

**Transcript: “The Beltway Boys,” with guest Norm Ornstein of AEI:
Washington Preparing for Disaster**

March 16, 2002

(BEGIN VIDEO CLIP)

BUSH: ... nation in our coalition must take seriously the going – growing threat of terror on a catastrophic scale, terror armed with biological, chemical, or nuclear weapons.

(END VIDEO CLIP)

FRED BARNES, CO-HOST: Welcome back to The Beltway Boys.

A lot of attention has been paid to the, quote unquote, "shadow government" that would take over if disaster befalls Washington. But is that preparation enough?

Our next guest doesn't think so, and I don't either. He's Norm Ornstein, resident scholar at the American Enterprise Institute. Welcome back to the show, Norm.

NORM ORNSTEIN, AMERICAN ENTERPRISE INSTITUTE: Thanks very much, Fred, great to be with you.

BARNES: What constitutionally would the situation be insofar as having elected officials running our government if the worst happened in Washington, that is, a – say, a radiation bomb went off, affecting the Capitol and the White House, and, and, and, and this, of course, is something that we know officials of the Bush administration actually fear.

ORNSTEIN: They absolutely fear them. We've seen it by some of the very dramatic steps that they've taken. And unfortunately, just having a group of unelected bureaucrats ready to take over isn't enough. The Constitution didn't contemplate anything of this sort. How could they? And it's not just a radiation bomb. United flight 93 very easily could have hit the Capitol when it was full, smallpox, anthrax, suitcase nuclear weapons, whatever it might be.

The worst case involves having maybe hundreds of members of Congress killed and others in burn units or in quarantine, which would mean you wouldn't have the – half of the members live, necessary to create a quorum. So at the worst possible time, when you might have to declare war or at least authorize military action, appropriate money for hostilities or for disaster relief, there would be no Congress.

And as for the president, the Constitution sets a succession model, that's the president and vice president and other officers of the United States that Congress may designate. That's the Presidential Succession Act of 1947, which, as we know, goes through the speaker of the House, the president pro tem of the Senate, and then the cabinet.

But nobody from outside Washington. And if everybody happens to be in Washington, we could have 20 or 25 people jumping up and saying, I'm in charge here. Not anything we'd want to see happen.

MORT KONDRACKE, CO-HOST: So, so what's the answer here, Norm? I mean, what – or obviously we need some sort of constitutional amendment or amendments. What should they contain?

ORNSTEIN: Well, I've looked at this and reluctantly have come to the conclusion that you've got to have a constitutional amendment that basically provides for temporary or interim replacement appointments for the House of Representatives, and indeed for the Senate.

The Constitution says the only way you can fill vacancies in the House is by election. Special elections take three to six months, we know. It's all governed by state laws. The Senate, you can fill appointments, as we've seen governors do, when you have vacancies in that fashion. But you can't replace people who are disabled, which is at least – at least as big a problem now.

So we need an amendment that basically sets a threshold, where you've got an emergency clearly in place, and then lets executives in states pick members, some for very quick appointments, temporarily, perhaps, for up to 90 days until you can have special elections to fill the seats. And in other cases, interim appointments while members are disabled, until they can come back and fill their own seats.

And then we need to revamp the Presidential Succession Act.

KONDRACKE: And why?

ORNSTEIN: Well, I think...

KONDRACKE: I mean, how?

ORNSTEIN: ... because – First of all, I'm not sure – we haven't taken a look at this in 55 years. It's not clear that it's constitutional to have congressional figures in that line of succession. It's not clear that it's wise to have a speaker or a president pro tem who might be of the opposite party of the president, or to have as a figure third in line for succession the president pro tem, who is the – generally the oldest member of the majority party.

But beyond that, we need to streamline this and get to a point where you can have some governors, perhaps, I think a number chosen by the president, you can make them officers of the United States by having the president swear them in as heads of the state militias, so that if something happens to Washington, the radiation bomb that Fred was talking about, you're going to have somebody from outside Washington with stature ready to step in place to be an acting president.

BARNES: Norm, as things stand now, who are these people who constitute the shadow government that Bush has set up outside Washington?

ORNSTEIN: What Bush has done is to take 50 to 100 senior civil servants from all the different departments to make sure that if we wipe out all the cabinet officers, as well as the elected leadership, that you've got somebody who could move in to serve as secretary of defense, as secretary of health and human services, to make orders to the departments so that you could deal with the defense, with public health, and these other things.

But it doesn't answer the most critical question. In a democratic form of government, in a republic such as ours, what are you going to do if that disaster hits and you lose not just the cabinet, the president, the vice president, and all the elected leaders, and they can't serve?

You've got to fill the vacuum somehow. I don't want martial law.

KONDRACKE: Now, Norm, you've raised really important issues here, and, and the White House is, is ostensibly concerned about all this. Have they moved, have they got a study under way, or, or people ready to propose legislation to do all this?

ORNSTEIN: We cer – we have legislation, at least we have constitutional amendments out there that are a good basis for beginning here. One that's been introduced in the House by Bryan Baird, a Democrat from Washington, and Arlen Specter, Republican senator from Pennsylvania is ready to introduce a comparable one in the Senate, to get the ball rolling.

I think what we need is to set up some kind of blue-ribbon panel that can act quickly, go through and weigh these different issues. I set up my own informal group, came up with a draft constitutional amendment. But so far, nobody in Congress nor the White House seems ready to really move this ball.

KONDRACKE: OK, I sure hope they do. Thanks, Norm.