

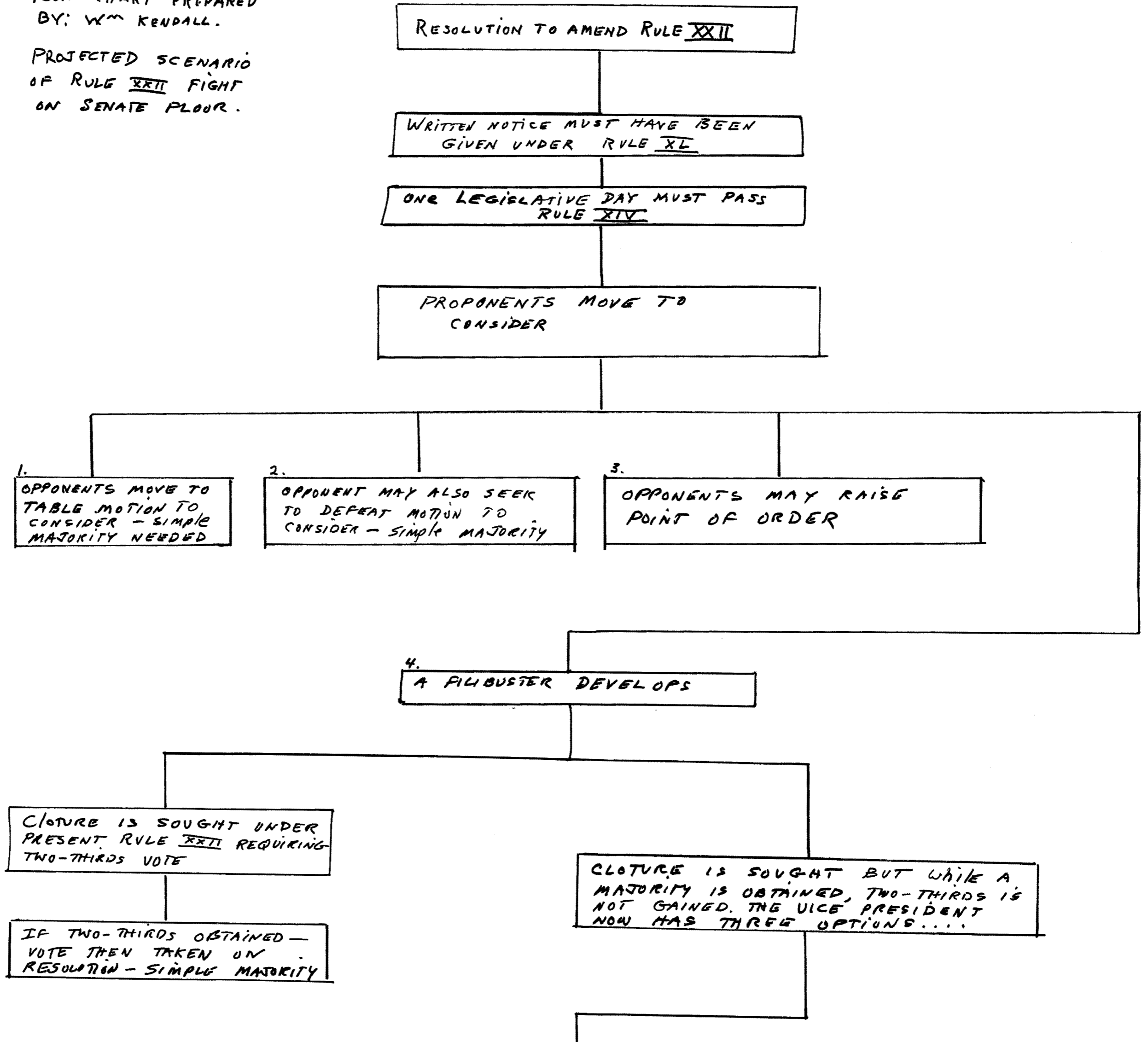
The original documents are located in Box 9, folder “Congress - Senate Changes in Rule XXII” of the John Marsh Files at the Gerald R. Ford Presidential Library.

