

## **DOOMSDAY**

*Roll Call*

March 21, 2002

Nobody wants to think about the possibility of a devastating terrorist strike on Washington that would decapitate the U.S. government, but it's all too clear after Sept. 11 that it could happen. The executive branch has reacted to the threat by moving Vice President Cheney to an undisclosed location in periods of danger and activating a shadow government of civil servants to manage services in the event of a catastrophe.

But Congressional leaders are avoiding the task of ensuring continuity of the legislative branch by failing to push for enactment of laws, rules changes or a constitutional amendment to cover the deaths or injuries of large numbers of Members. More than 100 House Members have signed a petition to Speaker Dennis Hastert (R-Ill.) urging action. We concur. In fact, we'd say that further delay on the matter is imprudent and bordering on unconscionable.

Continuity for the House is the main problem. Vacancies in the Senate can be filled quickly by state governors. Filling a House vacancy requires a special election, which can take hundreds of days - just at a time when it would be necessary to enact emergency legislation to authorize combat, appropriate disaster funds and increase defense spending.

To pass legislation, the Constitution requires action by a quorum consisting of half the House. That's been interpreted since Civil War times to mean half the living Membership. If a large number of Members were injured in an attack, forming a quorum might not be possible. One potential solution, proposed by former Speakers Thomas Foley (D-Wash.) and Newt Gingrich (R-Ga.), is a House rules change allowing each Member to designate an interim successor who could serve until a new Member was elected.

Another idea is a change in law redefining "quorum" for periods of national emergency. The problem with both ideas is that they aren't in the Constitution. Rep. Brian Baird (D-Wash.) and Sen. Arlen Specter (R-Pa.) have introduced constitutional amendments empowering state governors to make interim appointments. To answer the objection that governors might not select replacements from the original Members' parties, American Enterprise Institute scholar (and Roll Call contributing writer) Norman J. Ornstein proposes that each Member designate a roster of potential successors from which the governor could choose.

Ornstein also has proposed revising the Presidential Succession Act of 1947 to remove the House Speaker and President Pro Tempore of the Senate from the line of succession and replace them with governors who might be designated by the president. He argues that it's unconstitutional for legislators to be in line for executive branch posts.

These proposals, and any others Members believe merit discussion, deserve prompt and serious consideration - just in case.