

DOOMSDAY AMENDMENT GETS HEARING

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WASHINGTON -- The nightmare scenario has been kicking around Rep. Brian Baird's head for months, ever since the Washington state Democrat and his staff evacuated his office on the morning of Sept. 11 amid reports that a hijacked plane was heading toward the Capitol:

What would have happened if the terrorists succeeded and wiped out most of Congress?

So Baird has spent the winter touting an amendment to the Constitution that would let governors appoint temporary replacements to House seats if disaster struck, instead of waiting for special elections as current law mandates.

It is an admittedly morbid subject. But Baird, whose District 3 territory includes much of South Sound, says it's too important for Congress to ignore out of squeamishness. On Thursday, a panel of experts told a House Judiciary subcommittee that they agreed.

Congress does urgently need to come up with a way to make sure government could keep functioning easily, witnesses said, though they were divided on whether amending the Constitution was the only way to do it.

"Congress must act on this in some way or another," said Norman Ornstein of the American Enterprise Institute. Ornstein, who has put together a group of constitutional law scholars to examine the problem, added, "The responsible thing to do is to act on something expeditiously."

Other experts, including former legal advisers to Congress, said alternatives could range from changing the House rules to reduce the number

of members needed for a quorum, to passing laws forcing states to hold special elections quickly after a disaster.

While there is little doubt that Baird has hit on what could be a serious problem in a worst-case scenario, amending the Constitution is something most members of Congress take quite seriously.

It is also tough to do -- the most recent of only 27 amendments was ratified in 1992, 203 years after it was first proposed.

In order to amend the Constitution, a resolution must be passed by two-thirds of both houses of Congress, then ratified by three-quarters of the states.

Baird's amendment has 86 co-sponsors so far, though he says other members are also interested in finding a solution.

Rep. Steve Chabot, R-Ohio, chairman of the House Judiciary Subcommittee on the Constitution, said he thought Thursday's hearing was useful for exploring the issue, but he was still unsure about whether an amendment was the right way to go.

House members pride themselves on the fact that, unlike in the Senate, where governors appoint replacements, no one has ever served in the House unelected. That could present a stumbling block for Baird's proposal. Also, some members are worried that governors might use a terrorist attack to shift the political balance of power in Congress by appointing members of their own parties.