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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

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SMALL *v.* UNITED STATESCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE THIRD CIRCUIT

No. 03–750. Argued November 3, 2004—Decided April 26, 2005

Petitioner Small was convicted in a Japanese Court of trying to smuggle firearms and ammunition into that country. He served five years in prison and then returned to the United States, where he bought a gun. Federal authorities subsequently charged Small under 18 U. S. C. §922(g)(1), which forbids “any person . . . *convicted in any court* . . . of a crime punishable by imprisonment for a term exceeding one year . . . to . . . possess . . . any firearm.” (Emphasis added.) Small pleaded guilty while reserving the right to challenge his conviction on the ground that his earlier conviction, being foreign, fell outside §922(g)(1)’s scope. The Federal District Court and the Third Circuit rejected this argument.

Held: Section 922(g)(1)’s phrase “convicted in any court” encompasses only domestic, not foreign, convictions. Pp. 2–9.

(a) In considering the scope of the phrase “convicted in any court” it is appropriate to assume that Congress had domestic concerns in mind. This assumption is similar to the legal presumption that Congress ordinarily intends its statutes to have domestic, not extraterritorial, application, see, e.g., *Foley Bros., Inc. v. Filardo*, 336 U. S. 281, 285. The phrase “convicted in any court” describes one necessary portion of the “gun possession” activity that is prohibited as a matter of domestic law. Moreover, because foreign convictions may include convictions for conduct that domestic laws would permit, e.g., for engaging in economic conduct that our society might encourage, convictions from a legal system that are inconsistent with American understanding of fairness, and convictions for conduct that domestic law punishes far less severely, the key statutory phrase “convicted in any court of, a crime punishable by imprisonment for a term exceeding one year” somewhat less reliably identifies dangerous individuals for

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the purposes of U. S. law where foreign convictions, rather than domestic convictions, are at issue. In addition, it is difficult to read the statute as asking judges or prosecutors to refine its definitional distinctions where foreign convictions are at issue. To somehow weed out inappropriate foreign convictions that meet the statutory definition is not consistent with the statute's language; it is not easy for those not versed in foreign laws to accomplish; and it would leave those previously convicted in a foreign court (say of economic crimes) uncertain about their legal obligations. These considerations provide a convincing basis for applying the ordinary assumption about the reach of domestically oriented statutes here. Thus, the Court assumes a congressional intent that the phrase "convicted in any court" applies domestically, not extraterritorially, unless the statutory language, context, history, or purpose shows the contrary. Pp. 2–5.

(b) There is no convincing indication to the contrary here. The statute's language suggests no intent to reach beyond domestic convictions. To the contrary, if read to include foreign convictions, the statute's language creates anomalies. For example, in creating an exception allowing gun possession despite a conviction for an antitrust or business regulatory crime, §921(a)(20)(A) speaks of "Federal or State" antitrust or regulatory offenses. If the phrase "convicted in any court" generally refers only to domestic convictions, this language causes no problem. But if the phrase includes foreign convictions, the words "Federal or State" prevent the exception from applying where a *foreign* antitrust or regulatory conviction is at issue. Such illustrative examples suggest that Congress did not consider whether the generic phrase "convicted in any court" applies to foreign convictions. Moreover, the statute's legislative history indicates no intent to reach beyond domestic convictions. Although the statutory purpose of keeping guns from those likely to become a threat to society *does* offer some support for reading §922(g)(1) to include foreign convictions, the likelihood that Congress, at best, paid no attention to the matter is reinforced by the empirical fact that, according to the Government, since 1968, there have fewer than a dozen instances in which such a foreign conviction has served as a predicate for a felon-in-possession prosecution. Pp. 5–8.

333 F. 3d 425, reversed and remanded.

BREYER, J., delivered the opinion of the Court, in which STEVENS, O'CONNOR, SOUTER, and GINSBURG, JJ., joined. THOMAS, J., filed a dissenting opinion, in which SCALIA and KENNEDY, JJ., joined. REHNQUIST, C. J., took no part in the decision of the case.