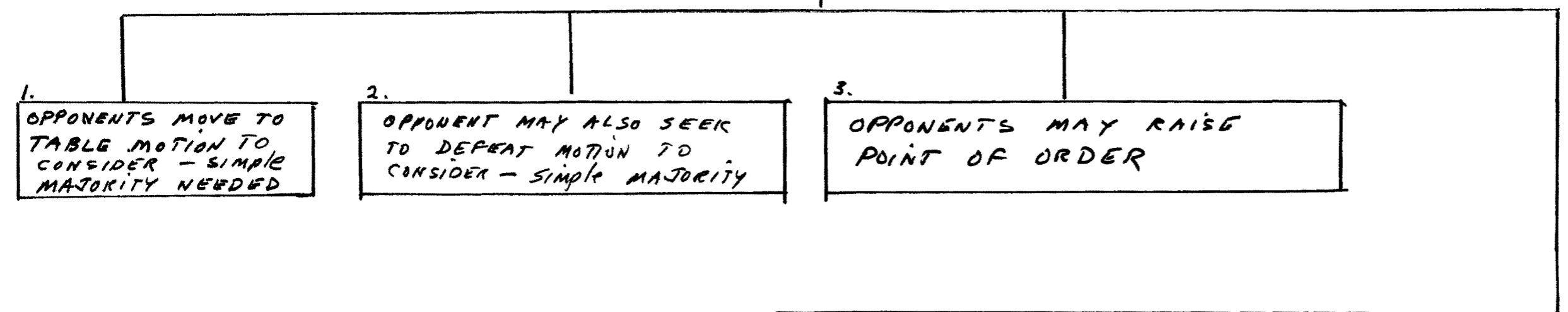
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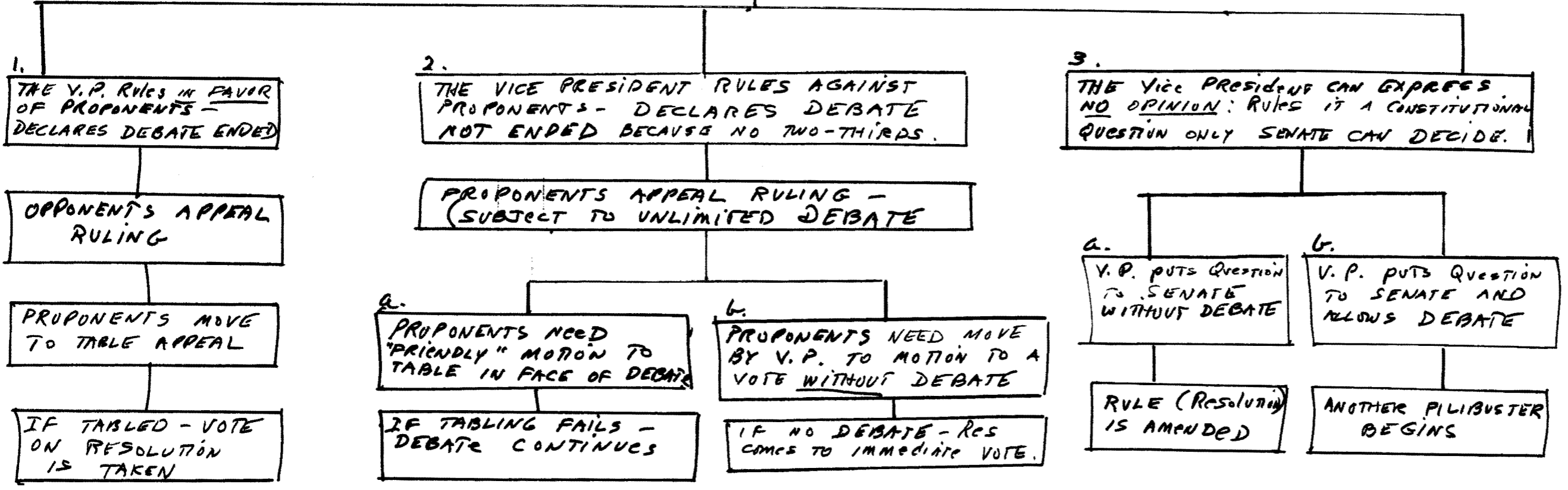
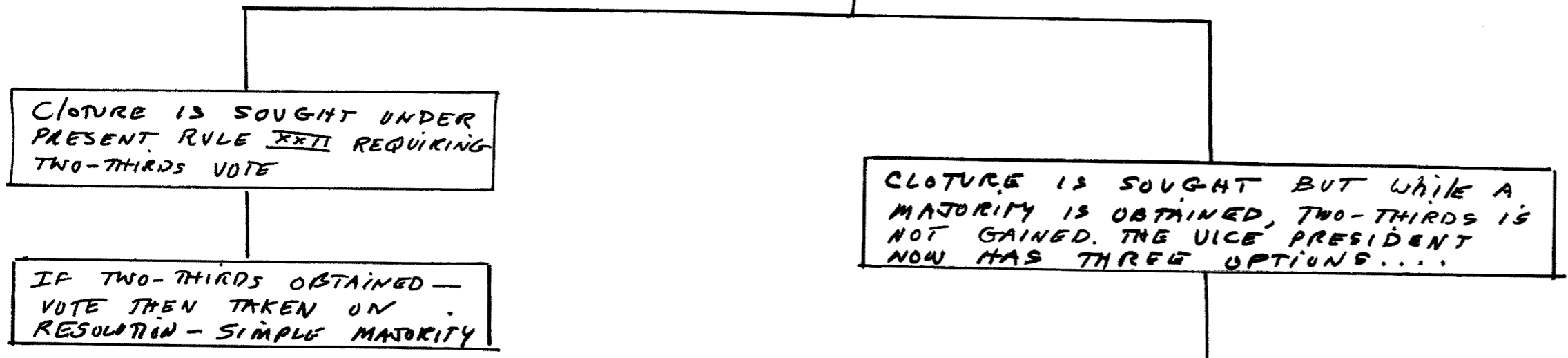
FLOW CHART PREPARED
BY: WM KENDALL.

