

**KEEPING CONGRESS IN ORDER;
PROPOSAL WOULD AMEND THE
CONSTITUTION**

By Lisa Friedman

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With the 9-11 attacks forcing the nation to think the unthinkable, a bipartisan commission today recommended amending the U.S. Constitution to ensure the continuity of America's government – particularly Congress - if terrorists wipe out the capital.

The Continuity of Government Commission said an amendment is needed to allow for the immediate, temporary replacement of lawmakers killed or incapacitated in a catastrophic attack. Because special elections to fill vacant congressional seats take too long under current rules, governors should be able to name temporary replacements, the panel said.

"There is a gaping hole in our constitutional fabric that would allow large numbers of vacancies in Congress to continue for a significant period of time," wrote the commission, charged with addressing the shortcomings of executive, legislative and judicial succession.

"The threat of terrorism remains high, and it is clear that our governing institutions remain prime targets. It is an urgent matter to repair that constitutional hole."

Succession, especially at the presidential level, is an issue that also has concerned Rep. Brad Sherman, D-Sherman Oaks. For the third consecutive

year, Sherman said he is introducing legislation allowing the president to detail a line of succession to guarantee his successor is from the same party.

Sherman argued his bill would preserve a continuity of policy by letting the president designate the third in line of succession as either the Speaker of the House or the House Minority Leader, and the fourth in line as either the Senate Majority Leader or Minority Leader.

"You need an absence of ambiguity and a continuity of policy. That's the best way to deter assassinations," Sherman said.

John Fortier, executive director of the Continuity of Government Commission, called Sherman's proposal "sensible." But Fortier and members of the commission said they consider the problems of congressional succession more dire than issues of presidential succession.

While the 15-member commission is expected to report next on presidential and U.S. Supreme Court succession, panelists said legislative continuity took priority because "it is the institution least able to reconstitute itself after a catastrophic attack."

Most notably, they said, if hundreds of members of the House of Representatives were wiped out in an attack, it could paralyze government. A governor can appoint a temporary U.S. senator if one dies in office, but the only avenue to fill vacancies in the House is through special elections, which the commission found take an average of 126 days to hold.

In the uncertain interim, could a quorum exist with only some lawmakers alive or healthy enough to convene? Could a handful of still-living House members appoint a Speaker who then, conceivably, would serve out the term as president?

Fortier said lawmakers should act quickly on the central recommendation of the commission, convened by two Washington, D.C., think tanks - the American Enterprise Institute and the Brookings Institution.

"According to two of the 9-11 plotters, the fourth plane that crashed in Pennsylvania was headed for the Capitol, and it is entirely conceivable that Congress will again be a target," the commissioners wrote in their report.

Rep. Adam Schiff, D-Pasadena, said he would want to see any House appointments last only as long as it takes to hold elections. "It's certainly a reality post-9-11 and ... we have to give some very serious thought to that now."