

CNN SATURDAY MORNING NEWS:  
What Would Have Happened if Terrorists Had Hit the Capitol?

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KYRA PHILLIPS, CNN ANCHOR: The lingering what-ifs will get you every time.

MARTIN SAVIDGE, CNN ANCHOR: The two words have made it into many a conversation since the September 11 attacks.

PHILLIPS: They also made it into CNN's senior political analyst Bill Schneider's work. Here's what he found out after asking: What if the Capitol was destroyed?

(BEGIN VIDEOTAPE)

REP. BRIAN BAIRD (D), WASHINGTON: These are questions that we -- were once unthinkable, certainly could not have been contemplated by the founders of our great country.

WILLIAM SCHNEIDER, CNN SENIOR POLITICAL ANALYST (voice-over): What questions? Remember on the morning of September 11, one hijacked airplane was brought down in Pennsylvania before it could hit its intended target. That target may have been the United States Capitol.

The unthinkable questions? What if the Capitol were destroyed, and with it much of the membership of the United States Congress? Nine of the 10 top leaders of the House and Senate were in the Capitol building that morning.

BAIRD: How do we clarify exactly what would be done so that the American people, if they were to turn on CNN and see that the Capitol had been hit and many members of the House and Senate and the president and staff had been killed, we would have a clear-cut answer for them that says this. Your constitutional democratic republic will persevere.

SCHNEIDER: There is a line of succession for the presidency, but what about Congress? Not a problem in the Senate. The Constitution allows governors to "make temporary appointments until the people fill the vacancies by election."

The House of Representatives does present a problem. The Constitution requires that House vacancies be filled by special elections.

But special elections take months. Could the president simply govern without Congress? On that point, the Constitution is clear -- no.

BAIRD: There is no provision that authorizes the president to appropriate funds, that authorizes the president to unilaterally declare war, that authorizes the president to choose a vice presidential nominee without confirmation.

The framers wanted it that way.

SCHNEIDER: How many House members would have to survive an attack to constitute a quorum?

The House rules say a quorum consists of "a majority of those members chosen, sworn, and living." So a handful of surviving House members, totally unrepresentative of the country, could take power.

Representative Brian Baird of Washington State has an insurance policy to prevent that from happening.

BAIRD: What I proposed is this. If a quarter or more of the membership of the House is killed or disabled and cannot function, then the governors of those states would be authorized to appoint replacement members who would serve during a 90-day period, which would give us time for direct elections to take place.

SCHNEIDER: To do that, Congress would have to pass and the states would have to ratify the 28th Amendment to the Constitution, no small matter, amending the Constitution. And there is a risk. It could frighten voters and make Congress appear panicky.

But there is another risk. The unthinkable could happen again.

BAIRD: If fate is unkind to us, history will judge us on how well we were prepared and prepared our nation to deal with the worst- case scenario.

SCHNEIDER: A scenario that Congress and the Republic may have narrowly escaped -- this time.

(on camera): Representative Baird recommends caution. Let Congress pass the amendment now while the states delay adoption in order to give the matter careful deliberation. That way, the states would have the option in place that they could ratify quickly in case it's needed.

Bill Schneider, CNN, Washington.