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WASHINGTON, D.C. 20544

*File
Biden Bill*

August 21, 1990

MEMORANDUM TO: KAREN SIEGEL

SUBJECT: Biden Bill

Last Friday, I talked to Art White who said that he had heard from Judge John Gerry. Gerry was called by Jeff Peck of Biden's staff and among other things made it very clear that Biden was not dealing on his bill. It was a package deal. If he does not get his Civil Justice Reform Bill he will kill the judgeship provisions and the rest of it, including Title III. I told Art that Judge Peckham said that he had been advised that the "mandatory features", of the bill, would be made voluntary. However, Peck specifically said that this is not true. The mandatory provisions must remain. Likewise, the reporting procedures involving each judge must be included.

Would you check with Judge Robert Peckham, to tell him of this conversation, and see if he has information that would help clarify the situation?

While you are at it, we need one or more witnesses for the 6th. I understand that Bob Parker feels that he could not testify. I assume that this means that we are likely to turn, therefore, to Judge Peckham. I also gather that the Peckham Committee is supposed to have started functioning again and prepare for legislative strategy.

While I was in Pebble Beach I received a call from Judge Barefoot Sanders who wanted to know what the strategy was. He said that he is not prepared to ask his friends to "walk the plank" if we are not going to go all out on Title I. He mentioned specifically, Representative John Bryant. I told him my sense of the discussion was that we would make a record against Title I, as we did in the Senate, but I certainly didn't get the sense that there was an all out effort that would be made to defeat it. Presumably, this is the principle strategy question that the Peckham Committee will have to answer.

You will recall that Judge Bob Parker said that he thought the deal was already cut with the House and that we would be stuck with Title I about as it is with a Title II compromise between Brooks and Biden and some provisions in a new Title III,

roughly paralleling the Grassley and Kastenmeier bills with the possibility that some additional amendments could be obtained in the House to Title III if we acted within the next week or two. **THIS IS A VERY HIGH PRIORITY ITEM AND WE NEED TO DECIDE WHAT MATTERS THAT WE WANT TO GO AFTER.** Repeal of Section 140 is certainly a high priority matter for the Judiciary but I have to admit that it is controversial. However, that doesn't mean that we shouldn't try because we had the skids greased two or three years ago until Loren Smith and his people messed us up in a Conference.



Ralph

cc: Jim Macklin
Bob Feidler
Judge Charles Clark

P.S.: Perhaps we should send some information to the Peckham Committee and the Executive Committee describing the Peck call to Gerry.