

HOUSE PONDERERS DISASTER SCENARIOS

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WASHINGTON -- An airplane crashes into the Capitol Dome during the State of the Union speech. Everyone's dead. How can the government go on?

That Tom Clancy scenario was unfathomable in 1996 when he wrote it in his book "Executive Orders." But Sept. 11, the anthrax scare on Capitol Hill and talk of "dirty bombs" have taught lawmakers that such doomsday scenarios are now possible.

Despite the potentially ghoulish nature of making preparations for a House after their deaths, a bipartisan group of members, led in part by Rep. Christopher Cox, R-Newport Beach, has been meeting to plan for just such a calamity.

"This is a contingency that we richly hope never materializes," said Cox. "I have homeowners insurance and I hope my house never burns down." Cox, as chairman of the GOP Policy Committee, has convened meetings with his Democratic counterpart, Rep. Martin Frost, D-Texas.

Frost likened this process to when he practiced law and drafted wills for clients. They never wanted to come in and sign the document, Frost told a group of lawmakers and constitutional experts who met recently to jump-start talks on this issue.

Everything from how a new speaker of the House would be selected if most of the House members were killed to how to reconstitute the Congress is on the table.

The speaker of the House comes after the vice president in the line of presidential succession,

and the way the House rules are written now, if only two members of the House were to survive an attack, one could vote the other as speaker and that member could wind up as president.

"We simply haven't faced a situation in which 90 percent of the members disappeared on the same day," Cox said. "This contingency planning applies only to this kind of calamity that could only have been considered bizarre and remote in the past."

At each turn it seems the possibilities get more complicated.

Cox had hoped to be able to change House rules to allow members badly injured after a mass attack to be declared incapacitated and replaced. But after a meeting Tuesday with House Parliamentarian Charles Johnson "that door was slammed," Cox said.

Beyond the issue of who would be Speaker is how the government could run without a House.

The Constitution allows governors to appoint new senators, so that chamber could be reconstituted literally overnight.

But the Constitution says House members must be elected. Remaking an entire House could take six to nine months, Cox said, based on the different rules in each state for special elections.

California law provides for both a primary and a special election that takes many months.

A bill has passed the state Assembly and is in a state Senate committee that would shorten to 60 days the time for a special election if there were a catastrophe that took out one-quarter of the House, including at least one California member.

But Cox, Frost and some elections experts say

the country can't count on such state-by-state changes.

The only answer, they say, may be a constitutional amendment. Several lawmakers in both chambers have suggested different versions but most would call for the governors to appoint temporary new House members after a disaster that killed a substantial number of congress men. During that time, special House elections would be held.

"There are obstacles that make it difficult to get a constitutional amendment," said Norm Ornstein, an elections and congressional scholar who has drafted a proposed amendment and is convening a panel on the issue chaired by former Presidents Ford and Carter. "This shouldn't be an easy process." An amendment would have to pass the House and Senate by a two-thirds vote and be ratified by 38 states.

Cox said his group will look at a variety of options including doing nothing, changing the rules of the House, passing a law to help deal with the issue, and finally a constitutional amendment.

"This is definitely going to take a lot of public support," said Frost, who agrees with Cox that something needs to be done. Both lawmakers said they hope to at least get rule changes incorporated when Congress convenes in January. But they warned this could be a long process to make sure it's done right.

While there has been some joking on Capitol Hill that maybe the country would be better off without all these members of Congress, the legal reality is that money couldn't be spent and war could not be declared without a working Congress. And, says Cox, our basic checks-and-balances form of government could be lost.

In a crisis, Cox said, "the president could be tempted and the public would likely support"

usurping Congress' powers.

In that case, Cox said, "we'd have the recipe for a constitutional disaster."