

A BIG PUNT

Editorial

Roll Call

September 30, 2002

Because of willful avoidance by Congressional leaders of an admittedly unpleasant subject - a Capitol catastrophe - Members urging action on continuity-of-government measures have been forced to look to the states and an independent commission for action. We hope that leaders will do better in the 108th Congress.

As we and others have endlessly repeated, it's entirely possible that an act of terrorism could kill or disable a sizeable portion of Congress. It may have happened last Sept. 11 if the passengers of United flight 93 hadn't wrested control of their plane and crashed it in Pennsylvania. Under the Constitution, new Senators could be instantly appointed by state governors, but new House Members could take office only after special elections, which could take weeks or months. A handful of Members have taken the problem seriously. Reps. Brian Baird (D-Wash.) and Zoe Lofgren (D-Calif.) and Sen. Arlen Specter (R-Pa.) have introduced constitutional amendments to empower governors to make temporary appointments if a significant portion of House Members were killed or incapacitated. A House working group was formed to study the question and look at House rules changes regarding quorum requirements and succession of House officers, amendments to the Presidential Succession Act of 1947 and a concurrent adjournment resolution to allow Congress to convene in a separate location.

There is some leadership interest in taking action, but not at the top level. Republican Policy Committee Chairman Chris Cox (Calif.) and Democratic Caucus Chairman Martin Frost (Texas) understand that a constitutional amendment is necessary to fix the problem. But it will take direction from the Speaker and Majority Leader to get the Judiciary Committee to begin work on an amendment. No such direction has been forthcoming.

So Cox and Frost have been reduced to introducing a nonbinding sense-of-the-House resolution calling upon each state government to "examine its existing statutes, practices and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives can be filled in a timely fashion." Backers of the measure put a good face on it. "A sensible and bipartisan bill that should pass overwhelmingly," Frost called it. "An important start," said Baird. "Addresses a critical challenge," Cox opined.

But, in effect, the resolution amounts to a giant punt of Congressional responsibility to the 50 states - responsibility, in fact, for the continuity of a chamber of Congress itself. House leaders should be ashamed. Fortunately, a highly visible independent commission has been formed, chaired by former White House counsel Lloyd Cutler and former Sen. Alan Simpson (R-Wyo.). The commission will almost certainly report in January that a constitutional amendment is necessary. We hope that the commission generates enough noise to wake up the leadership.