

CONSTITUTION CHANGE URGED

By James G. Lakely
The Washington Times
June 5, 2003

A bipartisan commission yesterday recommended an amendment to the U.S. Constitution that would ensure the continuity of government in the event of a catastrophic terrorist attack on the capital.

That idea, however, has run into immediate opposition on Capitol Hill.

Rep. David Dreier, California Republican and chairman of the House Rules Committee, opposes amending the Constitution to allow temporary appointments to Congress in the event a majority of House members are killed or incapacitated.

"He just doesn't support the idea of a constitutional amendment right now because he wants to preserve the House as the only body where one has to be elected," said Dreier spokesman Jo Maney. "He obviously appreciates [the commission's] work, but he just doesn't think that's the right way to deal with the issue."

Only elected representatives can fill unexpected vacancies in the House, whereas such vacancies in the Senate can be filled by appointments.

A commission operated by the conservative American Enterprise Institute and the liberal Brookings Institution has been working for months to come up with a way to make sure the government doesn't spiral into chaos if the federal government is decapitated.

"Just a few years ago, these were fanciful notions, the stuff of movies and Tom Clancy novels," said the report, released yesterday. After the terrorist attacks of September 11 — and evidence that one of the intended targets was the

U.S. Capitol — "now they are all too realistic."

The commission included prominent Republicans, such as former Speaker of the House Newt Gingrich of Georgia, former House Minority Leader Robert H. Michel of Illinois and former Wyoming Sen. Alan K. Simpson, as well as prominent Democrats in the Clinton administration, such as former White House Counsel Lloyd Cutler, former Health and Human Services Secretary Donna E. Shalala and former Clinton Chief of Staff Leon Panetta.

The scenario imagined by the commission was grim — a nuclear bomb exploding on Pennsylvania Avenue between the Capitol and the White House on Inauguration Day, when most of Congress, Supreme Court justices and future Cabinet members are gathered together.

"A one-mile-radius circle of Washington is destroyed. Everyone present at the Capitol, the White House and in between is presumed dead, missing or incapacitated," the report said. "The death toll is horrific, the symbolic effect of the destruction of our national symbols is great, but even worse, the American people are asking who is in charge, and there is no clear answer."

The commission's answer to such a catastrophe is an amendment that allows governors to appoint replacements in Congress until a special election can be held.

The Senate always has allowed appointments in the event of a senator's death before his term is up — a solution that comports with how senators gained office until direct elections began after the passage of the 17th Amendment in 1913.

House members are expected to vote

this week to create a bipartisan,
bicameral committee to write new rules
to keep Congress running in the event of
mass death.