mr. BRAUN. If it doesn't involve interstate commerce, I would agree. However, I would like to question one statement that many reputable locksmiths make master keys. We haven't found that to be the case. Very few people do.

The only people who make master keys, to our knowledge, to any degree, are a few suppliers who advertise them widely and sell them by mail or by interstate shipments.

Mr. ROGERS. Now, most parking lots and garages require you to leave your keys in the car when you park because they may have to move it around. If, for example, an employee takes that key and steps over to the locksmith and gets a duplicate made, he hasn't violated anything under this law, has he?

Mr. BRAUN. No, sir.

Mr. ROGERS. Suppose he took the key from the District of Columbia, knowing that the car was going to be put in Virginia and he is a resident of the State of Virginia, he gets a duplicate made while he is working as a garage attendant or parking lot attendant, and then he later goes down into Virginia and steals the car?

By the theft of the car in the State of Virginia, has he violated any section of this proposal?

Mr. BRAUN. Mr. Rogers, of course, this bill only reaches the master key. Now, the key that you have in your car is not a master key.

That is a key for that car. A parking lot attendant who takes that down and gets it reproduced is in all probability violating another law. We don't feel he would be violating this law, because he didn't deal with a master key at all.

So, I would say certainly when he steals that car he has violated one law, and even reproducing your key without permission would in all probability be violating a law, but not this law. This law only deals with master keys.

Mr. ROGERS. You don't say it will interfere with any legitimate business so far as the locksmiths are concerned?

Mr. BRAUN. No, sir. When you go down with your car key and have it reproduced in interstate commerce or by some other means, there is no violation of this law at all.

Mr. ROGERS. But in order for it to be a master key, must it be in a position to open all Chevrolets of 1964 vintage?

Mr. BRAUN. No, sir, two or more locks of different patterns.

Mr. MATHIAS. I have two very brief questions.

In a statement Mr. Braun has used the figure of \$500 million as the estimate of annual loss from auto theft. I wonder what the source of that figure was.

Mr. BRAUN. As we point out that is an estimate, Congressman Mathias. We estimated that from the actual financial loss of the stolen cars.

Now, this itself comes to in the neighborhood of \$210 million. That is the cars that are stolen and returned, and the average damage even for a returned car is over \$200 now. The average loss from an unrecovered car is about \$1,200. So those totaled between the two equal about \$210 million.

The other loss involved is the cost of investigation, apprehension, trial, imprisonment, punishment, the cost to insurance companies for the further investigation they do, and so forth. It does not include the cost that results from the accidents to innocent owners, or the cost of the injuries or deaths resulting from those accidents.

The CHAIRMAN. How many cars are recovered?

Mr. BRAUN. About 88 percent, Mr. Congressman.

Mr. MATHIAS. I think it is helpful to have that figure because there are some other figures floating around in the wake of the Post Office bill, and I think it was important to know what the source is and what is contemplated.

Mr. BRAUN. Interestingly enough we are the source of several of these others. We have been asked from time to time, what is the financial loss from the stolen cars themselves. Just a few years ago that was about \$140 million. It is now up to about \$210 million.

So, in answer to a question, what is the financial loss in the theft of the cars themselves, we have answered as the years have gone by, from \$140 million now up to \$210 million. That, of course, is by no means the total loss involved.

Mr. MATHIAS. Finally, Mr. Chairman, I would like to ask this question.

Without diminishing my enthusiasm for this bill at all, I am somewhat discouraged to note on page 4 of Mr. Braun's statement that we are dealing here with a subject which is responsible apparently for not quite 5 percent of all of the automobile thefts.

It might be interesting to explore very briefly, Mr. Chairman, the other 95 percent and see if there is any way in which this committee can get at that.

Mr. BRAUN. Yes. As a matter of fact all of the causes that we found were listed in that survey that I believe you have a copy of. We have an additional copy here that we had planned to submit.

(The Department of Justice survey referred to is set out below:)

DEPARTMENT OF JUSTICE SURVEY

INTRODUCTION

During the latter part of 1966, the Criminal Division of the Department of Justice became particularly concerned with two aspects of the growing problem of automobile theft. These were the high percentage of cars stolen because of driver carelessness in removing keys and locking cars, and the large amount of youth involvement in this crime. After consultation with members of several organizations it was decided to conduct a National Auto Theft Prevention Campaign, to be coordinated by this Division. The Campaign was directed at persuading motorists to take better precautions in protecting their cars from theft; the enactment and enforcement of "key-in-car" ordinances; the tightening of motor vehicle registration and title laws; and the development by manufacturers of more theft-proof vehicles.

As the Campaign developed, it became evident that a good deal of information which would be helpful in analyzing the crime of auto theft was not available. For example, as to stolen cars which had been locked at the time of theft, there was little statistical information concerning the most common means of gaining entry into the vehicle. The same applied to methods for starting cars from which the key had been removed. More information was needed regarding purposes for which cars are stolen. And more knowledge was needed on percentages of stolen automobiles that become involved in accidents.

In addition, it was considered important to determine again what proportion of stolen cars had been left by their owners unlocked or with the keys in the ignition. A survey conducted in 1962 by the FBI had indicated that 80% of the cars stolen had been left unlocked, and that 42% had the keys in the ignition or the ignition unlocked. However, it could well be that these patterns had changed during the ensuing years, and a re-evaluation appeared desirable.

Therefore, it was decided that a new survey should be initiated, directed especially at the questions listed above. The means of obtaining such information are not abundant. Police departments could be canvassed, but the police have difficulty obtaining information on such items as the stolen car accident rate, means of entry, and the purpose of theft. In addition, if they must depend upon owner statements as to whether the key was left in the car, there is substantial possibility of distortion in the owners' reports.

It seemed impractical to attempt to obtain statements from persons then under arrest or awaiting trial, because of the various limitations imposed by constitutional safeguards and the probability that many individuals would not desire to reveal information which might be relevant to their trial or sentencing. Therefore, it was finally concluded that the desired information could be obtained with the greatest degree of reliability and speed by seeking answers from persons who had committed auto thefts but who were no longer in danger of prejudice from talking frankly about their experiences. Such a class of persons would most likely be those who, having been convicted, were either serving sentences in prison or on probation, or juveniles who had committed auto thefts and were in detention facilities or under the supervision of juvenile probation authorities.

This approach was adopted, utilizing the assistance of both state and federal prison, probation and juvenile authorities. The details of the study are described below.

CONDUCT OF STUDY

In conjunction with statisticians and program analysts from the Department of Health, Education, and Welfare, a questionnaire was devised. It was designed so that it could be programmed on a computer and could be administered in a limited period of time.

It was planned to submit the questionnaire to at least 1,000 subjects in representative areas throughout the country. Therefore, it would be impossible to brief

personally each official who administered it. Accordingly, instructions were prepared explaining the purpose of the questionnaire and the meaning of each individual question, with further instructions on how to complete the questionnaire forms. Since auto theft is a crime with a high rate of recidivism, it was expected that many of the subjects interviewed would have committed other car thefts than those which had brought them to the attention of law enforcement officials. Therefore, space was provided for voluntary answers covering prior auto thefts by the interviewees. A code sheet was also prepared and furnished for all popular makes of vehicles. The questionnaire was directed only at automobile truck theft. Motorcycles or other types of vehicles were not included.

Prior to commencing the study itself, a pilot study was conducted, in which the questionnaire was administered to approximately 100 prison inhabitants, probationers and juveniles in the federal system. The results were tabulated and studied, and certain minor changes were made in the questionnaire and instructions as a result. Questionnaires were then sent to selected federal and state prison, probation and juvenile authorities throughout the country. One thousand six hundred fifty-nine completed questionnaires were returned. These questionnaires covered a total of 4,077 offenses, including the one for which the subject had been convicted, and prior offenses which they were willing to describe voluntarily. Copies of the questionnaire form and instructions are attached.

It should be noted that interviewing officials were carefully instructed to emphasize the fact that all answers must be voluntary; that no one was required to give any responses to the questions; and that neither benefit nor detriment could accrue to any subject as a result, either of his giving a response or declining to do so. These instructions applied both to the "last offense" and to the other offenses involved. Upon receipt of the completed questionnaires, the results were fed into a computer in the Department of Justice and the answers were tabulated. The results reported by the computer are also attached.

RESULTS AND CONCLUSIONS

Many of these results require additional analysis, and further correlation should be sought between various parts of the questionnaire. However, a number of important conclusions can be drawn from results now available. Some of them are discussed below.

(1) *Purpose of theft.* The purpose of auto theft was predominately that of transportation (35%) and joyriding (46%). The total for these two purposes (81%) compares closely with an earlier FBI finding that 80% of the automobiles were stolen for transportation or the purpose of the theft was unknown. Other purposes roughly approximated the findings of the 1962 FBI survey, except that the total of 8.4% used on connection with crime or escape from crime was comparatively higher than the 5% found by the 1962 survey. In addition, 5% of the cars were stolen for purposes of resale, whereas less than 1% were shown to have been taken for this purpose in the earlier survey.

(2) *Method of entry into car.* Our survey showed that of the cars stolen, 75% had been left unlocked. This again compares closely with FBI figures which showed 80% of the cars had been left unlocked. Of the remaining methods, it is interesting that only 8% involved the use of force to gain entry. Nearly 16% gained entry by means of a key—either a master key, a key from another car, or the key to the stolen car itself.

(3) *Method of starting.* The most significant finding under this portion of the survey is that the number of cars left with keys in the ignition or the ignition unlocked was considerably higher than had been expected. The figures for all offenses showed that 43.2% of the cars stolen had been left with the key in the ignition. Another 17.3% had the ignition unlocked. Because of the importance of these figures, we analyzed the "Other (write in)" answers, which had not been considered in computing the above percentages. When these answers were included, a corrected figure for keys left in the ignition was 42.3% and for ignition in the off position 16.7% for a total of 59%. This is a substantial increase over the total of 42% found in the 1962 survey.

