

Statement  
*United States Senate Committee on the Judiciary*  
**Ensuring the Continuity of the United States Government: The Presidency**  
September 16, 2003

**The Honorable Orrin Hatch**  
United States Senator, Utah

---

Statement of Senator Orrin G. Hatch, Chairman

I want to thank Senator Lott and Senator Cornyn for chairing this very important joint hearing before the Rules and Administration Committee and the Judiciary Full Committee today. Last week we held a Judiciary Committee hearing which explored the more urgent continuity in Congress issues. Today's hearing raises different, but equally important issues with regards to the continuity of the Presidency.

There is good reason to believe that one of the airliners from the September 11th terrorist attack may have been headed for the White House and/or Capitol, but never made it to their targets. And also by chance, the President was out of Washington when the attacks happened, even though Congress was in session and most members and their staffs were in the Capitol or in the connecting office buildings. Thankfully, our country did not have to suffer a leadership crisis that would have arisen had President George Bush, Vice-President Dick Cheney, Speaker of the House Dennis Hastert, and then President pro tempore Senator Robert Byrd been killed in attacks on the White House and the Capitol. In addition, Secretary of State Colin Powell, who is next in line for Presidential succession, was out of the country.

In contrast to last week's Continuity in Congress hearing, we do have a Presidential succession mechanism in place for reasons of death or vacancy, however, there has been much debate about the need and concern to possibly modify our current plan. Our current Presidential succession statute has been criticized as unconstitutional and insufficient by a wide range of legal and constitutional scholars from a broad political spectrum. I am happy to say – this is seemingly not a partisan issue.

It is the responsibility that we owe to our citizens that we provide the best plan in times of a national emergency. And we must also remember that Presidential succession provisions are triggered by events that tear at the very core of our nation's political stability, for example, the assassination of a President. Therefore, the need for a smooth,

lawful, and constitutional transition of power is of utmost importance. We want to instill confidence in our government, so we should have solid succession plans in place before they actually need to be implemented.

Most importantly, the President is the symbol of our country's government, security, and strength. He is also the Chief Executive of the U.S. Government and the Commander in Chief of the Armed Forces – we must have peace of mind that we know, at all times, who is leading the nation.

And there are a number of functions that can ONLY be exercised by the President and CANNOT be delegated to anyone else within the Executive Branch. Some of these duties include: the power to sign or veto legislation; the power to nominate, appoint, or remove Executive Branch officials, and the power to ratify treaties.

This hearing today will give us the opportunity to explore how we can improve, modify or reform the Presidential succession statute. Consideration of how our country and Presidential leadership would function in the aftermath of an attack which caused simultaneous vacancies in the Presidential line of succession present difficult questions my colleagues in the Congress and the American public must identify and resolve.

###