

GOING FOR THE JUGULAR

*In recent years, many people have complained about the prolixity of Supreme Court opinions. A recent opinion gives ground for hope that the Court may mend its ways. We reprint below the entire text of *McLaughlin v. United States*,* which we believe to be the shortest signed opinion since *Holmes*. Perhaps other Justices will see fit to imitate Justice Stevens's admirable brevity.*

JUSTICE STEVENS delivered the opinion of the Court.

The question presented is whether an unloaded handgun is a "dangerous weapon" within the meaning of the federal bank robbery statute.

At about 9:30 a.m. on July 26, 1984, petitioner and a companion, both wearing stocking masks and gloves, entered a bank in Baltimore. Petitioner thereupon displayed a dark handgun and ordered everyone in the bank to put his hands up and not to move. While petitioner remained in the lobby area holding the gun, his companion vaulted the counter and placed about \$3,400 in a brown paper bag. The two robbers were apprehended by a police officer as they left the bank. Petitioner's gun was not loaded.

Petitioner pleaded guilty to charges of bank robbery and bank larceny and, on the basis of stipulated evidence, was found guilty of assault during a bank robbery "by the use of a dangerous weapon." The latter conviction depends on the validity of the District Court's conclusion that petitioner's unloaded gun was a "dangerous weapon" within the meaning of 18 U.S.C. § 2113(d). The Court of Appeals agreed with the District Court, and so do we.

Three reasons, each independently sufficient, support the conclusion that an unloaded gun is a "dangerous weapon." First, a gun is an article that is typically and characteristically dangerous; the use for which it is manufactured and sold is a dangerous one, and the law reasonably may presume that such an article is always dangerous even though it may not be armed at a particular time or place. In addition, the display of a gun instills fear in the average citizen; as a consequence, it creates an immediate danger that a violent response will ensue. Finally, a gun can cause harm when used as a bludgeon.

Accordingly, the judgment of the Court of Appeals is Affirmed.

* 106 S. Ct. 1677 (1986). We deleted only the caption, syllabus, and three brief footnotes. One footnote simply quotes the statute; another cites the conflicting lower court decisions; the third covers the legislative history with a single sentence (another modern record!).