The difference between these two surveys could easily result either from a change in methods of car theft during the period from 1962 to 1967, or from some inherent bias in either or both of the surveys. The FBI survey depended primarily upon police department conclusions, which were in part obtained from interviews with the owners of stolen cars. Such owners might have a natural reluctance to admit that they had left their keys in the ignition. Thus the earlier

survey may have shown a smaller percentage of stolen cars left with the keys in them than in fact occurred. It is also possible that the persons interviewed in our more recent survey found it easier to say that the key was in the ignition rather than explain that another means of stealing the car had been utilized. However, in view of the complete answers given generally and the voluntary nature of the responses, it appears probable that the recent survey is accurate.

Of the remaining thefts—those of cars which had not been left with keys in the ignition or the ignition unlocked—it is interesting that so large a proportion (more than half) were stolen by use of keys, including master, jiggler or try-out keys, the indiscriminate advertisement and sale of which has been strongly criticized of late. Again excluding thefts of cars with keys left in the ignition or with the ignition unlocked, approximately 40% of the thefts were accomplished by circumventing the ignition system in some way. One popular means of doing this was to cross the wires under the dash. Other methods involved the use of a separate ignition system, tinfoil, or a screwdriver of other tools which would be inserted into the ignition lock itself. A substantial number of thefts were also effected by jumping ignition wires under the hood, although that method was not as popular as crossing wires under the dash. The former comprised only about one in four of the thefts accomplished by circumventing the ignition system.

One of the purposes of the study was to determine what steps could be taken by auto manufacturers to make cars more difficult to steal. It seems plain that the first aim should be to persuade drivers to remove their keys. This can be affected by means of public information campaigns, but it can also be accomplished by devices which will make it difficult or impossible for a driver to leave his key in the ignition when the ignition is in the off position. Development of steering wheel or transmission locks, and ignitions which cannot be jimmied by so-called master jiggler or try-out keys or by screwdrivers, also appears important.

Lastly, greater security for the ignition wires, both under the dash and under the hood, is important. It is reasonable to assume that when cars left with keys in the ignition are not as available as they now are and when ignition locks are more difficult to open, thieves will resort more frequently to the process of crossing wires, or substituting a separate ignition system. Thus, although those methods do not appear to be prevalent now, it is likely that they will become more popular with thieves as other security measures are adopted. Accordingly, a theft-proof car should be so constructed as to frustrate would-be thieves who might utilize any of the above means of entry—including those who look for cars with the keys in them.

(4) *Accident and injury rates.* One of the most startling and significant results of the survey was the high percentage of stolen cars which become involved in accidents. Of the total sample, 18.2% of cars stolen became involved in accidents. Many studies have established that most stolen cars are recovered within a period of 24 to 48 hours after theft. When this fact is considered in light of the most frequent purposes of theft (joyriding and transportation), it is apparent that the great majority of stolen cars are utilized by thieves for only a few hours after their theft. Thus it is a reasonable estimate that most of the accidents occurred within 24 hours after the car had been stolen.

In determining the validity of this figure as an accurate sample of the general accident rate for stolen cars, the probability was considered that many thefts resulting in apprehension might involve wrecked vehicles. Put another way, car thieves whose joyrides ended with a crash would probably be caught more often than others. Thus, the "last offense" category might show a higher accident rate, since all offenses in this group had resulted in apprehension. To avoid possible bias from this factor, the accident rate was broken down into the last offense and other offenses. A bias was in fact demonstrated, although the difference was not great. Theft in the last offense only category turned out to have a 20.1% accident rate. Those involving other offenses had an accident rate of 16.8%, with the composite figure of 18.2%. Because of the bias, it was decided to accept the lowest figure—that of 16.8%—for other offenses. Since these offenses did not necessarily result in apprehension, it can reasonably be concluded that the accident rate reported by the car thieves who were interviewed should be reliable.

Of the car thefts resulting in accidents, 19.6% also resulted in personal injury to one or more persons. Based on a projection of these percentages to the national auto theft totals, it is estimated that about 94,000 stolen cars were involved in automobile accidents in 1966, and more than 18,000 of these accidents resulted in injury to one or more persons. No figures were obtained regarding the total number of injuries or deaths.

The Criminal Division has been advised by the National Safety Council that this accident rate for stolen cars appears to be approximately 200 times the normal accident rate. Such a comparison highlights the importance of reducing auto theft.

(5) *Year and Model of Cars Stolen.* The types of vehicles most commonly stolen are shown in the survey. These percentages generally bear out previous reports regarding the types of cars taken. No attempt has yet been made to correlate the number of thefts with the percentage of the various makes now in use on the highways.

The number of older cars stolen (before-1960 models) was a surprisingly high 41.1%. This figure should be considered, however, with the fact that many of the thefts, particularly in the other offenses category, may well have occurred several years ago and thus involved cars which were then relatively new. It is not felt that any conclusions can be drawn from this study with respect to the percentage of new cars stolen as opposed to older models.

SUMMARY

The survey discloses many interesting facts which merit careful study and consideration. It is readily apparent, however that three most significant conclusions can be drawn from the results already tabulated. The first is the vital importance of curtailing the frequency of this crime. It has long been recognized as an expensive crime, and one which uniquely involves young people. The contribution of auto theft to the juvenile crime rate is a most serious matter. Also of great significance is the danger created on our highways by stolen cars. The damage resulting from accidents and the injuries suffered by so many innocent victims certainly justify increased effort to reduce this crime.

A second major conclusion is that auto theft is largely a result of driver carelessness. The percentage of autos stolen with keys in the ignition demonstrates inexcusable neglect by American motorists in safeguarding their cars. Every feasible approach must be emphasized to impress upon motorists the importance of protecting their cars against theft, and the pernicious effects caused by this crime.

Lastly, it is apparent that the automobile itself can and should be made a more difficult target for the would-be auto thief. Opportunity is a major factor in youth crime, and this is particularly so in auto theft. Changes in automobile design should be incorporated which will prevent or discourage motorists from leaving their keys in the ignition when the car is not running, which will make ignition locks more secure against picking or opening with so-called master keys and which will protect cars from short-circuiting of wires in the ignition system. Such a comprehensive approach will produce, with respect to this crime, a reversal of the recent trend toward lawlessness which is such a serious problem in our country today.

U.S. DEPARTMENT OF JUSTICE AUTO THEFT SURVEY

Number Percent		Number Percent	
Make of vehicle:		Place of theft—Continued	
Buick.....	285 7.4	Home garage or carport.....	177 4.7
Cadillac.....	96 2.5	Home driveway.....	332 8.7
Camaro.....	12 .3	New or used car lot.....	491 12.9
Chevrolet.....	1,548 40.2	Car rental agency.....	62 1.6
Chrysler.....	40 1.0	Purpose of theft:	
Comet.....	18 .5	Transportation.....	1,381 34.8
Corvair.....	77 2.0	Joyriding.....	1,818 45.8
Corvette.....	76 2.0	Sale.....	198 5.0
Dodge.....	84 2.2	Sale of parts.....	125 3.1
Falcon.....	28 .7	Acquisition of parts for self.....	58 1.5
Ford.....	527 13.7	In connection with crime.....	107 2.7
Impala.....	88 2.3	Escape.....	228 5.7
Imperial.....	8 .2	Intent to keep for self.....	54 1.4
Lincoln.....	23 .6	Time of theft:	
Mercury.....	60 1.6	Daylight.....	340 34.6
Mustang.....	100 2.6	Dark.....	642 65.4
Oldsmobile.....	210 5.4	Method of entry:	
Plymouth.....	124 3.2	Car left unlocked.....	2,923 75.9
Pontiac.....	244 6.3	Forced.....	322 8.4
Pontiac GTO.....	34 .9	Key from another car.....	81 2.1
Rambler.....	60 1.6	Key legally obtained.....	176 4.6
Thunderbird.....	55 1.4	Key illegally obtained.....	351 9.1
Volkswagen.....	57 1.5	Method of starting:	
Year:		Key left in ignition.....	1,664 43.2
Before 1960.....	1,585 41.1	Key in car but not in ignition.....	131 3.4
1960.....	247 6.4	Master, jiggler, try out key.....	182 4.7
1961.....	187 4.9	Jump wires under hood.....	152 3.9
1962.....	302 7.8	Cross wires under dash.....	245 6.4
1963.....	367 9.5	Separate ignition system.....	57 1.5
1964.....	425 11.0	Ignition on "off" position.....	666 17.3
1965.....	438 11.4	Tin foil.....	68 1.8
1966.....	325 8.4	Screwdriver or other tool.....	93 2.4
1967.....	113 2.9	Key legally obtained.....	207 5.4
Body style:		Key illegally obtained.....	391 10.1
Station wagon.....	227 5.9	Number of thefts alone.....	1,792 -----
Convertible.....	366 9.5	Number of thefts with others.....	2,248 -----
Sports car.....	315 8.2	Number of accidents.....	740 18.2
2-door sedan.....	1,940 50.3	Involving last offense only.....	334 20.1
4-door sedan.....	935 24.2	Involving other offenses only.....	406 16.8
Place of theft:		Number with personal injury.....	145 19.6
Public street—Business.....	586 15.4	Number with police pursuit.....	273 36.9
Public street—Residential.....	1,121 29.5	Type of prison:	
Attended parking lot.....	144 3.8	State prison system.....	812 48.9
Shopping center lot.....	161 4.2	Federal Probation Service.....	124 7.5
Unattended parking lot.....	566 14.9	Federal Prison System.....	301 18.1
Public parking lot.....	163 4.3	Juvenile courts.....	421 25.4

Note: Total questionnaires processed, 1,659; total cars stolen, lost and other offenses, 4,077; average age at time of theft, 18.

U.S. DEPARTMENT OF JUSTICE AUTO THEFT SURVEY

INSTRUCTIONS

Introduction

Auto theft is an offense of serious proportions and is becoming more so annually. The United States Department of Justice is formulating several programs to reduce it. One such program is to make the car more theft-proof at the point of manufacture. This cannot be done effectively until it is known how cars are stolen. Those who have stolen cars are the best source of this information. The basic purpose of this questionnaire is to find out from those who have taken cars how, where, and why they stole them.

