

GOP Hopes Roll Call Will Bury Democrat's Bill

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By Christopher Lee

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A House committee chairman and his GOP colleagues voted yesterday to send legislation they strongly oppose to the House floor.

Democrats who might support the bill, or one like it, argued for hearings instead.

And the only lawmaker in the room denied a chance to talk about the measure was the fellow who wrote it.

Such were the legislative gymnastics on display yesterday as the House Judiciary Committee voted 17 to 12 to report with an "unfavorable recommendation" to the House a proposed constitutional amendment on replacing killed or gravely injured lawmakers after a terrorist attack. The House is expected to vote on the measure in the next few weeks. The unfavorable recommendation means it is unlikely to pass.

The amendment, by Rep. Brian Baird (D-Wash.), calls for changing the Constitution to allow governors to appoint temporary replacements if a majority of the House's 435 members perish or are incapacitated in a terrorist strike or another disaster.

Baird and other Democrats argue that temporary lawmakers would be needed until special elections could be held to ensure that the House could function in the aftermath of a calamity.

Most Republicans, however, ardently oppose wiping out the constitutional requirement that all House members win their positions through elections, a requirement they believe makes the chamber uniquely reflective of the people's will. (Governors can appoint temporary replacements if a senator dies, and the line of presidential succession includes Cabinet members who are not elected.)

"Let's be clear," said Judiciary Committee Chairman F. James Sensenbrenner (R-Wis.). "Any constitutional amendment denying the right of elected representation would accomplish what no terrorist could, namely striking a fatal blow to what has otherwise always been 'The People's House.' "

But Rep. Jerrold Nadler (D-N.Y.) noted that special elections could take weeks or months, potentially leaving the House crippled.

"The fact is, in the event of a catastrophe, the House must function right away," Nadler said. "We ought to consider these ideas, not summarily reject them on the basis of high principle."

On April 22, the House passed a measure that would require states to hold special elections within 45 days if at least 100 members are killed in an attack. Although the bill passed easily, 306 to 97, many Democrats complained that Sensenbrenner, the bill's chief sponsor, had stifled consideration of other approaches. He said then that he would allow his committee to vote on Baird's amendment.

The move did not placate Democrats. They complained yesterday that such a serious subject deserved hearings, as well as consideration of other constitutional amendments. Several said lawmakers should hear testimony from an independent bipartisan commission whose members include former speakers Newt Gingrich (R-Ga.) and Thomas S. Foley (D-Wash.). That panel last year recommended the constitutional amendment route.

Republicans said no constitutional amendment has enough support to win the required two-thirds majority approval in the House and Senate and the ratification by three-fourths of state legislatures.

"We must retain at least one part of the federal government that is accountable to the people," said Rep. John N. Hostettler (R-Ind.).

Baird, who launched a discharge petition drive last month to try to force his bill to the House floor, said yesterday that he would have preferred a full hearing on the subject first. Baird attended yesterday's session even though he is not a member of the Judiciary Committee, but Sensenbrenner did not allow him to explain his amendment.

"The chairman is presenting himself as a steadfast defender of the rights of citizens to elect their representatives," Baird said, "but then he doesn't give those representatives the opportunity to study the legislation before them or to defend and explain a matter of this substance."