

CONGRESS DEBATES HOW TO REPLACE ITSELF IN NATIONAL EMERGENCY

By Frederic J. Frommer

Associated Press

September 24, 2003

House members engaged in a spirited debate Wednesday over how to best replace Congress in the event of a national emergency such as a terrorist attack.

The House Administration Committee heard from two competing proposals: a law that would allow for special elections within three weeks of such an attack, and a constitutional amendment allowing for the quick appointment of replacements.

Rep. Jim Sensenbrenner, the sponsor of the special elections bill, stressed that the House has always been elected by the people and argued that replacement members would land a "fatal blow" to democracy.

"Remember, House members represent people, Senators represent states," said Sensenbrenner, a Wisconsin Republican who chairs the House Judiciary Committee.

But Texas Rep. Martin Frost, the ranking Democrat on the House Rules Committee, said the only solution is a constitutional amendment.

"We cannot assume that any attack would be limited to Washington, D.C.," he said, arguing that state capitals and big cities under attack would be hard-pressed to hold special elections.

Rep. Brian Baird, D-Washington, called

Sensenbrenner's bill unrealistic.

"At a bare minimum, we'd still be without a Congress for at least three weeks, and likely two months," he said.

Sensenbrenner's bill, the Continuity in Representation Act, would kick in if the speaker or his designee announces there are more than 100 House vacancies. Parties would have two weeks to nominate candidates, and elections would be held within three weeks of the speaker's announcement.

The competing idea of a constitutional amendment is backed by the Continuity of Government Commission, founded by Norman Ornstein, a scholar at the conservative American Enterprise Institute, and Thomas Mann, a scholar at the liberal Brookings Institution. The commission, which has received strong backing from some influential lawmakers, proposes that replacement members be appointed by the governors, or by the members themselves who would select a designee in advance.

Both Sensenbrenner's bill and the commission's proposal were spurred by the Sept. 11 terrorist attacks.

The debate leading into Wednesday's hearing has been increasingly personal. Ornstein has called Sensenbrenner's bill "loopy" and "silly." Sensenbrenner responded by labeling Mann and Ornstein "eggheads."

One of Sensenbrenner's co-sponsors, House Rules Chairman David Dreier, R-Calif., continued the name-calling Wednesday - but in a playful manner.

He said he envisioned a movie about the

debate in which Arnold Schwarzenegger would play him, Liam Neeson would play Sensenbrenner, and Don Knotts and Woody Allen would play "the academics."

During a recess, Mann joked, "I want to be Woody!"

But later, Baird turned the joke into a morose prophesy, warning, "The reality is we're going to be played by pieces of charcoal."

Sensenbrenner said he was willing to be flexible on the 21-day deadline.

Minnesota Secretary of State Mary Kiffmeyer, president of the National Association of Secretaries of State, said last year's Senate election, held 11 days after Sen. Paul Wellstone's death, demonstrated that special elections can be held quickly.

"Based on last year's experience, I am confident that in Minnesota we could conduct expedited special elections within the proposed 21-day period in the direct aftermath of a catastrophic terrorist attack on Congress," she said.