

**Response of Judge John G. Roberts, Jr.
to the Written Question of Senator Jon Kyl**

Should your statements at the hearing on your nomination be construed to imply that all substantial problems with federal habeas review that are of potential concern to policymakers have been resolved, or to recommend against any further reform of the federal habeas system as it exists today?

RESPONSE: No, my statements should not be so construed. Congress has broad power to legislate regarding the availability and scope of habeas relief. The decisions Congress makes in this regard are policy choices that are best left to the judgment of legislators. My statements at the hearing were intended only to provide context for the memorandum I authored in the early 1980s. In stating that "Congress responded to [the] sorts of concerns" I expressed in the memorandum, I did not mean to suggest any views on whether further habeas reform was necessary or desirable.