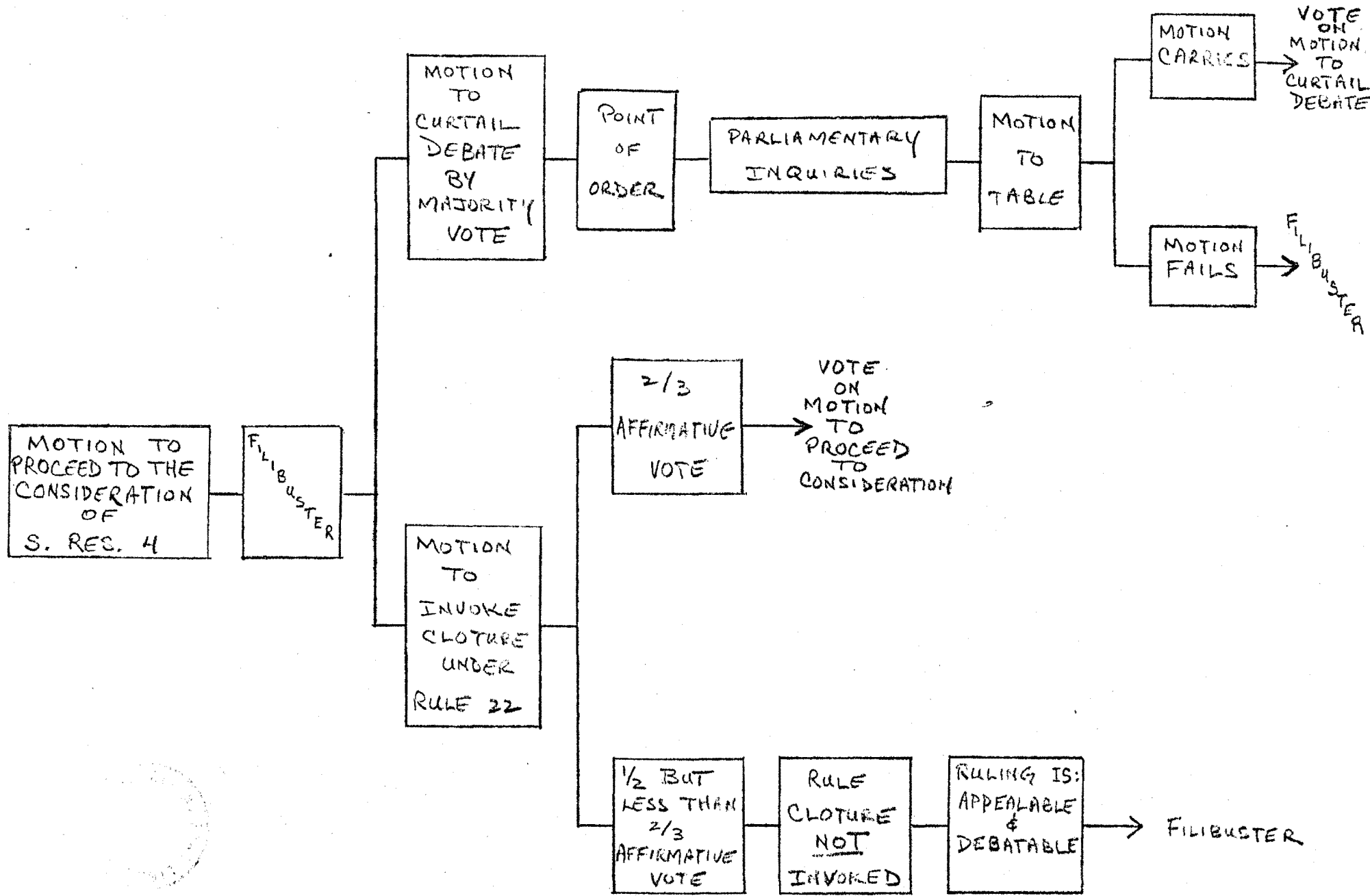
PROJECTED SCENARIO
OF RULE XXII FIGHT
ON SENATE FLOOR.





4. A FILIBUSTER DEVELOPS





JAN 11 1974
file
M

THE WHITE HOUSE
WASHINGTON

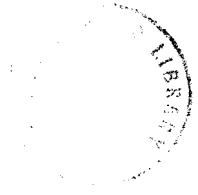
January 10, 1975

MEMORANDUM FOR: ~~JACK MARSH~~
PHIL BUCHEN

FROM: DICK CHENEY

D

The President wants to see the paper that is being prepared on what position we might want to take with respect to changes in Rule 22 in the Senate regarding filibusters. We may ultimately want a meeting on that sometime on Monday, but the paper that's now being worked on in conjunction with the Vice President ought to go to the President before anything is finally locked in.