There is, of course, no requirement that the subject answer any or all of the questions on the schedule. He may be reluctant, lest by answering truthfully, he might get himself, or others into more trouble. He should be reassured that truthful answers will not prejudice him or anyone else in any manner whatsoever. Nor, on the other hand, will he obtain any benefit from answering. In fact, he will not be identified with the questionnaire in any way at all. It is a research project and the results are confidential.

Before you get into the questions, it may be necessary to "warm up" the subject, put him at ease, and establish a relationship of confidence. You may find it helpful to avoid some realistic but harsh terms, such as "thief," or "theft," and use milder terms such as "offender," or "offense." In short, you should play the situation by ear in an effort to establish a confidential atmosphere that will

be conducive to complete and truthful answers. The results will depend in large part upon your interviewing skill.

You may find it desirable to explain to the subject something about the questionnaire and why it is being used, and enlist his help in this research project. Finally, if you find that the order of questions does not facilitate the flow of information, change the order around so that it will facilitate the flow. The important thing is to get the information accurately.

Format

There are 13 questions. Two, questions 11 and 12 are asked *only* if an accident occurred. If no accident occurred, they are to be left blank.

Most answers can be recorded by circling the appropriate number opposite the answer. Thus, if to Question 8, the subject says that he started the car by jumping the wires under the hood, you should circle the number 4 in the vertical column.

Questions 1, 2, 3, and 13 require that an answer be written in; there is no provision for circling a number in the vertical column. Two of these questions, numbers 1 and 2, have colons in the answer boxes. This is for computer purposes. Thus, where there are two digits in the answer, place one on each side of the colon. If, for question 1, you learn that the subject took a Ford car, you look at the supplemental sheet for the code number of a Ford. It is 11. It should be recorded [1:1]. Similarly, in question 2, if the subject was 16 at the time of the theft, this should be recorded [1:6].

There are six vertical columns; the first, set apart from the other, is labelled "Last Offense." This means the particular car theft for which the subject is under control by a correctional facility or agency. Start with this; when you complete it, then try to get similar data, by asking all questions (except number 3) for each of the "Other Offenses." This category provides space to record up to five other offenses apart from the "Last Offenses." These "Other Offenses" may be known only to the subject, need not have resulted in a conviction, and may have occurred before or after the last offense, or both.

The answer may not fit any of the listed categories that can be circled. Thus, if on Question 8, the subject says he started the car by inserting mercury into the ignition switch, then where it says "Other (write in)," do just that; write in "put mercury in ignition;" be sure to enter it on the proper line, that is, for the "Last Offense," or the appropriate line under "Other Offenses."

Try to get the answer into one of the listed categories; it may take some probing. But do not force it. If it just does not seem to fit, or you cannot determine which category to put the answer in, then write in the answer.

Trucks may pop up; include them. It will be necessary to write in the make, year and model wherever possible.

Questions

1. *Type of car.*—On the supplemental sheet you will find code numbers of various makes, body styles, and years of manufacture. If you ask: "What kind of a car did you take?" and the subject replies "It was a T-bird," then get the year of manufacture, and the body style. If it turns out to be a 1966 convertible, then in the answer column write in "22" for make, "6" for year, and "2" for body style in the three appropriate boxes. If the answer does not fit into any of the listed categories, then write make, year and body style in the appropriate box. If the year of the car was before 1960, simply mark "x" in the answer column. If the subject answers "hardtop," he may not know what the term means. It is a hard-top vehicle with no door frame posts. If he gives this answer, ask whether it was a two or four door vehicle, and record that answer.

2. *Age at time of theft.*—"How old were you when you took the car?" Write in the actual age, one digit on either side of the colon.

3. *Geographic location of last offense.*—This is self-explanatory. A city, town, village, or county is sufficient, along with the state. Note that this question is asked *ONLY* of the "Last Offense," not the "Other Offenses."

4. *Place of theft.*—"Where did you find the car?" "What part of town—" This type of probing may be necessary to get the answer. Even then the categories of answers may overlap; just get the subject to describe as fully as possible the type of area where he took the car, and then decide how to record it. If none of the categories seems to fit, write in the answer.

5. *Purpose of theft.*—"Why did you take the car?" Again some of the categories may overlap—what started as a joy ride may end up in the commission of a crime.

Or it may end up in transportation. Joy riding is generally the unauthorized and temporary use of a car without any specific intent other than the pleasure of riding around in it. Racing, dragging, or playing "Chicken" would come under this category. Transportation implies a definite intent to use the car to go from one specific place to another. The category escape may be from pursuit by police, from some correctional facility or agency, or following the commission of a crime. It is not necessary to explain in detail what the subject was escaping from, only the fact of escape. Focus on the intent at the time of the taking.

6. *Time of theft*.—This should be self-explanatory.

7. *Method of entry*.—"How did you get into the car?" Focus on the entry, rather than how he got it started. A legally obtained key is one which was given to the subject, or to which he had legitimate access, such as from a car rental agency, new or used car dealer, friend, parent, relative, etc. It is the authorized use of the proper key, after which the car was misappropriated. An illegally obtained key is one which fits the vehicle, but which the subject obtained without authority or permission.

8. *Method of starting*.—"How did you actually start the car, or get it going?" Some of the subjects are very sophisticated mechanics and electrical wizards. You may not readily understand the answer; if so, then make the subject explain the answer until you do, and can properly record. This is the most critical question in the questionnaire.

Ignition on "Off" Position means an ignition system, usually General Motors, which has three positions, lock, off, and on. The vehicle can be started from the off position without a key.

A master, tryout, or jiggler key is a key which is made for the purpose of operating more than one ignition system.

9. *Other participants in theft*.—Was the subject alone when he took the car, or were there other people with him?

10-12. *Accidents*.—Any damage to the vehicle, another vehicle, any property, or any person is considered an accident, no matter how slight. Question 11 is asked only if an accident occurred. Personal injury means to anyone however involved in the accident. Similarly, Question 12 is asked *only* if any accident occurred. The intent here is to discern whether the accident occurred during fresh pursuit by law enforcement officials.

13. *Total number of cars taken*.—"How many cars have you taken during your life time?" This is the total; it may be far in excess of the 6 which can be recorded on this questionnaire. An approximate figure is satisfactory.

Final caution: Before you end the interview, glance over the questionnaire and see that you have not missed anything. Be particularly careful of Question 8.

U.S. DEPARTMENT OF JUSTICE AUTO THEFT QUESTIONNAIRE

	Last offense	Other offenses				
		1	2	3	4	5
1. Type of car (see supplementary code sheet):						
Make						
Year						
Body style						
2. Age at time of theft (fill in actual age)						
3. Geographic location of last offense (fill in State and city)						
		State			City	
4. Place of theft:						
Public street—business	1	1	1	1	1	1
Public street—residential	2	2	2	2	2	2
Attended parking lot	3	3	3	3	3	3
Shopping center lot	4	4	4	4	4	4
Unattended parking lot	5	5	5	5	5	5
Public parking lot	6	6	6	6	6	6
Home garage or carport	7	7	7	7	7	7
Home driveway	8	8	8	8	8	8
New or used car lot	9	9	9	9	9	9
Car rental agency	10	10	10	10	10	10
Other (write in)						
Last offense						
Other offenses:						
Col. 1						
Col. 2						
Col. 3						
Col. 4						
Col. 5						
5. Purpose of theft:						
Transportation	1	1	1	1	1	1
Joyriding	2	2	2	2	2	2
Sale	3	3	3	3	3	3
Sale of parts	4	4	4	4	4	4
Acquisition of parts for self	5	5	5	5	5	5
In connection with crime	6	6	6	6	6	6
Escape	7	7	7	7	7	7
Intent to keep for self	8	8	8	8	8	8
Other (write in)						
Last offense						
Other offenses:						
Col. 1						
Col. 2						
Col. 3						
Col. 4						
Col. 5						
6. Time of theft:						
Daylight		1	1	1	1	1
Dark		2	2	2	2	2
7. Method of entry:						
Car left unlocked	1	1	1	1	1	1
Forced	2	2	2	2	2	2
Key from another car	3	3	3	3	3	3
Key legally obtained	4	4	4	4	4	4
Key illegally obtained	5	5	5	5	5	5
Other (write in)						
Last offense						
Other offenses:						
Col. 1						
Col. 2						
Col. 3						
Col. 4						
Col. 5						

U.S. DEPARTMENT OF JUSTICE AUTO THEFT QUESTIONNAIRE—Continued

	Last offense	Other offenses				
		1	2	3	4	5
8. Method of starting:						
Key left in ignition.....	1	1	1	1	1	1
Key in car but not in ignition.....	2	2	2	2	2	2
Master, jigglers, try-out key.....	3	3	3	3	3	3
Jump wires under hood.....	4	4	4	4	4	4
Cross wires under dash.....	5	5	5	5	5	5
Separate ignition system.....	6	6	6	6	6	6
Ignition on "Off" position.....	7	7	7	7	7	7
Tin foil.....	8	8	8	8	8	8
Screwdriver or other tool.....	9	9	9	9	9	9
Key legally obtained.....	10	10	10	10	10	10
Key illegally obtained.....	11	11	11	11	11	11
Other (write in).....						
Last offense.....						
Other offenses:						
Col. 1.....						
Col. 2.....						
Col. 3.....						
Col. 4.....						
Col. 5.....						
9. Other participants in theft:						
Alone.....	1	1	1	1	1	1
With others.....	2	2	2	2	2	2
10. Car involved in accident?						
Yes.....	1	1	1	1	1	1
No.....	2	2	2	2	2	2
(If "Yes" ask following 2 questions):						
11. Personal injury sustained?						
Yes.....	1	1	1	1	1	1
No.....	2	2	2	2	2	2
12. Pursuit by police:						
Yes.....	1	1	1	1	1	1
No.....	2	2	2	2	2	2
13. Total number of cars taken.....						

