**8.131 OBSTRUCTION OF JUSTICE—**

**OMNIBUS CLAUSE OF**

**18 U.S.C. § 1503**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with obstruction of justice in violation of Section 1503 of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant influenced, obstructed, or impeded, or tried to influence, obstruct, or impede the due administration of justice; and

Second, the defendant acted corruptly, or by threats or force, or by any threatening communication, with the intent to obstruct justice.

[The government need not prove that the defendant’s sole or even primary intention was to obstruct justice so long as the government proves beyond a reasonable doubt that one of the defendant’s intentions was to obstruct justice. The defendant’s intention to obstruct justice must be substantial.]

**Comment**

*See* Comment at Instruction 3.15 (Corruptly–Defined).

If the corrupt act at issue involved the making of a false statement, materiality of the false statement is a required element of the crime.  *See United States v. Thomas*, 612 F.3d 1107, 1123-24 (9th Cir. 2010).

As used in § 1503, “corruptly” means that the act must be done with the purpose of obstructing justice. *United States v. Rasheed,* 663 F.2d 843, 851 (9th Cir. 1981).

Include the last paragraph if the evidence shows the defendant may have had more than one intention when engaging in the challenged conduct. *See United States v. Smith*, 831 F.3d 1207, 1218 (9th Cir.2016).

“The ‘omnibus clause’ of § 1503, . . . provides: ‘Whoever . . . corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be [punished] . . .’” *United States v. Aguilar*, 515 U.S. 593, 609-10 (1995).

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