

COMMISSION RECOMMENDS AMENDING CONSTITUTION TO DEAL WITH POSSIBLE ATTACK ON CONGRESS

By Jennifer C. Kerr
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WASHINGTON – The Constitution should be amended to ensure the quick selection of replacements should many lawmakers be killed or incapacitated by a terrorist attack on Congress, a commission formed after the Sept. 11 attacks recommended Wednesday.

Governors now appoint senators when vacancies arise before an election, but the only provision for replacing House members is a special election that can take months to organize.

The commission said governors should appoint the replacements, selecting people of their choice or picking from a list of candidates that House members would compile. Congress should determine how many lawmakers would have to be killed or unable to perform before the amendment would apply, the commission said.

"We simply cannot exist without a functioning Congress," said Lloyd Cutler, commission co-chairman who was White House counsel for President Clinton.

The Continuity of Government Commission is a project of two Washington think tanks, the conservative American Enterprise Institute and the more liberal Brookings Institution. The panel of scholars and one-time government officials includes former House speakers Newt Gingrich,

R-Ga., and Tom Foley, D-Wash.

"We know the violence that was done on Sept. 11, and we know the bullet, literally, that we dodged on Capitol Hill," said Norman Ornstein, a senior counselor to the commission and scholar at the institute. He said the panel unanimously agreed on the need for the amendment.

It is widely believed the hijacked jetliner that crashed in a field near Shanksville, Pa., on Sept. 11, 2001, was headed for the Capitol. That scenario prompted concern among lawmakers about what would happen if large numbers of lawmakers were killed.

With the second anniversary of the terrorist attacks approaching, commission members urged Congress to begin debate on a constitutional amendment, calling it urgent business.

It is difficult to amend the Constitution. Amendments must pass by a two-thirds majority in the House and Senate, then must be ratified by three-quarters of the states.

The last time the Constitution was amended was 1992. The 27th amendment bars members of Congress from granting themselves a pay raise in the middle of their terms.

Legislation proposing a constitutional amendment to ensure quick replacements to Congress was introduced in both chambers shortly after the terrorist attacks, but went nowhere.

A Senate Judiciary subcommittee plans a hearing on the issue this year.