CODE FOR TYPE CAR

[Enter the code number for make, year, and body style in the appropriate box under question 1 of questionnaire]

Make:	Code	Year:	
Buick.....	01	Prior to 1960.....	X
Cadillac.....	02	1960.....	0
Camaro.....	03	1961.....	1
Chevrolet.....	04	1962.....	2
Chrysler.....	05	1963.....	3
Comet.....	06	1964.....	4
Corvair.....	07	1965.....	5
Corvette.....	08	1966.....	6
Dodge.....	09	1967.....	7
Falcon.....	10		
Ford.....	11		
Impala.....	12		
Imperial.....	13		
Lincoln.....	14		
Mercury.....	15		
Mustang.....	16		
Oldsmobile.....	17		
Plymouth.....	18	Body style:	
Pontiac.....	19	Station wagon.....	1
Pontiac GTO.....	20	Convertible.....	2
Rambler.....	21	Sport car.....	3
Thunderbird.....	22	2-door sedan.....	4
Volkswagen.....	23	4-door sedan.....	5

Mr. BRAUN. The biggest cause or the biggest number of cars stolen simply involve cars that have the keys in the ignition or the ignition unlocked. That accounts for by far the largest number.

We have asked many car thieves how they stole the car, and they often say: "I looked for a car with a key in the ignition; it is the only way to do it."

That is the biggest method. After that there are all sorts of other methods. You can get underneath and cross the wires, and you can go under the hood and short-circuit the wires to start a car. You can just pull out the ignition lock that is in there and put in a new one.

All of these methods are involved, and they are all done fairly frequently.

The CHAIRMAN. We have statutes covering those cases, too?

Mr. BRAUN. That is correct.

The CHAIRMAN. That is transporting stolen property across State lines.

Mr. BRAUN. Every one of those is covered, but those are some other methods of stealing cars.

If we can just catch more thieves, that is the biggest item.

Mr. MATHIAS. This 5-percent loophole that we are filling here is plugging one loophole.

Mr. BRAUN. That is right. That amounts to about 30,000 cars, Congressman. That is a substantial number.

The CHAIRMAN. Are there any other questions?

Mr. ZELENKO. Mr. Braun, is it true that today your car key will only open your car ignition and not someone else's car ignition?

Mr. BRAUN. No, it is not, Mr. Zelenko. The automakers don't have a different pattern for every single car that they manufacture. Only a few years ago they had as low as about 200 different patterns for their ignition locks. Now it is up to a minimum of 1,000, General Motors claims that they now have something like 6,000 patterns. So the key I have for my car will open other cars, of the same make.

But that key is not reached by this statute.

Mr. ZELENKO. Why is that?

Mr. BRAUN. Because those locks are of exactly the same pattern.

Mr. ZELENKO. Are you calling that a true master key?

Mr. BRAUN. That is not a master key at all.

Mr. ZELENKO. Let me read what you say on page 6 of your statement.

The definition contained in H.R. 15215 is aimed at outlawing all types of keys which can be used to operate automobile locks of different patterns, except true master keys which might be made and furnished by the automobile manufacturer or perhaps someone else for fleets of cars should they see a need to produce such locks and keys on a limited basis. By defining "master key" in this generic sense, the bill sets forth a workable legal definition, superior to technical language for a statute * * *

and so on.

Are you saying that a true "master key" is one that doesn't open cars of different patterns, but it opens cars that have locks of only one pattern?

Mr. BRAUN. No, Mr. Zelenko, and I understand fully the problem of your question. True master keys are keys that are made for a given pattern of locks. You construct the locks first, and then you construct a master key that will open those locks.

Now, those locks are so constructed that they each will be opened by a different separate key, a key of different pattern. But they will also be opened by one master key, and that design is fitted in so that that one master key will open each one of those locks.

I would guess that you have such a key right here in your building, so that in one given block, all office buildings have them—in one given block of locks, there is almost always one key that will open each of

those locks despite the fact that each lock also has a different designed key.

Mr. ZELENKO. I just want to make clear to the committee and for the record, that when the definition of master key depends on the words "different patterns," we may be using "pattern" in two different senses here.

If the key that you possess today will open up another motor vehicle other than your own car——

Mr. BRAUN. But only one having the same pattern. It is an identical lock.

Mr. ZELENKO. It is an identical lock?

Mr. BRAUN. Yes, sir.

The CHAIRMAN. So that if General Motors makes 1,000 separate keys, when they make the 1,001 key, they will have a key that will open one of those 1,000?

Mr. BRAUN. It is just as if you lined them up, and they make 1,000 and put them in cars and then they take the same thousand and put them in the next series.

Now, we say 1,000 hypothetically. It varies. General Motors now says they are up to about 6,000. Only a few years ago, something like 1964, they only had about 200 different locks.

The CHAIRMAN. Could that process be limited to 10 cars or three cars?

Mr. BRAUN. If the manufacturers did that I am sure it could be but there would be such a storm of protest that it would not be feasible, and the manufacturers are going the other way. They are trying to make their locks more secure and they are increasing the number of combinations as rapidly as they can, as I understand it.

The CHAIRMAN. You are sure that that definition doesn't get General Motors into difficulties. They are in enough difficulties now.

Mr. BRAUN. We are sure of that.

The CHAIRMAN. That will conclude the hearing. We are very grateful to you, Mr. Vinson and Mr. Braun, for your testimony this morning. (The following additional matter was submitted for the record:)

THE NATIONAL AUTO THEFT PREVENTION CAMPAIGN, WASHINGTON, D.C.

INTRODUCTION

On March 1, the Attorney General of the United States will announce a nationwide effort to reduce automobile theft. It will be formally known as the National Automobile Theft Prevention Campaign. The Criminal Division of the Department of Justice will serve as coordinator. The Advertising Council of America will conduct a simultaneous campaign.

Our organization, along with others which are listed in this campaign kit, has participated over the past year in helping to plan and prepare this effort to attack the problem of auto theft on several different fronts.

Why auto theft? First, although not a dramatic crime, it is one of enormous proportions. It is the third most frequently committed felony in the country. In 1966, more than a half-million cars were stolen. Although about 85 percent are eventually recovered, the average loss—even for a recovered vehicle—is over \$200. The total loss from theft of the automobile alone exceeds \$140 million a year. In addition, 40 percent of all larcenies are in some fashion connected with the automobile, usually involving stolen parts, accessories, items left in the car, etc. The total loss for 1966, then, is estimated at better than \$250 million. The additional expense of police, courts, and correctional agencies required to handle auto theft problems raises the ultimate cost even higher.

Second, and of greater importance, auto theft is essentially a crime of young people; more than 50 percent of all auto thefts are committed by youngsters

under 18. Too frequently, it is the first step on the path to a criminal career. One of every four Federal prison inmates is "in" for auto theft.

Third, auto theft is a major danger to highway safety; apprehensive youngsters driving unfamiliar vehicles in which they have no financial interest are a major threat to safety. A recent survey showed that up to 24 percent of stolen vehicles were involved in accidents.

Fourth, more than 25,000 stolen cars were used last year for the commission of other serious crimes.

To reduce auto theft is to save a number of our young people from careers in crime, to increase highway safety, and to alleviate an unnecessary burden upon the administration of justice. It should not be forgotten, also, that one of the major benefactors is the motorist.

How will it work?

Eighty percent of cars stolen last year were left unlocked by their operators; 42 percent were left with the keys in the ignition, or literally given away. Therefore, the gist of the campaign is to persuade citizens, by public information means, to remove the keys from their vehicles, and to lock them before leaving them. A second and equally important thrust, on which immediate action is urged, is the enactment and subsequent enforcement of an ordinance regulating unattended motor vehicles. A model of such an ordinance is enclosed. It may be that your jurisdiction already has such a statute.

Enforcement of the statute must be preceded by the information campaign described in the following pages, in order to achieve the fullest public cooperation.

Will it work?

I certainly will. It has been done, with significant success in a number of cities. Included in the packet of public information materials in this folder is a survey conducted by the International Association of Chiefs of Police of 17 cities which recently have conducted successful auto theft reduction campaigns. In these campaigns, auto theft has been reduced by as much as 50 percent. The basis for success of the National Automobile Theft Prevention Campaign has been well laid by these previous successful efforts. There may have been a recent campaign in your community; if so, our purpose is to strengthen and reinforce that campaign in whatever way seems to you to be desirable.

Where do you start?

First, this same kit has been mailed to local representatives of the national organizations listed on the flap of the folder. We urge you to contact them immediately, keeping in mind that the national campaign will be kicked off on March 1. The sooner plans are completed in your jurisdiction, the more successful the campaign will be.

A local committee should be formed espousing the same purpose as the national group—a public information campaign to enlist the support of the public in the prevention and reduction of auto theft.

It is extremely important that the law enforcement agency in your area, as well as local government officials, fully endorse the campaign. Without their support, the campaign will lose much of its impact.

There is no need to limit local committee membership to representatives of the national organizations listed in the kit. Because of the nature of the goal, you will find that many organizations will express the desire to help in some way. Enlist the support of anyone who is willing to join in this public service project.

A public service

Because this is a public service project, please guide your campaign accordingly. An indication of its worthiness may be derived from the hearty endorsement given by the headquarters organizations of the groups who have affiliated themselves in this worthwhile project. No individual identification other than that presented on the list of the campaign participants has been asked.

We hope that the example of these national groups will be one which you can follow in your jurisdiction with the same success that has been achieved in developing the concept of this campaign nationally.

The National Automobile Theft Prevention Campaign is not a gamble. It can work and will work if you want it to. Its object is to bring home to the public that it has a positive part to play in the defeat of the criminal, and that one way the public can do so is by safeguarding its own property.

A YEAR-ROUND REMINDER

The National Auto Theft Prevention Campaign has *not* been envisioned as a one-day, one-week, or one-month effort. Following the initial kickoff period, and with the use of the identifying NATPC Logo and continued follow-up with new and significant statistics (both local and national), the campaign should and will continue as a year-round reminder to the public of the serious problem auto theft presents and the means to prevent it.