JAN 10 1975

THE WHITE HOUSE

WASHINGTON

January 10, 1975

MEMORANDUM FOR THE PRESIDENT

THROUGH: MAX L. FRIEDERSDORF

FROM: WILLIAM T. KENDALL *WTK*

SUBJECT: The Rule XXII Resolution

SUMMARY: An attempt will be made at the opening of the 94th Congress to amend Rule XXII of the Standing Rules of the Senate. The Resolution will provide that three-fifths, rather than the current two-thirds, of those Senators present and voting may invoke cloture and limit debate on a pending matter.

First, this group may attempt to get the necessary two-thirds under old Rule XXII to stop a filibuster which will surely develop. Second, they will attempt to combine a favorable Vice Presidential ruling on the question with a Senate vote favoring that ruling in order to get a vote on the resolution.

The scenario will probably be as follows for the second option:

Senator Mondale will seek recognition following the opening formalities, having submitted written notice (under Rule XL) of his intention to amend a Senate rule. He will then seek to obtain assurances that transaction of business will not prejudice his right to consider a rules change; that by operating under the rules he is not acquiescing to those rules - particularly Rule XXII; and try to obtain assurances that Senate will adjourn, rather than recess, so that a legislative day will pass. (Rule XIV)

On the second legislative day, Senator Mondale will request the presiding officer to lay the resolution before the Senate during the morning hour and at the conclusion of morning hour, the resolution will be placed on the calendar. Mondale will then ask for its immediate consideration.

The opponents will have these options:

1. Move to table motion to proceed. Majority needed.
2. Seek to defeat motion to take up resolution. Again a majority.

3. Raise a point of order against motion to consider.
4. Filibuster the motion to consider and/or the resolution itself.

Senator Mondale can respond in two ways to option 4. He can attempt to invoke cloture under the old rules (XXII). OR, he can attempt to combine a favorable Vice Presidential ruling with a Senate vote supporting that ruling.

The Vice President can rule favorably or unfavorably.

If he rules favorably, Senate will proceed with cloture vote and when a majority (but less than two-thirds) votes to invoke cloture, the Vice President will rule debate ended. This ruling will be appealed by the opponents. Mondale will move to table the appeal. If the tabling is upheld, cloture is invoked and Mondale gets a vote on his original resolution (to change Rule XXII). If the Vice President rules unfavorably, the cloture vote proceeds. When a majority (but less than two-thirds) votes for cloture, Mondale will appeal the Vice President's contention that debate is not ended. The key here is that Mondale's appeal is subject to unlimited debate. Mondale needs a "friendly" tabling motion to end debate on the appeal and needs a favorable vote on this to end debate. The only hope for Mondale under this option is for the Vice President, on appeal, to put the question to the Senate without debate (as Humphrey did in 1969).

The Vice President may decide not to express an opinion (as in the case of Johnson in 1963, Humphrey in 1967 and Agnew in 1971). He may rule that it is a constitutional question to be ruled on by the Senate rather than by him and subject to appeal by the Senate. Mondale will hope that the Vice President will put the constitutional question to the Senate without debate - otherwise the question is subject to unlimited debate, and probable failure.

bcc: Vice President Rockefeller
Donald Rumsfeld
John O. Marsh, Jr.
Ronald H. Nessen
James Cannon



JAN 9 1975

THE WHITE HOUSE

WASHINGTON

January 9, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: MAX FRIEDERSDORF
THROUGH: WILLIAM KENDALL
FROM: PATRICK E. O'DONNELL *POD*
SUBJECT: Cloture/Filibusters

As the attached papers will indicate, Senators Mondale, Pearson and others are leading a bipartisan group (Hugh Scott included) which will attempt on the first day of the 94th Congress to amend Senate Rule XXII (Cloture) to require only 3/5's (60) instead of 2/3's (67) to invoke cloture. An educated guess by Bill Hildenbrand is that it will not have sufficient oomph to pass. If it does, we are in deep trouble.

Rocky will be presiding when the attempt is made and MUST be fully briefed on significance of the effort. To this end, Senator Carl Curtis and members of the Senate Republican Steering Committee will seek a meeting with the Vice President. Needless to say, however, this is an internal business matter of the Senate and the White House should avoid any public or obvious role.

cc: Jim Cannon
John Marsh ✓

ADMINISTRATIVELY CONFIDENTIAL

United States Senate

WASHINGTON, D.C. 20510

January 8, 1975

MEMORANDUM

FROM: Tom Cantrell, Executive Director
Senate Steering Committee

SUBJECT: An Attempt to Amend Rule XXII

Attached for your careful perusal is a proposal to amend Rule XXII of the Standing Rules of the Senate. Excerpting from the attached, "The resolution to be introduced. . .will provide that three-fifths, rather than the current two-thirds of those Senators present and voting may invoke cloture and limit debate on a pending matter."

One of the salient points which has been overlooked by those proposing enactment of this legislation is the truly bad legislation which as missed passage BECAUSE OF this Rule.

TC/ap

1 Attachment

URGENT !



