



## **The Supreme Court and “Honest Services”**

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In declaring the “honest services” fraud statute unconstitutionally vague on Thursday, the Supreme has deprived prosecutors of a very versatile tool in the fight against fraud and corruption. The majority limited the provision to its “solid core” – prosecution of bribery or kickbacks. In so doing, the ruling not only calls into question many past convictions, but dramatically affects ongoing corruption cases across the country.

The honest services provision, which was added to the federal mail fraud statute in 1988, makes it a crime “to deprive another of the intangible right of honest services.” It has been the basis for numerous convictions for behavior that is clearly corrupt but may not satisfy the legal criteria for bribery. The Court’s ruling did not foreclose Congressional action to bring greater specificity to the crimes under the “honest services” provisions. Given the importance of this tool to curbing corrupt conduct, legislation is urgently needed to meet the Court’s objections.