UNITED STATES DEPARTMENT OF JUSTICE, CRIMINAL DIVISION: COORDINATOR

American Association of Motor Vehicle Administrators	National Council on Crime and Delinquency
American Automobile Association	National District Attorneys Association
American Petroleum Institute	National Exchange Clubs
Automobile Manufacturers Association	National Highway Users Conference
Insurance Information Institute	National Institute of Municipal Law Officers
International Association of Chiefs of Police	National League of Cities
National Association of Counties	National Professional Driver Education Association
National Automobile Dealers Association	National Sheriffs Association
National Automobile Theft Bureau	Optimists International
	United States Conference of Mayors

The Chair would like to offer for the record the following statements of members. First the statement of the Honorable Joshua Eilberg of the State of Pennsylvania. The statement of the Honorable Richard S. Schweiker of Pennsylvania. The statement of the Honorable Barber B. Conable, Jr., of New York. The statement of the Honorable Richard D. McCarthy of New York. The statement of the Honorable J. Irving Whalley of Pennsylvania. The statement of the Honorable Richard L. Ottinger of New York. The statement of the Honorable James A. Byrne of Pennsylvania. (The documents referred to follow:)

STATEMENT OF HON. JOSHUA EILBERG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, the steady and significant rise in the national crime rate is a subject that is daily reported in the nation's press. The statistical magnitude of the crime rate increase is annually calculated and reported by the FBI. In a report comparing the crime increase for the first nine months of 1967 over a corresponding period for 1966, FBI Director J. Edgar Hoover reported that on a regional basis, the overall crime rate increase in the southern states was 14%, and the rise in northeastern states was 18%, with the north central and western states reporting respective increases of 17% and 15% in their crime rate.

The one aspect of this crime rate with which I am particularly concerned is auto theft. With regard to this aspect of the total crime picture, the FBI Director's report notes a 17% general increase in auto thefts. Additionally, the economic impact of this crime reportedly exceeds a half a billion dollars annually.¹ Clearly, from these latter figures, it is evident that the economic aspects of auto theft are as serious as its purely criminal considerations.

The Congress and the State legislative and law enforcement bodies and agencies have consistently cooperated in providing the legislative and investigative measures and tools necessary to the curtailment of crime generally. All recognize that if their efforts are to be successful, they must have the additional cooperation of the public.

To curtail, and hopefully eliminate, auto thefts, daily police and public service announcements over local radio and television stations exhort the public to remove their auto ignition keys and lock their autos when leaving them unattended upon the public streets and parking places. Doing otherwise, they say, openly invites auto theft; and, to make their point, the police note that 80 to 85% of the cars stolen are left unlocked and that at least 42% are left with the keys in the ignition.²

¹ President's Commission on Law Enforcement and Justice, Task Force Report: Crime and its Impact—An Assessment.

² 113 Cong. Rec. S. 4252 (Daily Ed. Mar. 22, 1967).

The extremely high incidence of auto thefts resulting from owner carelessness and negligence constitutes those human frailties as key factors in any plan designed to curtail the magnitude of the problem of auto theft. The law enforcement officials are doing their part to educate the public on anti-theft measures and in the investigation of the theft and the recovery of the auto. If a complete solution to the problem is to be arrived at, the nation's legislative bodies must act within their respective spheres of authority to cooperate with local law enforcement officials by enacting needed theft preventive, as well as enforcement, measures.

To this end, I recently introduced my bill (H.R. 14359) which is designed to stop a dangerous and deplorable practice that aids and abets auto theft. That practice, to which I am referring, is the indiscriminate sale of master keys for all major automobiles on the market. These keys, upon sale, travel in interstate commerce and, thus, are the proper subject of Federal legislation. They are offered for sale and are sold by mail order firms in such states as Maryland, Florida, California, and Pennsylvania. These firms advertise their sale by direct mail and through advertisements in publications that are mailed throughout the United States. They are purportedly offered to bona-fide law enforcement and other interested agencies, but in the fulfillment of orders, it is extremely doubtful that even the most cursory investigation is made to ascertain the nature of the recipient. Being thus offered by mail, master keys for all major automobiles are easily available to anyone—and especially to car thieves, either amateur or professional.³

This practice, if it is allowed to continue, will undermine the substantial and concerted educative efforts of the police. It will increase their already heavy burden in the area of auto thefts since it can only result in the further escalation of such thefts. To prevent such results, my bill would make it a crime to knowingly introduce, transport, or distribute master keys, or manufacture them for introduction, in interstate commerce. Their dissemination by means of the United States Mails, by advertisement or by any means in interstate commerce is also proscribed. The penalties upon conviction for any offense under the Act are a fine of not more than \$2000, imprisonment for not more than 5 years, or both. Adequate protective measures are included to insure that certain legitimate business interests will not be adversely affected. In this respect, the bill does not apply to master key used in the ordinary course of business by locksmiths, common carriers, contract carriers, new and used car agencies and dealers, automobile clubs and associations (including their affiliates) operating in two or more states, and any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, or any political subdivision of any such entity.

Finally, except under such regulations as the Postmaster General shall prescribe respecting the mail delivery of such keys to the above named persons, all keys fitting the ignition of two or more vehicles whose ignition switches are designed to be operated with different keys are declared nonmailable and their delivery by any person in the postal service is prohibited.

STATEMENT OF HON. RICHARD S. SCHWEIKER, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF PENNSYLVANIA

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to testify this morning on behalf of my bill, H.R. 14411, to make it a Federal crime to introduce master automobile keys into interstate commerce.

In this legislation the Congress has the opportunity to remedy a shocking state of affairs in our nation today—that master car keys are available for sale on a mail order basis to any individual, no questions asked.

With master car keys advertised and available to anyone with the purchase price, car theft becomes a quick, easy pastime. The activities of a small number of firms manufacturing and selling these keys must be strongly regulated so that these keys are circulated only for legitimate purposes. There is an urgent need for such regulation, and this is a classic case for Federal action through the power to regulate interstate commerce.

I am confident that the bill I have introduced, H.R. 14411, would achieve the desired result, yet not deprive these keys to those persons and businesses who need them for their legitimate livelihood. There is to be no criminal penalty if the

³ 113 Cong. Rec. H. 15268 (Daily Ed. Nov. 14, 1967).

keys are sent to or held by locksmiths, automobile dealers, car rental agencies, common or contract carriers, automobile clubs or government agencies, local, State or Federal.

At the same time all other traffic in these keys in interstate commerce will be punishable by a fine of up to \$10,000 and imprisonment of up to five years, or both.

Automobile theft is said to be the third most frequent and the second most costly crime in America today. In 1967 there were over 650,000 automobiles stolen causing a direct financial loss of \$140 million. The Justice Department, in a survey of 1659 felons convicted of auto theft, has found that in those cases where the stolen cars were locked cars, over half of the thefts were made possible by the use of a master key.

The House made a start on the problem on February 19 when it passed H.R. 14935, a bill intended to bar these master keys from the mails. H.R. 14935, if it becomes law, would let the Postmaster General require that the mailer of the keys and the addressee of the keys both certify that the keys being mailed are for a legitimate purpose. Then, if the certification was false, the person who falsified it would be subject to a fine of up to \$10,000 or five years in prison, or both.

While this bill aims to control only the mailing of master keys in interstate commerce, the bill which I have sponsored, H.R. 14411, cracks down on the actual manufacture, advertising and shipping of these master keys by any means, including the mails. It imposes direct criminal penalties for any of these acts relating to the traffic of master keys. Since I believe the Congress has a mandate to take swift action on a complete regulation of master keys, I urge that this proposed legislation be promptly acted on as a further supplementary measure to H.R. 14935 passed by the House February 19.

STATEMENT OF HON. BARBER B. CONABLE, JR., A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW YORK

Mr. Chairman, I would like to commend the Committee for scheduling hearings on legislation which would endeavor to prohibit the distribution of automobile master keys to other than persons and organizations which have a legitimate requirement for them. I have introduced a bill, H.R. 14720, for this purpose and am hopeful the Committee will favorably report legislation of this kind to the House.

The need for a restriction of this nature can be found in the alarming statistics on automobile thefts which are increasing sharply each year and now rank third among felonies committed in the United States. More than 600,000 cars were probably stolen last year in this country, more than 60 per cent of them by persons under 18 years of age. Stolen vehicles were involved in more than 90,000 accidents and the cost to the public of these thefts exceeded \$250 Million in addition to the personal hardships and anguish which they created.

The need for this legislation can be found, too, in the statistics on the present indiscriminate sale of master keys. Eight dollars is all that is required to buy a set of master keys to open any make and model of automobile, no questions asked. A recent survey in 11 cities revealed that 35 per cent of almost 1000 purchasers of master keys were persons with criminal records. Anyone can buy them.

Many law enforcement officials, including those in Rochester, Batavia, Buffalo and other communities in Western New York, have cited the easy availability of auto master keys as a significant factor in the tremendous increase in stolen autos. They recognize that limiting the sale of master keys is not the whole answer to the problem since almost half the thefts are of cars in which the keys were left in the ignition. But enforcement officials support Congressional action on this legislation as one means of fighting the problem.

My bill would prohibit the advertisement, transportation, distribution or manufacture for introduction of master keys in interstate commerce, except to or by certain authorized persons and organizations. Exempted from this prohibition would be (quote) any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one state or an affiliate thereof, or any department, agency or instrumentality (unquote) of government. Violation of these provisions would carry a fine of not more than \$5000 or imprisonment of not more than five years, or both.

Mr. Chairman, the House recently passed legislation to place master keys in a nonmailable category and thereby prohibit their shipment through the mails, except to authorized persons. My bill contains a similar provision but also is much broader in its scope, as I have described above. There are many areas of crime in which legislation can provide little assistance for law enforcement officials, but here is one area in which legislation will be of help without restricting reasonable and responsible pursuits of law-abiding citizens. I hope we can agree that this legislation is necessary and desirable.

STATEMENT OF HON. RICHARD D. MCCARTHY, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW YORK

Mr. Chairman, distinguished members of the Judiciary Committee, I would like to thank you for letting me come before you this morning to testify on behalf of my bill, H.R. 12047, to provide criminal penalties for the introduction or manufacture for introduction into interstate commerce of automobile master keys. I am very pleased that the House of Representatives laid the groundwork on this matter on February 19, by passing a bill prohibiting interstate commerce of these master keys to unauthorized persons. What remains for us now, is to provide strong penalties for these illegal acts.