RULE XXII RESOLUTION

Background Information for Staff

I. WHAT

A large, bipartisan group of Senators will attempt, at the opening of the 94th Congress later this month, to amend Rule XXII of the Standing Rules of the Senate. The resolution to be introduced by these Senators will provide that three-fifths, rather than the current two-thirds, of those Senators present and voting may invoke cloture and limit debate on a pending matter.

II. WHY

It is impossible to accurately describe the effects of the filibuster in the United States Senate. Bare statistics reveal that dozens of bills have been blocked or delayed by filibusters. But these statistics do not tell the whole story. Dozens of filibusters have taken place that did not culminate in record cloture votes. Many appropriations bills have been talked to death because of something they did -- or did not include. Many bills have been lost in the jam created by filibusters. Filibusters have sought and achieved the enactment of legislation favored by those leading filibusters. Moreover, the threat of a filibuster has often blocked, delayed or substantially altered legislation. The time lost is impossible to measure.

The sponsors of the Rule XXII resolution believe that the two-thirds rule has exacted too dear a toll. It is simply too difficult to end debate under the current rule. In the 58 years since the original cloture rule was adopted, there have been 100 cloture votes. Only 20 have been successful. Since the most recent Senate consideration of this important matter in 1971, the filibuster has been repeatedly used to block social, economic, consumer, and reform legislation with the sponsorship of Senators of all political philosophies and from all sections of the country.

Despite this fact, the supporters of the resolution are sensitive to the important minority rights and to the principle of extended debate that Rule XXII is designed to protect. They

believe that the three-fifths cloture rule which they propose would sufficiently protect these values while preventing the frequent use of the filibuster to thwart the will of the Senate.

III. HOW

At the opening of the 94th Congress, a resolution will be introduced to amend Rule XXII as described above. The sponsors of the resolution will then follow two parallel paths.

First, the sponsors will attempt to invoke cloture on the anticipated filibuster by the opponents of change in Rule XXII. They will do this by attempting to secure a two-thirds vote on cloture motions filed under the old Rules.

At the same time, the sponsors will assert the constitutional right of a majority of the Senate to make changes in the Rules uninhibited by provisions of the old Rules. Vice Presidents Nixon (in 1957, 1959, and 1961) and Vice President Humphrey (in 1969) have confirmed this right. The sponsors will hope to combine a favorable ruling on this question by Vice President Rockefeller with a Senate majority vote sustaining this ruling on appeal.

IV. WHO

The effort to amend will be led by Senator Mondale and Senator Pearson. They hope to have the cosponsorship of a majority of the members of the 94th Senate. A list of the 51 cosponsors of a similar resolution in 1971 is attached for your information.

Cosponsorship by a majority of the Senate membership is important (1) to withstand initial motions to table and (2) to show that a majority of the Senate is, in fact, asserting the constitutional right to change rules at the opening of a new Congress under Article I, Section 5.

V. WHEN

The resolution will be introduced on the first day of the 94th Congress. It is vitally important that cosponsorship be determined by January 9th, at the latest. If you wish further

Calendar No. 1

92^d CONGRESS
1ST SESSION

S. RES. 9

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 1971

Mr. CHURCH (for himself, Mr. PEARSON, Mr. ALLOTT, Mr. ANDERSON, Mr. BAYH, Mr. BENTSEN, Mr. BROOKE, Mr. BEALL, Mr. BURDICK, Mr. CASE, Mr. COOK, Mr. CRANSTON, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. GRIFFIN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVTS, Mr. KENNEDY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RUBICOFF, Mr. SAXBE, Mr. SCHWELKER, Mr. SCOTT, Mr. STEVENSON, Mr. SYMINGTON, Mr. TAFT, Mr. TUNNEY, and Mr. WILLIAMS) submitted the following resolution; which was ordered to lie over under the rule (by Unanimous Consent)

JANUARY 26, 1971

Ordered to be placed on the calendar



United States Senate

WASHINGTON, D.C. 20510

JAN 0 1975

January 1975

Dear Colleague:

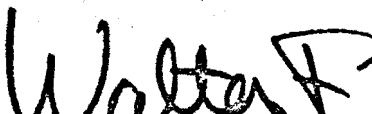
When the 94th Congress convenes in a few days, we will cosponsor a Senate Resolution amending Rule XXII of the Standing Rules of the Senate. The Resolution will provide for cloture upon the vote of three-fifths of those Senators present and voting.

Since the most recent Senate consideration of this important reform in 1971, the filibuster has been repeatedly used to block important social, economic, and reform legislation with the sponsorship of Senators of all political philosophies from all sections of the country. Despite this fact, we are all sensitive to the important minority rights and to the principle of extended debate that Rule XXII is designed to protect.

We believe that the three-fifths cloture rule which we propose would sufficiently protect these values while preventing the frequent use of the filibuster to thwart the will of the Senate.

We sincerely hope that you will join us in this effort. If you would like further information about the Resolution or would like to cosponsor, please contact Robert Barnett (X5641) of Senator Mondale's staff or Arthur Hill (X4774) of Senator Pearson's staff as soon as possible.

