

BILL WOULD SPEED TIME NEEDED TO REPLACE CONGRESS

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WASHINGTON — In the past few weeks, Rep. Brian Baird, D-Wash., has spent a lot of time thinking about the unthinkable.

"When the founding fathers drafted the Constitution they could not have imagined what we went through on Sept. 11," he told me the other day. Baird wasn't talking about the horrific terrorist attacks on the World Trade Center and the Pentagon that took thousands of lives.

As unthinkable as these acts were before that day when terrorists plowed hijacked passenger jets into those buildings, Baird is haunted by something else. What worries him is what didn't happen.

One of the four planes hijacked — the one that crashed near Pittsburgh — is suspected by many to have been heading for Capitol Hill. Had the terrorists who commandeered it managed to fly the jet, with a nearly full load of fuel, into the Capitol, many members of the House and Senate could have been killed.

Such a catastrophe would have done great damage to our democratic system at a time we needed it the most. Congress is the centerpiece of our representative government. It is the branch of the federal system closest to the people — and a check against an "imperial presidency" or a roguish Supreme Court.

But had the terrorists succeeded in crashing a plane into the Capitol, the most representative part of our representative government could have been crippled. What bothers Baird about this possibility is that while the Senate quickly can be reconstituted, it would take months to fill vacancies in the House. The Constitution

permits governors to appoint replacements for senators who don't complete their terms, but it requires direct elections for House vacancies.

Baird has introduced a constitutional amendment that would speed the time it takes to replace House members. It allows governors to appoint replacements in the event "25% or more" die or are incapacitated. Losing a quarter of the House is something only likely to result from an unthinkable accident or a horrific act of war.

"The most important thing to me is that we make reasonable and prudent provisions to reconstitute our government in times of a national emergency," Baird said of his push for a constitutional amendment, which to take effect would have to be passed by Congress and ratified by the legislatures of three-fourths of the states.

While there is little doubt the government would find a way to continue operating after a deadly attack on congressional members, that hardly is reassuring. You can't have a representative government if large numbers of the elected representatives are dead or incapacitated.

In the wake of the Sept. 11 attacks, Congress enacted a series of far-reaching laws. It gave President Bush wide authority to wage war against terrorist forces. It appropriated billions of dollars for this war effort and it passed a law that infringes on many of the freedoms we have come to cherish.

The vast majority of Americans have accepted these changes as a necessary — and temporary — response to the bloodiest attack ever launched inside this nation's borders. Their willingness to go along with these extraordinary war measures no doubt is due in large part to the reassurances they received from those they sent to Congress. Without such reassurance from their elected representatives, more than a few Americans

may have opposed these war measures — especially if they had been enacted by a Congress with a large number of empty seats.

"If fate is kind to us we will have many, many years to deliberate my proposal," Baird said. "If it is not kind to us, we will not. My hope is that Congress will pass an amendment and sent it to the states for consideration by the end of this year."

Baird's proposal deserves quick action. It is a failsafe solution for a doomsday scenario that became a lot less farfetched on Sept. 11.