Mr. Chairman, on August 2, 1967, when I introduced this bill, I estimated that the number of auto thefts in Buffalo, New York would increase in 1967 by 30%. On February 19, I reported to the House that the number had actually increased by over 70%. The distinguished Police Commissioner of Buffalo, Frank N. Felicetta, furthermore has informed me that a great part of this sharp increment can be ascribed to the wider proliferation and easier accessibility of mail-order master keys. This, then, is truly "mail-order mayhem".

Mr. Chairman, the present legal vacuum on this matter serves as an engraved invitation to the common car thief not only to steal a car, but also to get into the glove compartment and the trunk to filch whatever valuables might have been left in that place of usual safety. The normal precautions against car theft—leaving the car in a well-lighted place, locking it, and pocketing the key—are no longer enough. The car thief, armed with his set of mail-order master keys, can enter and drive off with a car as inconspicuously as if he were the owner. In short, we, the driving public, are no longer protected.

Mr. Chairman, this bill does, however, recognize the legitimate need for dealers, locksmiths, law enforcement agencies and the like to have access to master keys; but it provides strong penalties for the indiscriminate distribution of these master keys.

Mr. Chairman, when I introduced this bill, I cited a dramatic incident in this regard which happened in my district. Lewis P. Fons, Editor of Photo News, Hamburg, New York, conspired with Robert G. Williams, Chief of Police of the Town of Hamburg, to steal a car. Mr. Fons entered the police garage and with the aid of a master key purchased from a Florida firm, proceeded without incident to "steal" a police car.

Mr. Chairman, the House has acted to prohibit interstate commerce in automobile master keys to unauthorized persons, let us now attach a criminal penalty to such actions to assure the driving public they will be free from this "mail-order mayhem".

STATEMENT BY HON. J. IRVING WHALLEY, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, I want to express my appreciation to you and to the Members of the Committee for this opportunity to appear and give my views on the need for the legislation proposed in my bill, H.R. 14440. Last December 13th I introduced this bill to provide criminal penalties for the introduction, or manufacture for introduction into interstate commerce, of master keys for motor vehicles. The bill would prohibit the introduction, sale, distribution, or advertisement for sale of motor vehicle master keys to unauthorized persons not only through the use of the United States mails but by any means in interstate commerce.

Mr. Chairman, on February 19, 1968, the House passed the bill, H.R. 14935, to regulate the mailing of master keys for motor vehicles. This was a step in the right direction of which we can all be proud. However, I think that we are obli-

gated to go substantially farther than the step that we took with passage of H.R. 14935. That bill pertains only to the mailing of master keys to unauthorized persons; my bill covers the mailing of master keys, but it also covers the sale, distribution, and advertising of master keys to unauthorized persons in any means of interstate commerce. Furthermore, it provides penalties for offenders by a fine of not more than \$10,000 or imprisonment of not more than five years, or both. The penalties may seem harsh, but let me assure you that we are dealing with a problem that places a severe strain on our society. There is an urgent and growing need for this legislation.

This bill is designed to preclude the sale and distribution of master keys through interstate commerce to those persons of our society who do not have a legitimate need for them. This bill would not apply to persons and groups who have a need for master keys in the normal performance of their legitimate business or official functions such as; bona fide locksmiths, automobile dealers, rental car agencies, automobile clubs, common carriers, and others.

There is persuasive evidence that a substantial portion of the auto thefts are performed by minors and professional thieves with the aid of master keys. Last year in testimony before the Senate Juvenile Delinquency Subcommittee, Mr. Michael J. Murphy, president of the National Automobile Theft Bureau, said: "We have no figures to support our contention that a growing number of thieves are also among the customers, but our agents and the police with whom they work point to a rising number of stolen cars recovered which show no signs of forcible entry, an increasing number of cars stolen from once comparatively safe parking lots and garages, and frequent arrest of persons in possession of master keys." In this same testimony, Mr. Murphy called for a Federal law prohibiting "the indiscriminate sale of master keys in interstate commerce."

Mr. Chairman, all of us are disturbed about the rising crime rate in the country. One of the most common crimes is auto theft, which is increasing at an alarming rate. From 1961 to 1966 there was a 71 percent increase in the annual number of automobiles stolen in the United States. The total number went from 326,000 in 1961 to 557,000 in 1966. Unfortunately, the rate is accelerating. We do not have the figures for the entire year of 1967, but FBI statistics for the first nine months of last year show a 17 percent increase over the number for the comparable period in 1966. From 1964 to 1965, the annual rate of increase was 12 percent, from 1965 to 1966 the annual rate of increase was 14 percent, and now, for the first nine months of 1967, we have a 17 percent annual rate of increase. Even if the present percentage rate of increase rises no further, we will reach one million cars stolen in a year in 1970; that would be one every thirty seconds. At the present time, automobiles are being stolen on the average of one every 56 seconds. Reflect for a moment on the number of Americans who have lost their autos by theft in the short time I have been appearing there.

There is another disturbing aspect about the crime of auto thefts, it is a crime largely committed by the youth of our country. Of the total number of persons arrested for auto thefts in 1966, 80 percent were under 21 years of age, 63 percent were under 18 years of age, and 17 percent were under 15 years of age.

Mr. Chairman, I think that Congress has the definite obligation to act on this needed legislation. The American public desires and is entitled to the protection that this legislation would accord them through the elimination of the indiscriminate sale of master keys. I would welcome and solicit all efforts to enact strong and effective legislation that does not hinder the obtaining of master keys for those who have a legitimate need for them, but which precludes the sale or distribution of master keys to all persons who do not have a legitimate use. I urge favorable action on my bill, H.R. 14440. Again, may I say that I thank you for the occasion to express my views on this proposed legislation so urgently needed by our country.

STATEMENT OF HON. RICHARD L. OTTINGER, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW YORK

Mr. Chairman, it is my pleasure to have this opportunity to make a statement in behalf of my bill, H.R. 14003, which provides criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles.

Law enforcement officials throughout the Nation are increasingly concerned over the drastic rise in automobile thefts during recent years. Last year, there were 557,000 car thefts reported, compared with 493,000 in 1965. A car was stolen in the

United States every 57 seconds. At the rate car thefts have been increasing, 1970 will see more than a million thefts, or one every 30 seconds.

Since 1960, this crime has risen steadily and the total increase for that 7-year period is 71 percent. It cannot be validly stated that there are more thefts just because there are more cars, since the percentage of increase in auto theft is more than double the percentage increase in automobile registrations. It is particularly disturbing to me, as the Representative of western Westchester County and Putnam County, New York, that our Nation's suburban areas registered a 14-percent increase in auto theft last year, while in large cities this crime was up 10 percent and rural areas showed an 8-percent increase.

The economic aspects of auto theft are as serious as the purely criminal considerations. The National Automobile Theft Bureau told the Senate that although nearly nine out of 10 stolen cars are recovered, auto theft continues to cost the public and the insurance industry more than half a billion dollars each year.

One aspect of the auto theft problem which came to my attention last year concerned the easy availability of motor vehicle master keys.

I understand that mail order firms in such States as Maryland, Florida, California, and Pennsylvania advertise motor vehicle master keys by direct mail and through advertisements in publications that are mailed throughout the United States. They apparently fill these mail orders without even the most cursory investigation to ascertain the nature of the recipient. It seems to me that law enforcement officials have enough problems preventing car thefts without giving the thief the additional advantage of being able to purchase a master key to any American car through the mails.

As a result, on November 14, 1967, I introduced H.R. 14003, which is before this Committee today. I am convinced that this legislation, if enacted, will put a stop to the deplorable and dangerous practices which have been brought to the Committee's attention, and I understand that the Department of Justice shares this view.

I am also pleased to report that my bill has the support of the American Insurance Association and the National Automobile Theft Bureau. I urge the Committee's favorable consideration of this legislation.

Thank you.

STATEMENT OF HON. JAMES A. BYRNE, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF PENNSYLVANIA

Mr. Chairman, I am speaking today in behalf of my bill, HR-14226, which provides criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles.

I am very glad that President Johnson in his crime message recognized the need for additional legislation to deal with the staggering volume of automobile thefts which continues to rise.

The FBI's annual report for 1967 indicates 4,794 convictions for stolen vehicles in the fiscal year, under federal law alone. Many of the offenders against federal or local auto theft laws are juveniles, because this crime, above all others, involves the youth of the country. Although auto theft is not so heinous a crime as murder, rape, or armed robbery, it is a problem which demands immediate attention.

Although many of the stolen vehicles are recovered, the average financial loss for each recovered is approximately \$200. These losses, added to the total losses from stolen autos which are not recovered, place the overall loss from theft at over \$140 million each year.

More than 50 percent of all auto thefts are committed by youngsters under the age of 18. The consequences of a "joyride" in a "borrowed" vehicle are often arrest, trial, conviction and a criminal record, which carries with it a stigma, and difficulty in obtaining employment.

In addition to being a serious source of crime and juvenile delinquency, auto theft constitutes a menace to highway safety. The fleeing auto thief endangers the lives of innocent citizens on the highway. Furthermore, the stolen auto often becomes a vehicle for the commission of a crime such as burglary, armed robbery, or kidnapping.

One measure we can take toward the reduction of auto theft is to prohibit the transportation of so-called "master keys" for motor vehicles in interstate commerce. By the use of these keys, which are readily obtainable to anyone and everyone through mail order sales, a person can operate the ignition of most cars manufactured in the United States. Several important steps are being taken by auto

mobile manufacturers to discourage motorists from leaving their cars unlocked. But such measures will be of little avail if cars can be entered by readily obtainable "master keys."

Therefore, I have introduced HR-14226, which makes it a criminal offense to introduce or manufacture for introduction in interstate commerce so-called motor vehicle master keys. Criminal penalties should be proscribed for the violation of the proscriptions.

The CHAIRMAN. The meeting will now adjourn and we will reassemble in this room Thursday, March 14, at 10 a.m., at which time we will hope to conclude the hearings on this bill.

Thank you, gentlemen.

(Whereupon, at 11:15 a.m. the subcommittee recessed, to reconvene for further hearing at 10 a.m. Thursday, March 14, 1968.)

AUTO THEFT PREVENTION ACT OF 1968

WEDNESDAY, MARCH 14, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:15 a.m., pursuant to recess, in room 2226, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler (chairman), Rogers, and McClory. Staff members present: Benjamin L. Zelenko, counsel to the subcommittee, and Donald E. Santarelli, associate counsel.

