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.* AGUILAR

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

No. 94–270. Argued March 20, 1995—Decided June 21, 1995

Respondent Aguilar, a United States District Judge, was convicted of illegally disclosing a wiretap in violation of 18 U. S. C. §2232(c), even though the authorization for the particular wiretap had expired before the disclosure was made. Because he lied to Federal Bureau of Investigation (FBI) agents during a grand jury investigation, he also was convicted of endeavoring to obstruct the due administration of justice under §1503. The Court of Appeals reversed both convictions, reasoning that Aguilar's conduct in each instance was not covered by the statutory language.

Held:

1. Uttering false statements to an investigating agent who might or might not testify before a grand jury is not sufficient to make out a violation of §1503's prohibition of ``endeavor[ing] to influence, obstruct, or impede . . . the due administration of justice.'' The ``nexus'' requirement developed in recent court of appeals decisions—whereby the accused's act must have a relationship in time, causation, or logic with grand jury or judicial proceedings—is a correct construction of §1503's very broad language. Under that approach, the accused must take action with an intent to influence such proceedings; it is not enough that there be an intent to influence some ancillary proceeding, such as an investigation independent of the court's or grand jury's authority. Moreover, the endeavor must have the ``natural and probable effect'' of interfering with the due administration of justice, see, *e.g., United States* v. *Wood*, 6 F. 3d 692, 695, and a person lacking knowledge that his actions are likely to affect a pending proceeding necessarily lacks the requisite intent to obstruct, *Pettibone* v. *United States,* 148 U. S. 197, 206–207. The Government did not show here that the FBI

agents acted as an arm of the grand jury, that the grand jury had subpoenaed their testimony or otherwise directed them to appear, or that respondent knew that his false statements would be provided to the grand jury. Indeed, the evidence goes no further than showing that respondent testified falsely to an investigating agent. What use will be made of such testimony is so speculative that the testimony cannot be said to have the ``natural and probable effect'' of obstructing justice. Pp. 4–9.

Syllabus

2. Disclosure of a wiretap after its authorization expires violates §2232(c), which provides criminal penalties for anyone who, ``[1] having knowledge that a Federal . . . officer has been authorized or has applied for authorization . . . to intercept a wire . . . communication, [2] in order to obstruct, impede, or prevent such interception, [3] gives notice or attempts to give notice of the possible interception to any person.'' Contrary to the Court of Appeals' holding, the statutory language does not require that the wiretap application or authorization be pending or *in esse* at the time of the disclosure. Such a narrow purpose is not evidenced by the term ``such interception'' in the statute's second clause, which merely establishes that the defendant must intend to obstruct the interception made pursuant to the application or authorization of which he has the knowledge required by the first clause. Similarly, the phrase ``possible interception'' in the third clause was not designed to limit the punishable offense to cases where the interception was factually ``possible,'' but was intended to recognize the fact that at the time the prohibited notice was given it very likely could not be known whether or not there would be an interception. Moreover, without the word ``possible,'' the statute would only prohibit giving notice of ``the interception'': It would not reach the giving of notice of an application which has not yet resulted in an authorization or an authorization which has not yet resulted in an interception. Finally, the statute need not be read to exclude disclosures of expired wiretaps because of concern that a broader construction would run counter to the First Amendment. The Government's interest in nondisclosure by officials in sensitive confidential positions is quite sufficient to justify the construction of the statute as written, without any artificial narrowing because of First Amendment concerns. Pp. 9–13.

21 F. 3d 1475, affirmed in part, reversed in part, and remanded.

REHNQUIST, C. J., delivered the opinion of the Court, in which O'CONNOR, SOUTER, GINSBURG, and BREYER, JJ., joined, in Part I of which STEVENS, J., joined, and in all but Part I and the last paragraph of Part II of which SCALIA, KENNEDY, and THOMAS, JJ., joined. STEVENS, J., filed an opinion concurring in part and dissenting in part. SCALIA, J., filed an opinion concurring in part and dissenting in part, in which KENNEDY and THOMAS, JJ., joined.