

Statement of SOUTER, J.

SUPREME COURT OF THE UNITED STATES

No. 96–1579

JAMES BROGAN, PETITIONER v. UNITED STATES

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[January 26, 1998]

JUSTICE SOUTER, concurring in part and concurring in the judgment.

I join the opinion of the Court except for its response to petitioner's argument premised on the potential for prosecutorial abuse of 18 U. S. C. §1001 as now written (*ante*, 7-8). On that point I have joined JUSTICE GINSBURG's opinion espousing congressional attention to the risks inherent in the statute's current breadth.