

IT'S TIME TO THINK ABOUT THE UNTHINKABLE

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It's an issue no one wants to talk about. Certainly, no one wants to face it. But the time has come. What happens if Congress is obliterated through a terrorist attack? You smart alecks might smirk that losing a big chunk of our legislative branch may not be such an unfortunate scenario. But the more sober-minded among us think otherwise.

Lloyd Cutler, counsel to Democratic presidents Jimmy Carter and Bill Clinton and co-chairman of a commission set up to examine just such a scenario, has been blunt: The nation, he has said, simply cannot function without an intact Congress.

A lot of proposals are on the table. Yet Congress allowed the second anniversary of the Sept. 11, 2001, attacks to pass last week without moving on the issue. If terrorists strike the nation's capital again, the problem isn't so much with the Senate, whose members can be quickly replaced through gubernatorial appointment.

The larger concern is with the House. The Constitution states that members can be replaced only through special elections, a process that typically takes an average of four months. Even an expedited process would take a couple of months.

In a report, the Continuity of Government Commission reminded Americans of just how much work Congress accomplished in the days immediately following the Sept. 11 attacks. In rapid succession, Congress

authorized the use of military force in Afghanistan, passed an aid package for the airlines, and authorized money for the war on terrorism. It set aside money for the reconstruction of New York. It passed a bill to help authorities crack down on terrorists and a measure to improve transportation security.

The report said: "In a future emergency, Congress might also be called upon to confirm a new vice president, to elect a speaker of the House who might become president of the United States, or to confirm Supreme Court justices for lifetime appointments." Without a contingency law, the report concludes, the president might be forced to step in and take sweeping unilateral actions through a "benign form of martial law." "The country might get by, but at a terrible cost to our democratic institutions," the report said.

Norm Ornstein of the American Enterprise Institute, who is a commission counselor, said the Constitution has a hole "that the framers could never have anticipated that 9-11 brought into sharp relief."

One widely supported proposed solution is for something called emergency interim appointments. That could be achieved by allowing governors to appoint congressional replacements. Another way would be to allow existing House members to designate successors in advance. A third possibility is allowing governors to pick from a list of replacements that members prepare.

Any of those three ways would allow for a rapid succession. And that's what is needed.

Exactly why Congress has failed to act on this issue and other worries over

incapacitation of members or a revised presidential succession list is due to the usual culprit -- inertia. Another roadblock is the pride Congress takes in being a wholly elected body. But empathy over those concerns won't last long if, pray tell, a terrorist succeeds next time in steering a plane into the Capitol dome.