Sincerely,


Walter F. Mondale


James B. Pearson

Birch Bayh
Birch Bayh

James Abourezk
James Abourezk

Quentin N. Burdick
Quentin N. Burdick

Dick Clark
Dick Clark

Philip A. Hart
Philip A. Hart

Floyd K. Haskell
Floyd K. Haskell

Hubert H. Humphrey
Hubert H. Humphrey

Henry M. Jackson
Henry M. Jackson

Edward M. Kennedy
Edward M. Kennedy

Lloyd M. Bentsen
Lloyd M. Bentsen

Edward W. Brooke
Edward W. Brooke

Clifford P. Case
Clifford P. Case

Joseph R. Biden, Jr.
Joseph R. Biden, Jr.

Vance Hartke
Vance Hartke

Mark O. Hatfield
Mark O. Hatfield

Daniel K. Inouye
Daniel K. Inouye

Jacob K. Javits
Jacob K. Javits

Warren G. Magnuson
Warren G. Magnuson

Charles McC. Mathias, Jr.
Charles McC. Mathias, Jr.

George McGovern
George McGovern

Thomas J. McIntyre
Thomas J. McIntyre

Gaylord Nelson
Gaylord Nelson

Joseph M. Montoya
Joseph M. Montoya

Frank P. Moss
Frank P. Moss

Bob Packwood
Bob Packwood

John O. Pastore
John O. Pastore

Claiborne Pell
Claiborne Pell

Jennings Randolph
Jennings Randolph

Hugh Scott
Hugh Scott

Robert T. Stafford
Robert T. Stafford

Adlai E. Stevenson, III
Adlai E. Stevenson, III

Stuart Symington
Stuart Symington

John V. Tunney
John V. Tunney

Harrison A. Williams, Jr.
Harrison A. Williams, Jr.

Abraham A. Ribicoff
Abraham A. Ribicoff

Charles H. Percy
Charles H. Percy

JAN 14 1975

M

THE WHITE HOUSE
WASHINGTON

January 11, 1975

*Call +
thank
was
aware
called 1/15
11:35 dl*

MEMORANDUM FOR:

JACK MARSH
BILL BAROODY
MAX FRIEDERSDORF
RUSS ROURKE

FROM:

WAYNE VALIS *Wayne Valis*

SUBJECT:

Attempts to Amend
the Filibuster Rule

Although I do not know how useful this is, and I realize the attack on the filibuster occurs at the beginning of every session, I am enclosing something which Tom Cantrell, Executive Director of the Senate Steering Committee sent me on the coming effort to amend the filibuster rule. I hope it is of interest.



United States Senate

WASHINGTON, D.C. 20510

January 7, 1975

MEMORANDUM TO: Mr. Wayne Valis
Executive Office Building
Room 187
Washington, D.C. 20500

FROM: Tom Cantrell, Executive Director
Senate Steering Committee

SUBJECT: An Attempt to Amend Rule XXII

Attached for your careful perusal is a proposal to amend Rule XXII of the Standing Rules of the Senate. Excerpting from the attached, "The resolution to be introduced. . .will provide that three-fifths, rather than the current two-thirds of those Senators present and voting may invoke cloture and limit debate on a pending matter."


One of the salient points which has been overlooked by those proposing enactment of this legislation is the truly bad legislation which HAS MISSED ENACTMENT BECAUSE OF this Rule.

Senator Curtis is aware of this and will want to fight it.

TC:jt

1 Attachment

URGENT - IMMEDIATE ATTENTION PLEASE



Calendar No. 1

92^d CONGRESS
1st SESSION

S. RES. 9

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 1971

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JANUARY 26, 1971

Ordered to be placed on the calendar



RULE XXII RESOLUTION

Background Information for Staff

I. WHAT

A large, bipartisan group of Senators will attempt, at the opening of the 94th Congress later this month, to amend Rule XXII of the Standing Rules of the Senate. The resolution to be introduced by these Senators will provide that three-fifths, rather than the current two-thirds, of those Senators present and voting may invoke cloture and limit debate on a pending matter.

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information or wish to cosponsor, please call Robert Barnett (X5641) of Senator Mondale's staff or Arthur Hill (X4774) of Senator Pearson's staff as soon as possible.

Thank you.



THE WHITE HOUSE
WASHINGTON

1/13/75

MR. MARSH:

Mr. Buchen dropped this by.
He'd like to discuss it with you
this evening if he hasn't left - otherwise
tomorrow is fine. He also said it
hadn't gone out yet.

con



THE WHITE HOUSE

WASHINGTON

January 13, 1975

MEMORANDUM FOR THE PRESIDENT

THROUGH: PHILIP BUCHEN
FROM: KENNETH LAZARUS *KL*
SUBJECT: The Rule XXII Resolution

I have reviewed William Kendall's memo of January 10 and submit the following:

It is anticipated that Senator Mondale will introduce a resolution providing that three-fifths, rather than the current two-thirds, of those Senators present and voting may invoke cloture and thus limit debate on a pending matter. Two issues are raised by the resolution.

