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William L. Hungate

RULES ARE MADE TO BE

WILLIAM L. HUNGATE*

To what extent do procedural requirements govern the substantive content of legislation enacted by the United States Congress?

Lawyers acquainted with the consequences of suing in tort or assumpsit, when their client bit into a tack while eating blueberry pie or chewed a stone in a bowl of beans,[1] well realize the homage our courts sometimes pay to procedure. What legal scholar hasn't savored the historical dilemma of whether to sue in trespass or trespass on the case? And, if the case is not your own, you can currently enjoy the subtle but significant difference in a judgment depending on whether it was taken as a summary judgment, a default judgment, or a judgment on the pleadings.

When our own case or judgment is lost because of some procedural insufficiency, we may deplore those who worship "dry form" to the detriment of substantive merits. Nonetheless, if custody of a child is sought, would anyone criticize a court that dismissed the action because it was brought in replevin instead of by way of habeas corpus?

For many years Professor Ralph J. Baker at Harvard Law School taught a course in trusts in which he demonstrated nearly every conceivable problem which could arise, simply by carefully examining five or six well chosen cases. I hope to demonstrate some of the procedural pitfalls and the importance of understanding parliamentary procedure in the United States House of Representatives by the discussion of one bill.

The bill was introduced in the United States Senate as S. 1118[2] two days after an identical bill was introduced in the House as H.R. 4644.[3]

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*LL.B. 1948, Harvard University. United States Congressman, Ninth District, Missouri.

1. Ash v. Childs Dining Hall Co., 231 Mass. 86, 120 N.E. 396 (1918) (tack in blueberry pie, action in tort; no negligence shown, no recovery); Friend v. Childs Dining Hall Co., 231 Mass. 65, 120 N.E. 407 (1918) (stone in beans, action in contract breach of warranty; recovery permitted). Both decisions were issued by the same court on the same day.

2. 111 CONG. REC. 2546 (daily ed. Feb. 11, 1965).

3. 111 CONG. REC. 2414 (daily ed. Feb. 9, 1965).

Its popular name was the District of Columbia Home Rule Bill. Its chief purpose was to entitle the residents of the District of Columbia to elect their own mayor, city council, and a non-voting delegate to sit in the United States House of Representatives. It also provided for partisan elections, an automatic federal payment to the District of Columbia on account of the numerous otherwise untaxable federal facilities located there, and a minimum voting age of eighteen.

S. 1118 moved first. It was reported favorably by the Senate Committee on the District of Columbia and on July 22, 1965, passed the Senate with an amendment providing that the board of education also would be elected by District of Columbia residents.

S. 1118, as amended, was messaged to the House of Representatives and referred to the Committee on the District of Columbia on July 26, 1965.[4] The House counterpart, H.R. 4644, was still pending in that same committee.

The House Committee on the District of Columbia had taken no action on either S. 1118 or H.R. 4644 by August 24, 1965, so on that day, Congressman Multer of New York filed a motion to discharge[5] the Rules Committee from further consideration of H. Res. 515 (filed August 11, 1965, and referred to the Rules Committee) providing for House consideration of H.R. 4644.[6]

One of the factors favoring this parliamentary maneuver was the complaint that the House Committee on the District of Columbia had been holding hearings on home rule for fourteen years without reporting out any legislation for House consideration.[7]

Another factor was that by this time the matter of District of Co-

4. 111 CONG. REC. 17547 (daily ed. Jul. 26, 1965).

5. The document filed by Congressman Multer is popularly known as a "discharge petition." When and how it may be used is provided for in rule 27, clause 4 of the Standing Rules of the House of Representatives. The discharge petition procedure was first adopted June 17, 1910, and was last amended on January 3, 1935 when the 73d Congress increased the number of signers required from 145 to 218. Since then 298 discharge petitions have been filed, but only 25 secured the necessary 218 signatures. Also since the last amendment, use of the discharge petition procedure has resulted in the enactment of but two statutes.

All references to House rules may be found in Deschler, *Constitution, Jefferson's Manual and Rules of the House of Representatives,* H.R. Doc. 374, 88th Cong., 2d Sess. (1964).

6. 111 CONG. REC. 19261 (daily ed. Aug. 24, 1965).

