

## **WHAT IF CONGRESS WERE OBLITERATED?**

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WASHINGTON – In a quirk of fate, Rep. Timothy Johnson, R-Ill. (Urbana), was presiding over the House the morning of Sept. 11, 2001, when two terrorist-driven planes struck the World Trade Towers.

As a third plane crashed into the Pentagon, Rep. Ray LaHood, R-Ill. (Peoria), was walking from his congressional office across the street to the Capitol building to take over the gavel.

They and many other House members could have been killed if another plane that crashed in Pennsylvania had reached what is believed to have been its intended target - the U.S. Capitol building.

The House Wednesday took the first step in ensuring that its work would continue if large numbers of representatives were killed at once. Before Sept. 11, it was "unthinkable that you had to have some kind of mechanism like this in place," Johnson said. "It's just a dilemma we never had to confront before."

By unanimous vote, House members approved a resolution urging states to speed up special elections to replace members killed in such an attack.

But some House members and congressional experts say that process is too slow and are advocating a constitutional amendment that would

give governors the right to appoint replacements as they do now for senators.

The average special election takes four months. Studies show that the speediest special election would still take two months.

"This is a first step and it's a good step. I'm glad they're taking it," said Norman Ornstein, a scholar at the American Enterprise Institute, which has joined with the Brookings Institution to push for changes to ensure the continuity of the federal government.

"But we know that even as states move to expedite as rapidly as they possibly could special elections, the thought of doing several hundred at once in a state of emergency or crisis is not practical in a 60-day period and may not be achievable in a somewhat longer period," said Ornstein.

"Even if you could, you'd be left possibly without a House of Representatives able to function for months at the worst possible time," he said.

Ornstein is pushing for a constitutional amendment to give governors the power to appoint temporary replacements for House members who are killed or seriously injured.

But many House members are reluctant to give governors that power, partly because it would end a long tradition of electing House members.

"This is a grisly topic," acknowledged Rep. Chris Cox, R-Calif., who is heading a bipartisan House task force

looking into how the government can cope with a major crisis. "No one wants to think about the loss of a large number of House members."

A constitutional amendment could take years and there is little consensus on the wording, said Rep. Steny Hoyer, D-Md.

However, Ornstein said, if Congress approved such an amendment, states would be able to move speedily to ratify it in the event of a crisis.

In the 1950s, the Senate passed constitutional amendments giving governors the power to make temporary appointments to fill House vacancies after a catastrophic event, but the House failed to act.

The task force also is looking at the definition of what constitutes a quorum needed to conduct business. Currently, a quorum consists of a majority of those "chosen, sworn and living."

But in today's world of anthrax and terrorist assaults, many members could be incapacitated for a lengthy period, but still survive. Since any legislation requires both House and Senate approval, the legislative branch of government could cease functioning.

If no one raised an objection to a quorum, a handful of House members would be making critical decision on war and government funding.

In addition, the task force is looking at ways to clarify the line of presidential succession. The House speaker is second in line to replace the president after the vice president. If only a few House members survived an attack, the

president could be chosen from the small group.

"We have to prepare for what used to be unthinkable," said Rep. Martin Frost, D-Texas, who is co-chairing the task force.