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 Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

UNITED STATES *v.* R. L. C.

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

No. 90–1577. Argued December 10, 1991—Decided March 24, 1992

Because certain conduct of respondent R. L. C. at age 16 would have constituted the crime of involuntary manslaughter under 18 U.S.C. §§1112(a) and 1153 if committed by an adult, the District Court held that he had committed an act of juvenile delinquency within the meaning of the Juvenile Delinquency Act. In light of a provision of that Act requiring the length of official detention in certain circumstances to be limited to ``the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult,'' §5037(c)(1)(B), the court committed R. L. C. to detention for three years, the maximum sentence for involuntary manslaughter under §1112(b). Reading §5037(c)(1)(B) to bar a juvenile term longer than the sentence a court could impose on a similarly situated adult after applying the United States Sentencing Guidelines, and finding that the Guidelines would yield a maximum sentence of 21 months for an adult in R. L. C.'s circumstances, the Court of Appeals vacated his sentence and remanded for resentencing.

Held: The judgment is affirmed.

915 F.2d 320, affirmed.

JUSTICE SOUTER delivered the opinion of the Court with respect to Parts I, II–A, and III, concluding:

1.Plain-meaning analysis does not compel adoption of the Government's construction that the word ``authorized'' in §5037(c)(1)(B) must refer to the maximum term of imprisonment provided for by the statute defining the offense. At least equally consistent, and arguably more natural, is the construction that ``authorized'' refers to the result of applying all statutes with a required bearing on the sentencing decision, including not only those that empower the court to sentence

but those that limit the legitimacy of its exercise of that power, including §3553(b) which requires application of the Guidelines and caps an adult sentence at the top of the relevant Guideline range, absent circumstances warranting departure. Thus, the most that can be said from examining the text in its present form is that the Government may claim its preferred construction to be one possible resolution of statutory ambiguity. Pp.3–5.

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2.The §5037(c)(1)(B) limitation refers to the maximum sentence that could be imposed if the juvenile were being sentenced after application of the Guidelines. Although determining the maximum permissible sentence under §5037(c)(1)(B) will require sentencing and reviewing courts to determine an appropriate Guideline range in juvenile-delinquency proceedings, it does not require plenary application of the Guidelines to juvenile delinquents. Where the statutory provision applies, a sentencing court's concern with the Guidelines goes solely to the upper limit of the proper Guideline range as setting the maximum term for which a juvenile may be committed to official detention, absent circumstances that would warrant departure under §3553(b). Pp.13–14.

JUSTICE SOUTER, joined by THE CHIEF JUSTICE, JUSTICE WHITE, and JUSTICE STEVENS, delivered an opinion with respect to Parts II–B and II–C, concluding that:

1.The textual evolution of §5037(c)(1)(B) and the relevant legislative history reinforce the conclusion that the section is better understood to refer to the maximum sentence permitted under §3553(b). Whereas the predecessor of §5037(c) spoke in terms of the ``maximum term which could have been imposed on *an adult*'' (emphasis added), the current version's reference to ``the juvenile,'' on its face suggests a change in reference from abstract considerations to a focused inquiry into the circumstances of the particular juvenile. Although an intervening version referred to the maximum sentence ``that would be authorized *by section 3581(b)* if the juvenile had been tried and convicted as an adult'' (emphasis added), the emphasized language was quickly deleted, resulting in the present statutory text. The legislative history demonstrates that Congress intended the deletion to conform juvenile and adult maximum sentences, in that §3581(b), which catalogs such sentences for federal offenses by reference to their relative seriousness, could in some circumstances have appeared to authorize a longer sentence for a juvenile than an adult would have received. Absent promulgation of the Guidelines, the deletion might have left the question of the ``authorized'' maximum to be determined by reference to the penalty provided by the statute creating the offense. However, Congress' purpose today can be achieved only by reading ``authorized'' to refer to the maximum sentence that may be imposed consistently with §3553(b), which will generally provide a ceiling more favorable to the juvenile than that contained in the offense-defining statute. It hardly seems likely that Congress adopted the current §5037(c) without intending

the recently enacted Guidelines scheme to be considered for the purpose of conforming juvenile and adult sentences. Pp.5–12.

2.No ambiguity about the statute's intended scope survives the foregoing analysis, but, if any did, the construction yielding the shorter sentence would be chosen under the rule of lenity. That rule's application is unnecessary in this case, however, since this Court has ``always reserved lenity for those situations in which a reasonable doubt persists about a statute's intended scope even *after* resort to `the language and structure, legislative history, and motivating policies' of the statute.'' *Moskal* v. *United States,* 498 U.S. ___, ___ (citation omitted). Pp.12–13.

JUSTICE SCALIA, joined by JUSTICE KENNEDY and JUSTICE THOMAS, concluded that it is not consistent with the rule of lenity to construe a textually ambiguous penal statute against a criminal defendant on the basis of legislative history. Once it is determined that the statutory text is ambiguous, the rule requires that the more lenient interpretation prevail. In approving reliance on a statute's ``motivating policies,'' *Moskal* v. *United States,* 498 U.S. ___, ___, seems contrary to *Hughey* v. *United States,* 495 U.S. 411, 422. And insofar as *Moskal* requires consideration of legislative history at all, it compromises the purposes of the lenity rule: to assure that criminal statutes provide fair warning of what conduct is rendered illegal, see, *e. g.*, *McBoyle* v. *United States,* 283 U.S. 25, 27, and to assure that society, through its representatives, has genuinely called for the punishment to be meted out, see *e. g., United States* v. *Bass,* 404 U.S. 336, 348. While the Court has considered legislative history in construing criminal statutes before, it appears that only one case, *Dixson* v. *United States,* 465 U.S. 482, has relied on legislative history to ``clarify'' an ambiguous statute against a criminal defendant's interest. *Dixson* does not discuss the implications of its decision, and both of the cases it cites in supposed support of its holding found the statute at hand *not* to be facially ambiguous. Pp.1–4.

JUSTICE THOMAS agreed with JUSTICE SCALIA that the use of legislative history to construe an otherwise ambiguous penal statute against a criminal defendant is difficult to reconcile with the rule of lenity. The rule operates, however, only if ambiguity remains even after a court has applied established principles of construction to the statutory text. See, *e. g., Chapman* v. *United States,* 500 U.S. ___, ___. Although knowledge of these principles is imputed to the citizenry, there appears scant justification for also requiring knowledge of extra-legal

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materials such as legislative history. Pp.1–2.

SOUTER, J., announced the judgment of the Court and delivered the opinion of the Court with respect to Parts I, II–A, and III, in which REHNQUIST, C. J., and WHITE, STEVENS, SCALIA, KENNEDY, and THOMAS, JJ., joined, and an opinion with respect to Parts II–B and II–C, in which REHNQUIST, C. J., and WHITE and STEVENS, JJ., joined. SCALIA, J., filed an opinion concurring in part and concurring in the judgment, in which KENNEDY and THOMAS, JJ., joined. THOMAS, J., filed an opinion concurring in part and concurring in the judgment. O'CONNOR, J., filed a dissenting opinion, in which BLACKMUN, J., joined.