7. Home rule hearings were held by the House Committee on the District of Columbia in 1949, 1952, 1959, 1963 and 1964, but the committee had reported no bill on the subject to the House for consideration since 1948.

lumbia home rule had attracted considerable attention, almost crowding other domestic and international affairs off the front pages of the Washington newspapers, and consuming considerable prime Washington radio and television time. For example the *Washington Post* has 1,400 lines on its front page daily. From August 24 through September 3, 1965, while the discharge petition was being circulated, it carried 1,396 lines on home rule and 1,252 lines on Vietnam. Some days the emphasis was more pronounced than others: August 27, home rule 180 and Vietnam 88; September 3, home rule 328 and Vietnam 0.

President Johnson urged members to sign the discharge petition.[8] However, the leaders of the House, such as the Speaker, Majority Leader, and the Assistant Leader or Whip, did not sign because, at least in part, of tradition. Indirectly it challenged their authority and indicated a lack of their ability to control the committees or the flow of legislation through the House.

Nevertheless, on Friday, September 3, 1965, the 218 names required were affixed to the Home Rule Discharge Petition.

The discharge petition stated it was to discharge the Rules Committee from further consideration of H. Res. 515 providing for consideration of H.R. 4644 to provide District of Columbia home rule. Under rule 27, clause 4, governing this situation in the House of Representatives, twenty minutes of debate is allowed, ten minutes on each side of the question. Any discharge petition signer obtaining recognition can call up the resolution. A vote is then taken on whether or not to discharge the Rules Committee from consideration of the resolution. If this should pass (as it did here 213 to 183), the next question to be presented, without further debate, is a vote on adopting the resolution itself (here H. Res. 515). This was really a way of adopting a rule on the Home Rule Bill, since the House Rules Committee was not to report a rule on it. The term "adopting a rule" is a phrase of art in the House, meaning to define the length and terms of debate and to make the bill a special order of business.

This resolution, H. Res. 515, provided that points of order be waived, that there be five hours of debate, and at the conclusion of consideration of the bill (H.R. 4644) with such amendments as may have been adopted, the previous question should be considered as ordered on the bill and

8. Weekly Compilation of Presidential Documents, vol. 1, no. 5, p. 145 (Aug. 30, 1965).

amendments thereto prior to final passage without intervening motion, except one motion to recommit, with or without instructions. (The meaning and importance of these provisions will become apparent later.) It further provided that after passage of H.R. 4644 the House Committee on the District of Columbia would be discharged from further consideration of S. 1118 and it would be in order to move to strike out all after the enacting clause of S. 1118 and insert in lieu thereof the provisions contained in H.R. 4644 as passed.

The second and fourth Mondays of each month are "District days" in the House of Representatives—days for transacting legislative business relating to the District of Columbia.[9] The discharge petition had obtained the necessary signatures on September 3, 1965, and on the fourth Monday of that month, September 27, Congressman Multer obtained recognition and called up his discharge petition. The matter was duly debated for twenty minutes and the motion to discharge the House Rules Committee from further consideration of H. Res. 515 was adopted.[10]

The question was then put on the adoption of H. Res. 515, which to repeat, was in reality the adoption of a rule for consideration of District of Columbia home rule. H. Res. 515 was agreed to by a vote of 222 to 179.

It is interesting to note that while considerable effort was required to obtain the 218 names on the discharge petition, when a vote was actually taken on the adoption of the rule for consideration of District of Columbia home rule, H.R. 4644, it attracted 222 votes. This may be accounted for by the fact that many congressmen are reluctant to sign a discharge petition at any time as a matter of principle. This protects them against the day when, say, the Amalgamated Toothpick Refinishers want them to sign a discharge petition on a bill to pay all veteran passengers of the New York Transit System a 1,000 dollar bonus from the federal treasury. The simplest way to avoid such proposals on the merits is to have an established policy against ever signing a discharge petition. Thus some congressmen who favor giving the House an opportunity to vote on a measure would vote for the resolution when it was considered, although they would not sign a discharge petition on it.

Immediately after approval of H. Res. 515 consideration of the home rule legislation began. Debate began September 27, 1965, and continued for three days before the final votes were taken on September 29, 1965.

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9. Rule 24, clause 8.
10. CONG. Q. 1964 (Oct. 1965).

On the second day at the conclusion of general debate, Congressman Multer, the author of H.R. 4644, offered an amendment which would in effect substitute the language of H.R. 11218 for the language contained in the original H.R. 4644.

