

## **House Weighs Disaster Plans: Cox Offers Bipartisan Study**

*Roll Call*

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By Ben Pershing and Susan Crabtree

Although support is building among both House leaders and rank-and-file Members to establish provisions allowing continuity of government if a large number of lawmakers were killed or incapacitated, there appears to be little consensus on how exactly to proceed.

At a press conference yesterday, a bipartisan group of lawmakers led by Rep. Brian Baird (D-Wash.) unveiled a letter to Speaker Dennis Hastert (R-Ill.) and Minority Leader Richard Gephardt (D-Mo.) calling on the two leaders to "appoint and convene an expert panel made up of an equal number of House and Senate Members of both parties" to study the issue.

The letter has been signed by about 200 lawmakers.

Baird has proposed a constitutional amendment that would allow governors to appoint temporary House Members if 25 percent or more of the chamber's lawmakers were killed or incapacitated. Other Members and experts have since weighed in with alternate suggestions.

The latest entrants into the debate are former Speakers Tom Foley (D-Wash.), who appeared at yesterday's press conference, and Newt Gingrich (R-Ga.). The two ex-leaders wrote an op-ed in Sunday's Washington Post urging the House to quickly address the issue.

"The expeditious path is for the House immediately to adopt a change in its rules authorizing each Member to pre-designate an interim successor who could serve for the period between a catastrophic loss of House Members and the election of successors," they wrote.

Foley and Gingrich argued that the House should pass a rules change allowing designation of successors until a constitutional amendment is crafted and approved, a process that could take years.

While acknowledging that the issue needs to be addressed, however, some GOP leaders seemed cool to the idea of lawmakers designating their own successors.

"Our Constitution is very specific," said Majority Leader Dick Armey (R-Texas), noting that it explicitly calls for special elections to fill any House vacancies. "I'm all for having a contingency plan, but I don't see how a rules change would hold up when it [would] supercede the Constitution."

Majority Whip Tom DeLay (R-Texas) expressed similar concerns.

"We need to think about a contingency plan, but the idea that one Member gets to pick his successor?" DeLay said.

"I've been thinking about what to do. You want to maintain that process that the Founding Fathers knew was important, that the House needs to remain the people's House. And I'm not sure that's what this plan would do."

DeLay also said there are no firm plans to act on something addressing the situation by the end of the session.

"I don't think we're planning on that," he said. "I'm not focused on it."

Another member of leadership, Republican Policy Chairman Christopher Cox (R-Calif.), has sent a letter to Gephardt suggesting that his panel and the Democratic Policy Committee convene a joint meeting to discuss the various continuity proposals.

Hastert spokesman John Feehery said the Speaker has "not started the process of

reviewing these proposals yet," though he added that Cox's idea of convening the two policy committees is "a good place to start."

The two committees held a similar gathering Sept. 20, 2001, to discuss economic issues in the wake of attacks on New York City and the Pentagon.

Beyond Baird's proposed amendment and the designated successor idea, other solutions put forth include the appointment of "emergency delegates" who could process legislation in the committee of the whole and the passage of a law forcing states to speed up their special election schedules in the event of a crisis.

Some Members and experts have also argued that Congress should take this opportunity to alter the current system of presidential succession, either mandating that lawmakers in line for the White House be in the same party as the president or removing Members from the line of succession altogether.

The Judiciary subcommittee on the Constitution has held one hearing on Baird's amendment, but panel Chairman Steve Chabot (R-Ohio) said he currently has no further hearings or markups scheduled on the subject.

Chabot said he agreed the issue needs further study, but was inclined to oppose Baird's amendment.

"We should look at all the options, but at this point I don't think the best option is amending the Constitution," he said.

Other Members echoed Chabot's caution.

Rep. Ray LaHood (R-Ill.), a signatory of Baird's letter, said he would like to see "leadership lend their support to this," but also cautioned against "leaping into legislation and jumping to conclusions."

Rep. Steny Hoyer (D-Md.), the ranking member on the House Administration Committee, said the issue "cries out for a

response," but was also wary of anything that would put unelected Members into the chamber.

"The founding fathers wanted elected people in this House," said Hoyer, who added that if any appointees were allowed, they would have to "only be short term."

House Administration Chairman Bob Ney (R-Ohio) said, "We have to deal with this now," but did not endorse any particular suggestion.

Some Members also admitted that it was difficult to contemplate what should happen after they die.

"Some things are better left until they happen," said Rep. Barney Frank (D-Mass.). "I'm worried enough about this when I'm alive. I don't think I'm going to worry about it if I'm dead."

Although most of these proposals concern a large number of lawmakers being killed or incapacitated, Ney is also worried about what would happen if catastrophe struck when Members were outside of Washington and unable to return.

Partly at the urging of Rep. Jim Langevin (D-R.I.), House Administration has been studying the issue of creating a cyber Congress that would use advanced encryption technology to allow Members to vote online in case of emergency.

"I'd hope that we'd have some ideas in the next couple of months," Ney said.