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## SUPREME COURT OF THE UNITED STATES

### Syllabus

#### SMITH v. UNITED STATES

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

No. 91-8674. Argued March 23, 1993—Decided June 1, 1993

After petitioner Smith offered to trade an automatic weapon to an undercover officer for cocaine, he was charged with numerous firearm and drug trafficking offenses. Title 18 U. S. C. §924(c)(1) requires the imposition of specified penalties if the defendant, "during and in relation to . . . [a] drug trafficking crime[,] uses . . . a firearm." In affirming Smith's conviction and sentence, the Court of Appeals held that §924(c)(1)'s plain language imposes no requirement that a firearm be "use[d]" as a weapon, but applies to any use of a gun that facilitates in any manner the commission of a drug offense.

*Held:* A criminal who trades his firearm for drugs "uses" it "during and in relation to . . . [a] drug trafficking crime" within the meaning of §924(c)(1). Pp. 4-17.

(a) Section 924's language and structure establish that exchanging a firearm for drugs may constitute "use" within §924(c)(1)'s meaning. Smith's handling of his gun falls squarely within the everyday meaning and dictionary definitions of "use." Had Congress intended §924(c)(1) to require proof that the defendant not only used his firearm but used it in a specific manner—as a weapon—it could have so indicated in the statute. However, Congress did not. The fact that the most familiar example of "us[ing] . . . a firearm" is "use" as a weapon does not mean that the phrase *excludes* all other ways in which a firearm might be used. The United States Sentencing Guidelines, even if the Court were to assume their relevance in the present context, do not support the dissent's narrow interpretation that "to use" a firearm can mean only to use it for its intended purposes, such as firing and brandishing, since Guidelines Manual §2B3.1(b)(2) explicitly contemplates "othe[r] use[s]" that are not limited to the intended purposes identified by the dissent. The dissent's approach, moreover,

would exclude the use of a gun to pistol-whip a victim as the intended purpose of a gun is that it be fired or brandished, not that it be used as a bludgeon. In addition, Congress affirmatively demonstrated that it meant to include transactions like Smith's as "us[ing] a firearm" within the meaning of §924(c)(1) by employing similar language in §924(d)(1), which subjects to forfeiture any "firearm . . . intended to be used" in various listed offenses. Many of the listed offenses involve "using" the firearm not as a weapon but as an item of barter or commerce. Thus, even if §924(c)(1), as originally enacted, applied only to use of a firearm during crimes of violence, it is clear from the face of the statute that "use" is not presently limited to use as a weapon, but is broad enough to cover use for trade. Pp. 4-13.

## SMITH v. UNITED STATES

### Syllabus

(b) Smith's use of his firearm was ``during and in relation to'' a drug trafficking crime. Smith does not, and cannot, deny that the alleged use occurred ``during'' such a crime. And there can be little doubt that his use was ``in relation to'' the offense. That phrase has a dictionary meaning of ``with reference to'' or ``as regards'' and, at a minimum, clarifies that the firearm must have some purpose or effect with respect to the drug crime. Thus, its presence or involvement cannot be the result of accident or coincidence, and it at least must facilitate or have the purpose of facilitating the drug offense. Here, the firearm was an integral part of the drug transaction, which would not have been possible without it. There is no reason why Congress would not have wanted its language to cover this situation, since the introduction of guns into drug transactions dramatically heightens the danger to society, whether the guns are used as a medium of exchange or as protection for the transactions or dealers. Pp. 13-16.

(c) Smith's invocation of the rule of lenity is rejected. Imposing a narrower construction of §924(c)(1) than the one herein adopted would do violence not only to the statute's plain language and structure, but also to its purpose of addressing the heightened risk of violence and death that accompanies the introduction of firearms to drug trafficking offenses. Pp. 16-18. 957 F. 2d 835, affirmed.

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