The chief changes his amendment provided were:

(a) the minimum voting age would be twenty one instead of eighteen;
(b) elections would be nonpartisan and held in "off years";
(c) the President would be empowered to take over the District of Columbia police force in case of an emergency;
(d) the automatic federal payment provision of the original bill was removed, so federal payments could be reviewed by the Appropriations Committee as presently is the case.

Later on the same day, September 28, 1965, Congressman Sisk of California offered what became known as the Sisk Substitute for the Multer Amendment.[11] A shorthand reference to the Sisk Substitute could be that it proposed a referendum system for the establishment of self-government for the District of Columbia.

Its basic provisions called for a vote by District residents to answer the question: Do you want home rule? If so, then it provided for the election of fifteen men to work seven months, with provisions for up to 300,000 dollars for a staff to draft a charter. The charter would then be submitted to the District voters for approval. If approved, it would return to Congress.

If Congress failed to act in ninety days thereafter, the charter would automatically become law. However, either House of Congress could in that ninety-day period express dissatisfaction if it found it unconstitutional or not in the best interest of the District of Columbia or the United States, in which case it would not become effective.[12]

On September 29, 1965, all debate closed. The bill had been discussed in the Committee of the Whole House, rather than in the House of Representatives itself. The chief consequence of this is that when the House of Representatives sits, 218 members must be present for a quorum.[13] When the House sits as the Committee of the Whole House, every member

11. Mr. Sisk's substitute was what had originally been introduced as H.R. 10115 on July 27, 1965.
12. 111 CONG. REC. 24476 (daily ed. Sept. 28, 1965).
13. U.S. CONST. art. I, § 5.

being a member of the committee, only 100 members need be present for a quorum.[14]

When a measure is adopted or rejected by the Committee of the Whole House, it must then be presented to the House of Representatives for approval or disapproval before the action can become effective.

In the House of Representatives, the Speaker presides. However, when the House sits as the Committee of the Whole House, a member is designated by the Speaker to preside as Chairman.

On September 29, 1965, the time for voting on any privileged motions, the bill, or any amendments or substitutes thereto, arrived.

Five methods of voting are provided in the House:[15]

(1) *Voice vote.*

(2) *Division vote.* Those in favor stand up to be counted, then those opposed do likewise.

(3) *Teller vote.* The presiding officer appoints two men, one from each side of the question, and they stand in the third row of the center aisle. Those favoring the proposition walk through and are counted. The teller touches each man on the shoulder and calls the number of the voter who goes through to support his position. Those opposed then do likewise.

All the foregoing voting methods are available in the House whether sitting as the House, or as the Committee of the Whole House, but the following two are only available in the House.[16]

(4) *Record vote.* The roll is called and each member's vote is recorded "Yea" or "Nay."

(5) *Secret vote.* This is an infrequently used method provided under rule 38 whereby a secret ballot shall be in order on certain designated issues after the rules have been adopted. This method was last employed in 1868.[17]

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14. Rule 23, clause 2.
15. U.S. CONST. art. I, § 5.
16. Rule 1, § 5; rule 15, clause 4. See also TILSON, PARLIAMENTARY LAW AND PROCEDURE 9 (1935). Here the former Majority Leader of the House states that the original purpose of the Committee of the Whole was to provide secret debate as our parliamentary law first developed in England. Originally, the Speaker was excluded because he was appointed with approval of the crown. Members elected their own chairman and conducted secret deliberations, making a report to the House from the Committee of the Whole so no individual member could be identified and subjected to executive pressures.
17. See the footnote to rule 38 of the Rules of the House, § 934 at 498, citing 5 HINDS' PRECEDENTS § 6003.

As debate closed, Congressman Hays of Ohio made a privileged motion that the committee rise and report the bill back to the House with a recommendation that the enacting clause be stricken. In effect, this was a motion to kill the entire Home Rule Bill. The motion passed 144 to 140 in the Committee of the Whole House on a teller vote.

Accordingly, the committee then rose and reported the bill back to the House of Representatives with the recommendation that the enacting clause be stricken. The Yeas and Nays were then ordered. The motion was defeated by a vote of 179 to 219.