First, should the use of the filibuster be further diminished? Although the filibuster is an anti-majoritarian concept, it is firmly rooted in Anglo-American systems of government and is consistent with the need for stability in government which is met in part by the Senate. On a more practical level, it provides a viable alternative to the veto in Presidential decision-making. Thus, I believe that it would be unwise to support any effort to reduce its utility. In this regard, it should be noted that many recent votes on cloture have been extremely close. Moreover, the current resolution is part of a continuing effort to completely eliminate the filibuster.

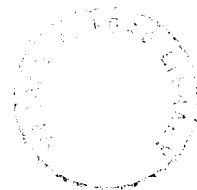
Assuming that you will not support the Mondale resolution, the second issue is which parliamentary option would best serve your goal? This, in turn, involves the question of whether the Senate is a continuing body, the rules of which continue from one Congress to another. If the answer is affirmative, the rules on cloture can only be changed by a two-thirds vote. If the answer is negative, the rules can be changed by a simple majority.

Since 1789, there has been only one notable exception to the general rule that Senate rules continue from one Congress to another. In 1969, then Vice President Humphrey ruled that the question was of



Constitutional dimension and put the question to the Senate as a whole without provision for further debate. A similar ruling by Vice President Rockefeller would, of course, pave the way for adoption of the Mondale resolution since it would require a simple majority vote to pass the measure.

I would recommend that the Vice President put the question to the Senate as a whole but with provision for further debate, in effect requiring a two-thirds vote for passage. This would recognize that the Rules of the Senate have continuing vitality and would likely lead to the defeat of the Mondale resolution. At the same time, however, it would minimize the role of the Vice President in the eventual outcome.



January 10, 1975

Vice Pres.

MEMORANDUM FOR THE PRESIDENT

THROUGH: MAX L. FRIEDERSDORF

FROM: WILLIAM T. KENDALL *WTK*SUBJECT: The Rule XXII Resolution

SUMMARY: An attempt will be made at the opening of the 94th Congress to amend Rule XXII of the Standing Rules of the Senate. The Resolution will provide that three-fifths, rather than the current two-thirds, of those Senators present and voting may invoke cloture and limit debate on a pending matter.

First, this group may attempt to get the necessary two-thirds under old Rule XXII to stop a filibuster which will surely develop. Second, they will attempt to combine a favorable Vice Presidential ruling on the question with a Senate vote favoring that ruling in order to get a vote on the resolution.

The scenario will probably be as follows for the second option:

Senator Mondale will seek recognition following the opening formalities, having submitted written notice (under Rule XL) of his intention to amend a Senate rule. He will then seek to obtain assurances that transaction of business will not prejudice his right to consider a rules change; that by operating under the rules he is not acquiescing to those rules - particularly Rule XXII; and try to obtain assurances that Senate will adjourn, rather than recess, so that a legislative day will pass. (Rule XIV)

On the second legislative day, Senator Mondale will request the presiding officer to lay the resolution before the Senate during the morning hour and at the conclusion of morning hour, the resolution will be placed on the calendar. Mondale will then ask for its immediate consideration.

The opponents will have these options:

1. Move to table motion to proceed. Majority needed.
2. Seek to defeat motion to take up resolution. Again a majority.

3. Raise a point of order against motion to consider.
4. Filibuster the motion to consider and/or the resolution itself.

Senator Mondale can respond in two ways to option 4. He can attempt to invoke cloture under the old rules (XXII). OR, he can attempt to combine a favorable Vice Presidential ruling with a Senate vote supporting that ruling.

The Vice President can rule favorably or unfavorably.

If he rules favorably, Senate will proceed with cloture vote and when a majority (but less than two-thirds) votes to invoke cloture, the Vice President will rule debate ended. This ruling will be appealed by the opponents. Mondale will move to table the appeal. If the tabling is upheld, cloture is invoked and Mondale gets a vote on his original resolution (to change Rule XXII). If the Vice President rules unfavorably, the cloture vote proceeds. When a majority (but less than two-thirds) votes for cloture, Mondale will appeal the Vice President's contention that debate is not ended. The key here is that Mondale's appeal is subject to unlimited debate. Mondale needs a "friendly" tabling motion to end debate on the appeal and needs a favorable vote on this to end debate. The only hope for Mondale under this option is for the Vice President, on appeal, to put the question to the Senate without debate (as Humphrey did in 1969).