The CHAIRMAN. The subcommittee will come to order.

Our first witness this morning is Mr. Richard G. Hatfield of Colonial Parking, Inc., Wilmington, Del.

Mr. Hatfield, will you come forward?

STATEMENT OF RICHARD G. HATFIELD OF WILMINGTON, DEL., IN BEHALF OF THE NATIONAL PARKING ASSOCIATION

Mr. HATFIELD. Mr. Chairman, my name is Richard G. Hatfield. I own and operate Colonial Parking, Inc., 12th and Orange Streets, Wilmington, Del. I appear today, however, as a director of the National Parking Association, representing owners and operators of offstreet parking facilities from Maine to Hawaii.

We would be indeed reluctant to oppose the bill at hand, knowing the motives and purposes behind it. Cars are stolen from parking lots from time to time and every increase in the incidence raises our insurance rates, not to mention the ill will that theft creates among our customers.

On the other hand, a flat ban on the manufacture or sale of master keys could create an operational problem of great proportions to the parking business. Let me explain why. It all goes back to the age-old question: "Why do people behave like human beings?" Let's take a typical instance, subject, of course, to many variations.

Most of you must have parked at one time or another in the Cafritz Building next to the Army-Navy Club on I Street. You drive in, an attendant takes your car and gives you a ticket. You leave. The attendant drives the car around a corner to the left, then straight ahead to an up-ramp or right to a down-ramp. One day you arrive to find no attendant waiting. "Oh, they all know me and my car" you say to yourself and leave the car unattended, blocking the in-driveway. Subconsciously, with a million things on your mind, you lock the doors and take off.

Sure the attendants know you and your car by sight, but they don't know your name or where to find you. And meantime, the line of unhappy, hornblowing, would-be parkers grows longer and longer on I Street. And so one attendant uses the clothes-hanger technique to open the door and the car is pushed to the down-ramp at the bottom of which a space is preserved for just this use. If you have not locked the door, the process obviously is much simpler.

A recent association sample showed that this is the general practice of the industry. Almost never is any effort made to start the engine, even by those few who use jiggle or tryout keys. Anyway, jiggle—skeleton—keys require the skill of a true burglar, while the tryout process takes too much time, as the manufacturers keep increasing the number of different keys required to open any single door.

The pushing technique is about to become a thing of the past if the manufacturers pursue policies some have announced: impregnable windows and locked steering columns.

The CHAIRMAN. Wait a minute. In a case like that, if the car is blocking passage and you have the difficulty that you mentioned, couldn't you break the window of the car?

Mr. HATFIELD. Yes; but this would cause considerable damage, and somebody would have to be reimbursed for that damage.

The CHAIRMAN. Well, if the man leaves his car and is so irresponsible to do it in the manner that you have indicated, wouldn't you be justified in breaking the window?

Mr. HATFIELD. Perhaps. We have done this on occasion, but most people take the attitude that we are responsible for any damage done to that car.

The CHAIRMAN. Yes, but if the person leaves his car in the way that you have indicated and makes it impossible for you to conduct your business, I should think you are justified in breaking the window open and using every ingenuity you have to get the car started and get it out of the way.

Mr. HATFIELD. Well, perhaps you are right. In every instance where we have broken them, our insurance people have not seen fit to pay the claim. The customer was unhappy and didn't want to park at Colonial Parking any more and we had the customer's ill will, so we feel we should do everything in our power not to break the window.

The CHAIRMAN. Couldn't you put up a sign, or in some way indicate to the prospective purchaser of your services that under certain circumstances that you specify that you would be compelled to break the window open?

Mr. HATFIELD. I suppose this is possible.

The CHAIRMAN. Do you know if there are manufacturers of master keys in every State?

Mr. HATFIELD. I am not that familiar with them at this point. I have used one concern that is based in Florida.

The CHAIRMAN. In Florida.

Mr. HATFIELD. Yes, sir.

The CHAIRMAN. You do not know how many manufacturers there are in your State?

Mr. HATFIELD. No, I do not.

The CHAIRMAN. Because this bill only affects certain interstate shipments.

Mr. HATFIELD. I am not that familiar with how many are available.

The CHAIRMAN. You may proceed.

Mr. HATFIELD. The only answer, it would seem to us, would be jacking a car onto four dollies and then pushing it out of the way. Just imagine how the horns would be tooting while that was being done. Calling a licensed locksmith or trying to run down the driver via his license plate could take even longer.

In short, Mr. Chairman, the operators of parking facilities are going to need some way of getting into a car and steering it, as long as we have absentminded customers.

Could the answer be to permit the manufacturers to supply true master keys to reputable garages and parking facility operators, with a pledge from the latter that they would be carefully guarded by management? We urge you to consider this suggestion most carefully, and to discuss it with both the manufacturers and law enforcement agencies.

As I said at the beginning, we are not here to oppose H.R. 15215 because we are as concerned about auto thefts as the next fellow. We are concerned that the Congress inadvertently could create a problem of major proportions to our business in trying to solve a larger problem, and we ask you to give this your careful attention and thought.

Thank you very much.

The CHAIRMAN. The American Automobile Association likewise with you approves the bill, but they also want an exemption for an officer or employee of an automobile club or association operating in more than one State or an affiliate of such club or association for use in connection with the activity of the club or association.

Do you feel that this exemption should be granted?

Mr. HATFIELD. Well, I am sure the AAA has helped many stranded motorists who have either lost their keys or have locked themselves out of the car, and I think that most of the AAA people are trying to do the service job that we are with motorists.

The CHAIRMAN. The only point is that if we grant too many exemptions to the bill, we may not have much of a bill left. Do you appreciate that, too?

Mr. HATFIELD. Yes, indeed.

The CHAIRMAN. Are there any questions?

Mr. McCLORY. I would just ask this question: If the lock manufacturers improve their locks so that you can't employ master keys, why, you are going to be in a dilemma just like you would be if we outlaw the shipment of the master key, aren't you?

Mr. HATFIELD. Perhaps.

Mr. McCLORY. Well, you don't have any objection to the manufacture and sale of better locks, do you?

Mr. HATFIELD. No. Our only real major concern is the ability to move a car that is blocking our operation. We don't mind pushing a car out of the way. If they lock the steering columns, as some of the manufacturers have suggested, then we are in real trouble.

Mr. McCLORY. When the police pick up a car on the street, they frequently move the car without any master key or getting into the car, don't they?

Mr. HATFIELD. I really don't know.

Mr. ZELENKO. Excuse me, Mr. Chairman. The bill that we have before this committee doesn't talk about a lock for a steering column. It talks about a motor vehicle ignition, door, or trunk lock. As I understand, the steering column lock to which you refer has not yet been put into operation. It is something that has been talked about.

Mr. HATFIELD. This has been discussed for the 1969 automobiles, I believe.

Mr. ZELENKO. Do you want to give the committee your view as to whether or not this bill would cover steering column locks?

Mr. HATFIELD. It is my impression that the ignition key will be the same key that will lock the steering column, similar to the old 1935 and 1936 Fords.

Mr. ROGERS. Since this bill prohibits the shipment in interstate commerce of the master keys, have you any information as to whether or not in most every State the locksmiths may be in a position to manufacture a key within that State for use in that State?

Mr. HATFIELD. I do not know.

Mr. ROGERS. As I understand, you are from Delaware.

Mr. HATFIELD. Yes, sir.

Mr. ROGERS. Do you know whether or not there is manufactured any master keys in the State of Delaware?

Mr. HATFIELD. There is not, to my knowledge, at this time.

Mr. ROGERS. Where do you get the ones that you now use?

Mr. HATFIELD. They have come from Florida.

Mr. ROGERS. You don't know anything about the operation down in Florida. All you know is you order them from there; is that right?

Mr. HATFIELD. That's right.

Mr. ROGERS. Do you know of any other parking lot people who order from Florida?

Mr. HATFIELD. No. I am not familiar with other operations.

Mr. ROGERS. All right. Thank you.

The CHAIRMAN. There being no more questions then, we thank you very much for your contribution, Mr. Hatfield.

The Chair wishes to put into the record a statement by Dr. William Haddon, Jr., Director, National Highway Safety Bureau, Federal Highway Administration, of the Department of Transportation.

A letter from the Assistant General Counsel for Legislation of the Department of Commerce, Mr. Burt W. Roper.

A statement by George F. Kachlein, Jr., executive vice president, American Automobile Association.

A statement of Melvin L. Stark, manager, Washington Office of the American Insurance Association.

(The statements referred to follow:)

STATEMENT BY DR. WILLIAM HADDON, JR., DIRECTOR, NATIONAL HIGHWAY SAFETY BUREAU, FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

This statement is submitted in response to your request for the views of the Department of Transportation on H.R. 15215, a bill: "To provide criminal penalties for the manufacture, advertisement for introduction, or introduction into interstate commerce of motor vehicle master keys, and for other purposes."

The purpose of the bill is to prevent the transmission of motor vehicle master keys, or any pattern, impression or mold from which any master key can be made,

in interstate commerce or through the mails. The bill would provide criminal penalties for manufacture for the advertisement, introduction, transmission, or distribution in interstate commerce of any such items. In addition, the bill would make such keys, advertisements, patterns, molds or impressions nonmailable matter and prescribe criminal penalties for using the mails to transmit them.

The object of this bill is to make more difficult the theft of motor vehicles by the use of master ignition keys. The Department of Transportation supports this objective as a means of reducing the incidence of motor vehicle thefts. The National Highway Safety Bureau, a part of the Department, is now considering the promulgation of Motor Vehicle Safety Standards designed to make it more difficult for amateur and professional thieves to steal motor vehicles. In the course of its proceedings, the Bureau has accumulated data demonstrating that there is a definite correlation between vehicle accidents and stolen vehicles.

In summary, there is mounting evidence that stolen cars are lethal. For these reasons, we favor enactment of this bill which will aid in preventing automobiles from being driven by unauthorized persons.