The House then automatically resolved itself back into the Committee of the Whole House for further consideration of H.R. 4644. Recall that before the Committee of the Whole House at the time were three principal legislative proposals. First was the original H.R. 4644, the administration Home Rule Bill, including partisan elections and an automatic annual federal payment to the District of Columbia estimated variously to start at fifty-seven million dollars the first year.[18]

Second was the Multer Amendment in the nature of a substitute to H.R. 4644. Multer's amendment would eliminate both partisan elections and the automatic federal payment, thus attracting enough votes to assure passage, its sponsors hoped.

Third was the Sisk Substitute for the Multer Amendment. Sisk's substitute called for a referendum on whether home rule was desired by District of Columbia residents, and if so, then provided for election of a commission to draw a charter which would in turn be submitted to District of Columbia residents for approval. If approved, the charter would then go to Congress for its approval. Proponents asserted this was no more than the procedure required in many states if a charter-type city government was desired. Opponents said it was a one way ticket to the cemetery for home rule.[19]

At this point several choices faced the committee.

Under the rules of the House, the first question to be voted on was the Sisk Substitute.[20] Should the Sisk Substitute be defeated the next question would be on the Multer Amendment in the nature of a substitute.

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18. See S. REP. No. 381, 89th Cong., 1st Sess. p. 10 (1965).
19. 111 CONG. REC. 24522 (daily ed. Sept. 29, 1965).
20. Rule 19.

If the Multer Amendment in the nature of a substitute should then be rejected, H.R. 4644 would be open to further amendment.

However, should the Sisk Substitute succeed, then the Multer Amendment would be eliminated and the Sisk Substitute would replace it. Technically, it would then be known as the Multer Amendment as amended by the Sisk Substitute and the Committee would rise under the provisions of H. Res. 515 and report it to the House. The House's choice would then be between the Sisk Substitute and H.R. 4644 as originally introduced.

If this leaves you perplexed, it should, for otherwise you may have missed the problems involved. If you are confused, you are in distinguished company as the following proceedings and parliamentary inquiries will demonstrate.

Keep in mind that the proceedings were in the Committee of the Whole House.[21] First a vote was taken on the Sisk Substitute and on a voice vote the Chair ruled that the Sisk Substitute was defeated. However, a teller vote was ordered and the Sisk Substitute was agreed to 198 to 139.

The next question was on the Multer Amendment as amended by the Sisk Substitute. After tellers had been ordered, Minority Leader Gerald R. Ford of Michigan made the following parliamentary inquiry:

> Mr. Chairman, will the Chair indicate to the members what this vote is on at this point?[22]

The Chair indicated the House was voting on the Multer Amendment as amended by the Sisk Substitute.

Congressman Multer made the next parliamentary inquiry:

> Mr. Chairman, is it not a fact that the parliamentary situation is that if the Multer Amendment, as amended by the Sisk Amendment, is rejected, we will then have before us the bill, H.R. 4644, as reported by the discharge petition?

The Chair indicated this was correct.

Next Congressman Hays (whose privileged motion to strike the enacting clause had nearly eliminated the bill previously) made a parliamentary inquiry:

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21. All the following proceedings may be found in 111 CONG. REC. 24521-23 (daily ed. Sept. 29, 1965).

22. This parliamentary inquiry and others following it came from members of the House who took prominent parts in this legislation and who are well versed in parliamentary procedure. Their questions may well have been for the purpose of making certain that other, less experienced, members of the House understood exactly what they were voting on.

Mr. Chairman, if the motion now before the House prevails, then to all intents and purposes we will have the Sisk Amendment or the Sisk Substitute?

The Chair replied this was correct.

Congressman Udall of Arizona then asked if the Sisk Substitute carried and the Multer Amendment as amended by the Sisk Substitute is adopted, would it be in order to offer amendments to that substitute?

The Chair answered that it would not.

Tellers were ordered and the Sisk Substitute (technically the Multer Amendment as amended by the Sisk Substitute) was agreed to by a vote of 198 to 140. The Committee of the Whole House then rose and reported back to the House of Representatives.

In the House of Representatives Congressman Multer then made another parliamentary inquiry:

I am about to ask for the Yeas and Nays on the Multer Amendment, as amended by the Sisk Amendment. If that Amendment is rejected on the roll call vote, which I will ask for, will the pending business before the House then be H.R. 4644?

The Speaker replied it would be "As introduced." The Yeas and Nays were demanded.

Congressman Ford made another parliamentary inquiry:

If the Multer Amendment as amended is defeated, we then go back to H.R. 4644. Is there then an opportunity after that to amend or to further consider?

