Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

MUSCARELLO *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 96–1654. Argued March 23, 1998– Decided June 8, 1998*

A person who "uses or carries a firearm" "during and in relation to" a "drug trafficking crime" is subject to a 5-year mandatory prison term. 18 U. S. C. §924(c)(1). In the first case, police officers found a handgun locked in the glove compartment of petitioner Muscarello's truck, which he was using to transport marijuana for sale. In the second case, federal agents at a drug-sale point found drugs and guns in the trunk of petitioners' car. In both cases, the Courts of Appeals found that petitioners had carried firearms in violation of §924(c)(1).

Held: The phrase "carries a firearm" applies to a person who knowingly possesses and conveys firearms in a vehicle, including in the locked glove compartment or trunk of a car, which the person accompanies. Pp. 2–14.

(a) As a matter of ordinary English, one can "carry firearms" in a wagon, car, truck, or other vehicle which one accompanies. The word's first, or basic, meaning in dictionaries and the word's origin make clear that "carry" includes conveying in a vehicle. The greatest of writers have used "carry" with this meaning, as has the modern press. Contrary to the arguments of petitioners and the dissent, there is no linguistic reason to think that Congress intended to limit the word to its secondary meaning, which suggests support rather than movement or transportation, as when, for example, a column "carries" the weight of an arch. Given the word's ordinary meaning, it is not surprising that the Federal Circuit Courts have unanimously concluded that "carry" is not limited to the carrying of weapons di-

– – – – – –

* Together with No. 96–8837, *Cleveland et al.* v. *United States*, on certiorari to the United States Court of Appeals for the First Circuit.

Syllabus

rectly on the person but can include their carriage in a car. Pp. 2–7.

(b) Neither the statute's basic purpose– to combat the "dangerous combination" of "drugs and guns," *Smith* v. *United States*, 508 U. S. 223, 240– nor its legislative history supports circumscribing the scope of the word "carry" by applying an "on the person" limitation. Pp. 7–9.

(c) Petitioners' remaining arguments to the contrary– that the definition adopted here obliterates the statutory distinction between "carry" and "transport," a word used in other provisions of the "firearms" section of the United States Code; that it would be anomalous to construe "carry" broadly when the related phrase "uses . . . a firearm," 18 U. S. C. §924(c)(1), has been construed narrowly to include only the "active employment" of a firearm, *Bailey* v. *United States*, 516 U. S. 137, 144; that this Court's reading of the statute would extend its coverage to passengers on buses, trains, or ships, who have placed a firearm, say, in checked luggage; and that the "rule of lenity" should apply because of statutory ambiguity– are unconvincing. Pp. 9–14.

No. 96–1654, 106 F. 3d 636, and No. 96–8837, 106 F. 3d 1056, affirmed.

BREYER, J., delivered the opinion of the Court, in which STEVENS, O'CONNOR, KENNEDY, and THOMAS, JJ., joined. GINSBURG, J., filed a dissenting opinion, in which REHNQUIST, C. J., and SCALIA and SOUTER, JJ., joined.