The Vice President may decide not to express an opinion (as in the case of Johnson in 1963, Humphrey in 1967 and Agnew in 1971). He may rule that it is a constitutional question to be ruled on by the Senate rather than by him and subject to appeal by the Senate. Mondale will hope that the Vice President will put the constitutional question to the Senate without debate - otherwise the question is subject to unlimited debate, and probable failure.

bcc: Vice President Rockefeller
Donald Rumsfeld
John O. Marsh, Jr.
Ronald H. Nessen
James Cannon

RESOLUTION TO AMEND RULE XXII

WRITTEN NOTICE MUST HAVE BEEN
GIVEN UNDER RULE XL

ONE LEGISLATIVE DAY MUST PASS
RULE XIV

PROponents MOVE TO
CONSIDER

1.
OPponents MOVE TO
TABLE MOTION TO
CONSIDER - SIMPLE
MAJORITY NEEDED

2.
OPponent MAY ALSO SEEK
TO DEFEAT MOTION TO
CONSIDER - SIMPLE MAJORITY

3.
OPponents MAY RAISE
POINT OF ORDER

4.
A FILIBUSTER DEVELOPS

CLOTURE IS SOUGHT UNDER PRESENT RULE XXI REQUIRING TWO-THIRDS VOTE

IF TWO-THIRDS OBTAINED - VOTE THEN TAKEN ON RESOLUTION - SIMPLE MAJORITY

CLOTURE IS SOUGHT BUT WHILE A MAJORITY IS OBTAINED, TWO-THIRDS IS NOT GAINED. THE VICE PRESIDENT NOW HAS THREE OPTIONS...

THE V.P. RULES IN FAVOR OF PROPONENTS - DECLARES DEBATE ENDED

2. THE VICE PRESIDENT RULES AGAINST PROPONENTS - DECLARES DEBATE NOT ENDED BECAUSE NO TWO-THIRDS.

3. THE VICE PRESIDENT CAN EXPRESS NO OPINION: RULES IT A CONSTITUTIONAL QUESTION ONLY SENATE CAN DECIDE.

OPPONENTS APPEAL RULING

PROponents APPEAL RULING - (SUBJECT TO UNLIMITED DEBATE)

a. V.P. PUTS QUESTION TO SENATE WITHOUT DEBATE
b. V.P. PUTS QUESTION TO SENATE AND ALLOWS DEBATE

PROPONENTS MOVE TO TABLE APPEAL

a. PROPONENTS NEED "FRIENDLY" MOTION TO TABLE IN FACE OF DEBATE

b. PROPONENTS NEED MOVE BY V.P. TO MOTION TO A VOTE WITHOUT DEBATE

RULE (RESOLUTION) IS AMENDED

ANOTHER PILIBUSTER BEGINS

IF TABLED - VOTE ON RESOLUTION IS TAKEN

IF TABLING FAILS - DEBATE CONTINUES

IF NO DEBATE - Res COMES TO IMMEDIATE VOTE.



Ann W. Kenney 1-17-75

Washington Post
Sunday, January 26, 1975



Rowland Evans and Robert Novak

A Tough Warning From the Right-Wing

Sunday, Jan. 26, 1975

Washington Post

THE WHITE HOUSE

WASHINGTON

February 27, 1975

MEMORANDUM FOR: THE PRESIDENT

FROM: JACK MARSH

Background:

You are aware of the difficult situation which has arisen in the Senate over Rule 22. I should emphasize that there are some deep and bitter divisions in the Conservative ranks with old feuds coming to the surface involving the Vice President.

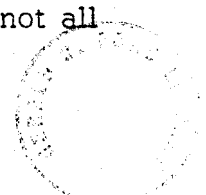
The principle charges are that he has tilted to the proponents of changing Rule 22 in two ways:

- (1) Parliamentary rulings.
- (2) Recognition on the Floor. (This has caused much personal anger.)

On behalf of the Vice President, he and key advisors point out that he has followed Senate rules and has tried to be even-handed in recognition practices.

In your meeting today with Senator Tower, it might be helpful to keep in mind:

- (1) As Chairman of the Policy Committee, he holds a major leadership post.
- (2) He has retained his objectivity insofar as the Vice President is concerned on Rule 22.
- (3) He has sought to be a peace-maker rather than a partisan.
- (4) He has defended the Vice President to other Members of the Senate by stating the situation that has occurred "is not all Rocky's fault."



- (5) Although not a member of the Wednesday Group, he has some close associations there and enjoys their respect. On the other hand, while he is philosophically attuned on major issues to the Steering Group, he is not a member of their Group either.
- (6) There is a desire to cool off the situation and seek a compromise acceptable to Liberals and Conservatives. This move is sponsored by Mansfield and Tower.
- (7) Because of his parliamentary skill, his broad background as well as respect both among Democrats and Republicans, Liberals and Conservatives, Senator Tower is probably our best chance of achieving a resolution on this matter.

In discussions with him, I would suggest emphasis on:

- (1) Your role in this matter and the limitations placed upon you as a member of the Executive Branch.
- (2) The efforts you have made to communicate your views on the subject to the extent you appropriately could.
- (3) The need to divorce Rule 22 from the other major legislative considerations before the Senate, i.e., energy bill; tax bill, etc.
- (4) To the extent you can your willingness to throw your support behind a bi-partisan, Tower-sponsored compromise.
- (5) Urge a resolution of the matter in such a way that we do as little damage as possible to:
 - (a) solid supporters in the Senate from both parties you need on your programs;
 - (b) the future effectiveness of the Vice President.

In summary you can expect him to ask you to convey your thoughts on this Rule 22 matter to the Vice President.