The Speaker:

The response to that would be in the negative, because the previous question has been ordered.

Congressman Smith of Virginia:

[I]f the Sisk Amendment is defeated on the roll call which is approaching, then we go back to the original first Multer Bill, the bill for which the Discharge Petition was signed. That is the original first bill and there cannot be any vote on any compromise bill. The original Multer Bill will then not be subject to further amendment or to any amendment.

The Speaker:

It would not be, because the previous question has been ordered.

Congressman Albert of Oklahoma, the Majority Leader, then made a parliamentary inquiry concerning the gentleman from Virginia's statement, asking whether it would be

> subject to the right of the minority to offer a motion to recommit containing appropriate amendments with or without instructions?
>
> The Speaker:
>
> The rule provides for one motion to recommit.
>
> Congressman Hays then made another parliamentary inquiry:
>
> That one motion to recommit, depending on who decides to offer it, may be a straight motion to recommit without any instructions, may it not?
>
> The Speaker:
>
> It could be.
>
> Congressman Hays:
>
> Then the House would be faced with voting for or against the original bill Mr. Multer himself abandoned, is that not true?
>
> The Speaker:
>
> The Chair feels that the gentleman from Ohio answered his own question.

A roll call vote on adopting the Sisk Substitute for the Multer Amendment was then taken in the House and the Sisk Substitute was agreed to by a vote of 227 to 174. Thus the Sisk Substitute replaced the Multer Amendment.

At this point the main drama shifted to the Republican side of the aisle. Under the provisions of H. Res. 515, one motion to recommit was now in order. It could be either with or without instructions. Under the Rules of the House such a motion must come from the minority side.[23]

On the minority side there were those who, at this point, would prefer to give the House a choice of the Sisk Substitute or no bill at all. Their approach would be to offer a straight motion to recommit without instructions. Others of the minority wanted to give the House another choice besides the Sisk Substitute. Their tool would be a motion to recommit with instructions, and the instructions could embody provisions such as those in the Multer Amendment in the nature of a substitute—the proposition no one had gotten an opportunity to vote on since it had been replaced by the Sisk Substitute when the latter had been approved.

23. Rule 16, clause 4.

Republican advocates of each position approached the Parliamentarian to advise him they would seek recognition. Congressman O'Konski of Wisconsin wanted to offer a motion to recommit without instructions. Congressman Mathias of Maryland wanted to offer a motion to recommit with instructions. Both were members of the House Committee on the District of Columbia. Congressman O'Konski, serving his twelfth term, was senior to Congressman Mathias, who was serving his third term. Under the House Rules and precedents, ordinarily the ranking minority member of the committee entitled to make the motion would be the one recognized. However, in this case, because of the discharge petition procedure, this bill had not come to the House floor because of committee action, but, it might be said, came in spite of committee action. Who should be recognized under these circumstances? This question was urged on the Speaker as one of first impression. He decided, despite the novelty of the point and the non-existence of direct precedents involving a discharge petition, to recognize the senior member of the House Committee on the District of Columbia entitled to make the motion, namely, Congressman O'Konski, who accordingly offered a motion to recommit, without instructions. This motion was rejected by a vote of 134 to 266.

At this point, the original language of H.R. 4644 as introduced and the language of the Multer Amendment in the nature of a substitute had both been replaced by the House with the Sisk Substitute which then became H.R. 4644.

The House had a final choice: it could agree to H.R. 4644 as amended by the Sisk Substitute or defeat this measure on final passage. Final passage was approved by a vote of 283 to 117.

Under the rules of comity prevailing between the House and Senate, it is the custom for the body last passing a piece of legislation to place on it the designation it had in the other body. Here, for example, S. 1118 passed the Senate as the Home Rule Bill, and although the House entirely rewrote the measure, it would retain the Senate's bill number, S. 1118, rather than the House's bill number, H.R. 4644. If the House passed it as H.R. 4644 and sent it to the Senate, then H.R. 4644 would have been a House bill awaiting action in the Senate while S. 1118 would have been in the House as a Senate bill on the same subject awaiting action by the House.