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., March 11, 1968.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department concerning H.R. 15215, a bill "to amend title 18, United States Code, to provide criminal penalties for the manufacture, advertisement for introduction, or introduction into interstate commerce of motor vehicle master keys, and for other purposes."

The Department of Commerce urges early enactment of H.R. 15215, the "Auto Theft Prevention Act of 1968."

This legislation which was endorsed by the President in his recent Message on the Challenge of Crime to our Society is, in our opinion, a major proposal for the control of the crime of auto theft. Theft of an auto, sometimes merely for the purpose of joyriding, is far too often the first step taken by a youth toward life as a criminal. The master key, widely available and even obtainable by mail order, substantially lessens the difficulty of automobile theft.

We, therefore, endorse the provisions of H.R. 15215 which would provide criminal penalties for the manufacture, introduction in commerce, advertising for sale, and mailing of motor vehicle master keys and patterns, impressions or molds from which they may be made.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee and further that enactment of H.R. 15215 would be in accord with the program of the President.

Sincerely,

BURT W. ROPER,
*Assistant General Counsel
(For General Counsel.)*

STATEMENT BY GEORGE F. KACHLEIN, JR., EXECUTIVE VICE PRESIDENT, AMERICAN
AUTOMOBILE ASSOCIATION

The American Automobile Association on behalf of its 10,700,000 members wants to thank you, Chairman Celler, and the other distinguished members of this Subcommittee for an opportunity to submit this statement on H.R. 15215 and other pending bills on the subject of motor vehicle master keys.

As you will recall, on December 9, Mr. Chairman, I sent you a letter requesting hearings on approximately a dozen measures which had been introduced on this subject and referred to your Committee. I would appreciate a copy of this letter being included in the printed record of your deliberations on this subject.

Following that letter, Representative Robert N. C. Nix introduced legislation, H.R. 14404, to regulate the mailing of automotive master keys. The Director of our Legal Department, Cornelius R. Gray, testified in support of that legislation, and this Association likewise supported H.R. 14935, an amended version of H.R. 14404, which passed the House on February 19, 1968.

After this, the President, as part of his crime legislation, proposed the measure which is now before you for consideration; and we are happy to comment on it. Permit me, if you will, to give you some background information on this subject.

MAGNITUDE OF AUTO THEFTS

The U.S. Justice Department estimates 650,000 motor vehicles were stolen in the U.S. during 1967. Of these, about 100,000 vehicles were involved in accidents, about one-fifth of them involving death or injury.

MAIL-ORDER BUSINESS

The sale of master keys is confined primarily to mail-order businesses which make no real effort to scrutinize those who purchase the keys to ascertain whether they will be used for legitimate purposes.

Rather, it is our experience that they send a card to the person who has ordered the keys reading as follows:

"To whom it may concern: I am purchasing these groups of automobile master keys in good faith. I have a genuine need for these keys and I intend to use them in a lawful manner. I will not allow minors to use them and I will guard them and keep them in a safe place."

A place for his signature is on the card. This is not much of a test of a person's legitimate need for master keys.

The August, 1966, issue of the "New York Motorist" published by the New York State Automobile Association notes that the New York City police were becoming more concerned with the mounting auto theft rate. The article quotes a police officer as stating: "Car thefts have become easier to engineer because auto keys are available from mail-order houses."

Master keys are attractive to the thief because they permit him to act without arousing suspicion.

The September-October, 1966, issue of the "Journal of American Insurance" noted three examples taken from police files of thieves using master keys to steal and loot cars:

- Police in Evanston, Illinois, arrested two car thieves in a stolen 1960 Cadillac. In their possession were 79 master keys which police traced to a mail-order firm in California.
- New Jersey police caught seven young girls riding in a stolen car. The 17-year-old driver had a set of 27 master keys.
- Kansas City police raided the home of a suspected burglar. Found with the stolen loot was a set of master car keys.

This same article tells of an agent for the National Automobile Theft Bureau who purchased a set of master keys. He reported, "At no time during the entire correspondence between myself and this concern was I asked about, nor did I furnish, any business affiliation."

The magnitude of the problem of auto thefts can easily be seen when one considers that in 1965, 493,100 automobiles were stolen—more than 1,300 every day and that in two years this has jumped to an estimated 650,000 vehicles—or more than 1,800 every day.

JUSTICE SURVEY

Recently the Department of Justice conducted a survey of 4,000 auto thefts and they found that 76 percent of stolen automobiles had been left unlocked and 59 percent had the keys in the ignition or the ignition in an unlocked position.

Efforts have been underway under the leadership of the Department of Justice and interested national and local organizations who have banded together to conduct a national auto theft prevention campaign alerting the public to remove their ignition keys and to lock their cars.

Material for advertising and billboard campaigns was prepared. Small stickers to be placed on parkings meters, warning drivers to lock their cars were included. More than 225 cities in 43 states ordered over 1.3 million items of campaign material.

AUTO THEFT AND JUVENILE DELINQUENCY

Another reason for our concern with the problem of auto thefts is the fact that there is a close relationship between juvenile delinquency and such larceny. Testimony, last year, before the Subcommittee to Investigate Juvenile Delinquency of the Senate Judiciary Committee indicated a large number of juveniles first run afoul of the law by taking a motor vehicle.

The Subcommittee in a recent report (Senate Report 823) made three recommendations on the problem of delinquency and auto thefts, the first of which reads as follows:

1. Adequate regulation should be placed on the manufacture and distribution of master auto keys and other similar devices that facilitate the entry into cars and the operation of ignition systems.

The Subcommittee is also interested in the problem of auto theft because "over 80 percent of the offenders are young people under 25 years of age."

Since master keys are readily available to the youngster as well as the locksmith via the mails, his first criminal act is fairly easy to bring off. For \$3 he can get a set of keys and away he goes.

AAA POLICY

The official policy position of the American Automobile Association on automobile thefts is contained in a resolution adopted by the delegates at the AAA Annual Convention last October. The main provisions of the resolution provide:

In order to reduce auto thefts AAA urges:

1. the enactment or improvement of motor vehicle title and registration laws;
2. enactment by the Congress of legislation prohibiting the sale in interstate commerce of motor vehicle master keys except to authorized persons;
3. automobile manufacturers to design motor vehicles so as to make them more theft-proof, such as improvements in door locks, ignition, hood latch, etc.;
4. the AAA National Headquarters and state and local affiliated clubs actively to participate with other interested organizations in a public information campaign educating motorists to the importance of removing keys from unattended vehicles and locking their vehicles.

COMMENTS ON H.R. 15215

Unlike H.R. 14935, H.R. 15215 does not provide any exceptions for the use of master keys. We recommend that the measures before you for consideration be amended so as to provide the exemption contained in H.R. 14935, that such a key may be transmitted to "(B) an officer or employee of an automobile club or association operating in more than one State, or of an affiliate of such club or association, for use in connection with the activities of such club or association;"

We are not in a position to effectively evaluate the needs of the other groups which are exempted under H.R. 14935, and we leave this to the Subcommittee's discretion; but the needs of our motorist members do compel us to request an exemption for automobile associations, as outlined above.

Thank you for consideration.

STATEMENT OF MELVIN L. STARK, MANAGER, WASHINGTON OFFICE OF THE AMERICAN INSURANCE ASSOCIATION

To members of the subcommittee:

The American Insurance Association appreciates the opportunity to submit this statement of position with respect to H.R. 15215 introduced in the House of Representatives by Honorable Emanuel Celler on February 8, 1968.

The American Insurance Association is a trade and advisory group representing the property and liability insurance interests of 170 member companies who do business throughout the United States. Policies are sold through independent insurance agents and brokers. A large majority of these companies write automobile insurance coverages, including automobile theft protection.

H.R. 15215 has been recently introduced and is one of many bills of a similar nature pending before the 90th Congress. All of these measures are a consequence of the sharply rising rate of automobile thefts in the United States, much of which is aided and abetted by the wide spread availability of master keys for motor vehicles.

As major underwriters of automobile theft insurance, our membership is deeply concerned not only with the losses suffered under insurance contracts, but also with the socio-economic implications to our national life. We have given our strong support to the National Auto Theft Prevention Campaign coordinated by the United States Department of Justice, which numbers many worthy participant organizations among its membership.

With more than 550,000 cars stolen in 1966 representing automobile theft losses in excess of \$140,000,000, it is appropriate that vigorous and decisive efforts be made to cope with this deplorable situation. Unfortunately, the great bulk of offenders are young people, and the relative ease with which cars are stolen even for a brief "joy ride," lends encouragement to our Nation's youth to commit other acts of lawlessness that contribute to rising juvenile delinquency and a casual attitude toward established law and order.

We are additionally concerned by the numerous accidents involving stolen cars when injury and property damage add further cost and suffering. Automobile liability insurers are frequently faced with difficulty in the investigation and disposition of claims made by third parties when cars are driven by auto thieves in reckless disregard of rules of the road, aside from the automobile insurance coverage complications which flow from the use of a car without the insured's permission.

Representative Celler's proposal covering the "manufacture, introduction or advertisement for sale of motor vehicle master keys" is broad in its application to the issue with serious criminal penalties suggested for violations committed in the area of interstate commerce. We believe this measure is a meaningful and all-embracing approach, wide ranging in coverage, and susceptible of enforcement. It deserves general support, and it has the support of the American Insurance Association.

We believe that the proposed standard of the National Highway Safety Bureau related to a key locking system for all passenger motor vehicles reinforces the coming need for thoroughly effective measures to solidly treat the auto theft problem.

It is heartening that education campaigns directed to American motorists regarding care and control with respect to avoidance of auto theft is proceeding at many levels, private and public, throughout the country. These efforts in conjunction with hard-hitting federal legislation can provide the means whereby auto thefts are decreased, temptation to commit theft removed, and a brighter picture of juvenile respect for law attainable.

Therefore, the American Insurance Association gives its support and endorsement to H.R. 15215 as a constructive bill which is designed to decrease the rising rate of auto thefts and heavy dollar loss resulting therefrom to the public and to insurance companies.

The CHAIRMAN. There being no further witnesses, these hearings will be closed.

(Whereupon, at 10:25 a.m., the subcommittee recessed, subject to call of the Chair.)



