

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

March 23, 2004

Honorable Leonidas Ralph Mecham  
Secretary  
Judicial Conference of the United States  
Washington, DC 20544

Dear Ralph:

The Court has reviewed the Judicial Conference's submission of the proposed amendments to the Federal Rules of Bankruptcy Procedure, the Federal Rules of Criminal Procedure, the Rules Governing Section 2254 Cases and Section 2255 Proceedings in the United States District Courts and accompanying forms, and the Federal Rules of Evidence. We have approved and forwarded the proposed amendments to Congress, with one exception.

We have withheld approval of the proposed amendment to Evidence Rule 804(b)(3), which would require "particularized guarantees of trustworthiness" indicating the reliability of an unavailable hearsay witness's statements against penal interest when offered by the Government in a criminal case to inculcate an accused. In *Crawford v. Washington*, No. 02-9410 (March 8, 2004), a decision rendered after the Conference's submission of the proposed amendment, the Court addressed the right to confrontation. We believe the Conference or its committee may wish to consider the proposed amendment in light of *Crawford*.

Sincerely,

/s/ William H. Rehnquist

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