Under those circumstances, although the two bodies had passed legislation on the same subject, it would not be possible to call for a conference

in which the differences might be adjusted. Once both bodies have passed a bill with the same bill number, such as S. 1118, then a conference can be called, to which each body sends conferees, those in the House to be appointed by the Speaker, and those in the Senate to be appointed by the President of the Senate.[24]

At such a conference, the conferees may compromise various differences and then file a conference report with their respective Houses which, if adopted by both Houses, is then enrolled,[25] signed by the Speaker and the President of the Senate and sent to the President of the United States for his signature.

In the course of the above procedural minuet it is possible to demonstrate the occasional impossibility of a member of Congress giving an answer that is both forthright and truthful to a question as to how he will vote on certain legislation. It is frequently impossible to know until the last minute what choice of legislative solution will be offered for acceptance or rejection.

For example, let us suppose a legislator thought that the question of home rule for the District of Columbia should be brought before the floor of the House of Representatives for action; that fourteen years of hearings without legislation were enough for the House Committee on the District of Columbia to consider the matter. He would then sign the discharge petition to bring the matter to a vote on the floor of the House. To some, signature of the discharge petition was a pro-home rule action and aligned a Congressman with the forces of right.

However, obviously some Congressmen who signed the discharge petition did not consider the original H.R. 4644 as an appropriate solution to the problems of home rule. This is illustrated by the fact that while a majority (218) signed the discharge petition, home rule forces soon found they did not have a majority of votes sufficient to pass the original H.R. 4644. Those who supported the original H.R. 4644 were one hundred per cent true blue in the eyes of home rule supporters. Those who defected were less than "all-American." Perhaps as Republicans they did not eagerly anticipate partisan elections in a city where the party percentages in the last Presidential election were 85.5 per cent Democratic and 14.5 per cent

24. Normally the Vice President of the United States.
25. To enroll a bill is to make the official copy, which when signed will be filed as evidence of the true law enacted.

Republican.[26] Or perhaps as Democrats or Republicans they took a jaundiced view of a proposal calling for an automatic annual federal payment to the District of Columbia of 57 million dollars for fiscal year 1966, with projected increases to 71.2 million dollars by 1970, to be determined by the District of Columbia government and not Congress.[27]

The proposal to make federal payments on account of the existence of nontaxable federal real and personal property in the District of Columbia raised questions as to the effect in home districts where there were post offices, armories, and federal buildings of various sorts which were nontaxable. So, presumably, to reach these people and to assemble a working majority, the Multer Amendment was offered. Home rule proponents probably regarded this as half a loaf.

At the next opportunity to act, intervening parliamentary maneuvers dictated that the first vote should come on the Sisk Substitute, a referendum type method of establishing home rule, about which many might feel indifferent, and which those favoring the solution presented by the Multer Amendment would oppose. Home rule advocates regarded this as a lethal blow aimed at home rule, and apparently some opponents of home rule concurred in this view, judging from the contents of a letter received by those who voted for the Sisk Substitute.[28]

Many a Congressman undoubtedly viewed Sisk's substitute as less desirable than the Multer Amendment but as a possible workable compromise. When the vote came on the Sisk Substitute, such a legislator would vote Nay. But since the Sisk Substitute carried anyway, it then replaced the Multer Amendment, which he favored, and left him with a choice between the original H.R. 4644 which he opposed and the Sisk Substitute which he also opposed, but with less enthusiasm. He would then

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26. CONG. Q. p. 466 (March 1965).
27. S. REP. No. 381, 89th Cong., 1st Sess. 10 (1965).
28. *E.g.*

House of Representatives, U.S.
Committee on the District of Columbia
Washington, D. C.
October 6, 1965

Dear Colleague:
Just a few lines to thank you for the great assistance you gave the majority of the Members of the House District Committee in defeating the home rule bill that was petitioned from our Committee. . . .

Sincerely yours,
John L. McMillan, M.C.
Chairman

vote for the Sisk Substitute in preference to the original H.R. 4644. Therefore, a Congressman might find his position to appear thus:

Discharge Petition	Favor
Original H.R. 4644	Oppose
Multer Amendment	Favor
Sisk Substitute	Oppose

I submit the logic of such votes becomes apparent, but it could provide excitement on the stump:

> I demand that my opponent tell you how he voted on the Home Rule Sisk Substitute for H.R. 4644.
>
> Well, I voted against it and I voted for it on two roll calls in succession on the same day.

I am not sure if that would entitle our legislator to the support of both opponents and proponents of the question, but I suspect it would guarantee him criticism and opposition from both.