

WHAT IF CONGRESS WAS WIPED OUT?

By Todd Harper

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WASHINGTON — What was once inconceivable might now be a macabre possibility. A plane could crash into the U.S. Capitol, or a biological attack could leave large numbers of people dead, setting off a constitutional crisis.

In other words, what if Congress were obliterated?

A congressman, a former lawmaker and a congressional scholar tossed around that exact question at a forum Monday.

“We have a remote possibility that Congress could be killed or incapacitated in a way that our framers would never have anticipated,” said Norman Ornstein, resident scholar at the American Enterprise Institution.

“We need to consider the most unpleasant possibilities so we don’t have to deal with the worst possible scenarios down the road,” Ornstein said.

Rep. Brian Baird, D-Wash., already has given the idea some thought.

On Oct. 8, almost a month after the Sept. 11 terrorist attacks, he introduced a constitutional amendment setting out procedures if a quarter of the U.S. House — roughly 109 people — were killed, “incapacitated” or “disabled or missing and presumed dead.”

It grants governors the immediate power to appoint replacements, instead of setting special elections that could take weeks or months to arrange. The replacement lawmakers would serve for 90 days, presumably enough time for the seats to be filled with elected members.

“The American people need to know that within a week we can replenish our government,” Baird said.

Baird said he had no special reasons to limit the appointments to 90 days.

Also his amendment doesn’t define “incapacitated.” There was also no reason why a disaster would have to wipe out a quarter of the U.S. House, as opposed to some other number. “The choice of a quarter or 90 days is not important,” he said. “We need to address the issue.

“What we need to do is establish a constitutional mechanism that if the worst case scenario takes place, the people of the United States can be reassured that our government will persevere,” Baird said.

The Senate already has succession guidelines, where governors appoint replacements to fill a vacant position until a special election can be held.

But present laws direct governors to establish a date for a special election to replace House members who resign or die while in office. The seats remain empty until the election.

Bill Frenzel, a Republican who served in Congress from 1971 to 1991 from Minnesota, said he believes Congress is reluctant to act on this issue for obvious reasons.

“It is a little bit like writing your will, but you have to do it,” he said.

“The one time you want Congress the most is right after or during a disaster like we saw September 11,” Ornstein said. “The experience I have had with this issue is when you take three minutes to explain the problem, people seem to listen.”

Baird said that he believes Congress will eventually address the matter.

“I have spoken with all the leaders on the

House side, I think the events of last week have really had an effect,” Baird said, referring to the anthrax scare that enveloped Capitol Hill. “It is my hope that this has to be a priority if not for all of Congress, for at least a select group of members.”