

PREPARING FOR THE UNTHINKABLE

Editorial

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We strongly endorse a bipartisan, blue-ribbon commission's recommendation that the Constitution be amended so government can continue if Congress is wiped out in a terrorist attack or other catastrophe.

The commission was co-chaired by Lloyd Cutler, former White House counsel to President Bill Clinton, and Sen. Alan Simpson, R-Wyo., and included such members as former Speaker of the House Newt Gingrich, R-Ga.; former Cabinet officers Lynn Martin, a Republican, and Donna Shalala, a Democrat.

When U.S. leaders pondered the possibility of nuclear war in the 1950s and '60s, government continuity was a concern, but no serious action ever was taken. The Sept. 11 attack on the Pentagon and the possibility that the terrorists also wanted to obliterate the White House and the Capitol sparked renewed interest in the subject.

The Continuity of Government Commission, a joint project of the American Enterprise Institute and the Brookings Institution, studied how Congress could function if many of its members were killed or incapacitated in a devastating attack on Washington.

Among problems explored were: How could deceased House members

be replaced quickly? What would be done about incapacitated members of Congress? And where would Congress meet if Washington became uninhabitable?

Currently, governors of states can appoint successors to senators who die in office, but not those who are incapacitated. Also, governors can't fill vacancies in the House of Representatives - those seats currently are filled after special elections. In a national emergency, that could be too late.

'The consensus now is that we need a constitutional amendment, and it should be a simple one, not one that tries to spell out in detail all the circumstances and problems,' said former Speaker of the House Tom Foley, D-Wash.

Such an amendment would authorize Congress to enact legislation dealing with specific problems. That sounds like a sensible approach to us.

Congress will have to be careful, though, to include restrictions so that governors can't pack the House with members of their own political parties. Appointed members should serve only until the next regular election.

Succession in the executive branch already is covered by other constitutional provisions, and we see no need for changing those procedures.

However, our system of government has three branches, and Congress also would do well to consider what should be done in case all members of the Supreme Court were killed.

Justices normally are appointed by the president, and we wonder if any chief executive could resist the temptation to fill all nine seats with justices who share his or her political philosophy. One way to prevent that would be to pick- by lot - justices from among the chief judges of the federal circuit courts of appeal to temporarily sit on the Supreme Court bench.

Before Sept. 11, 2001, such issues may have seemed theoretical, but reality now dictates that the nation consider and act so that it will be ready if the unthinkable occurs.