

## **KEEPING GOVERNMENT GOING**

### Commission Considers Laws for Emergency Situations

By Maha Al-Azar  
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Lawmakers and legal scholars bounced ideas around yesterday on the kind of legislation needed to prevent the country from being paralyzed should a terrorist attack strike the White House or Congress.

The fact that all members of the executive branch live and work in the Washington area was considered by some members of the Continuity of Government Commission to be a key issue. Participants at the commission's hearing yesterday also found existing laws inadequate to ensure that the government would continue to operate in the case of a mass incapacitation of members of the executive branch or Congress.

"It's more through luck and providence that we escaped a catastrophe, rather than through solid planning," said Rep. Brad Sherman (D-Calif.), referring to the Sept. 11, 2001, terrorist attacks on the Pentagon and World Trade Center.

Philip Chase Bobbitt, a University of Texas law professor and a commission member, said: "When you stockpile laws, it's just like stockpiling vaccines in anticipation of a disaster."

The commission, a joint project of the American Enterprise Institute and the Brookings Institution, recommended earlier this year that Congress pass a constitutional amendment directing lawmakers to ensure that the legislative branch could survive a catastrophic attack or natural disaster.

In terms of the executive branch, Sherman and others said yesterday that the inaugural period was the most vulnerable both

physically, because it is held outdoors, and constitutionally, because of the brief period when power is being transferred.

Sherman suggested that the president select an assistant vice president and Cabinet officers who do not reside in the Washington area.

Norman J. Ornstein, an American Enterprise Institute scholar and a counselor to the commission, proposed that the president nominate a list of potential successors. Yale law professor Akhil Reed Amar suggested that citizens be asked to vote during a presidential election for a person who would be the next in line after the vice president in case of a vacancy, rather than the speaker of the House.

Also yesterday, former senator Alan K. Simpson (R-Wyo.), co-chairman of the commission, criticized the House's lack of headway on legislation that would ensure its own continuity, citing claims that nominating House members as replacements for mass vacancies would "alter the character of the House."

Although the Constitution allows governors to appoint new senators to vacant seats, House vacancies can be filled only by special elections, which normally take about four months.

"What more could alter the character of your body than [dead] bodies?" he said, addressing Sherman and Rep. Brian Baird (D-Wash.).

Sen. John Cornyn (R-Tex.) expressed concern yesterday that holding expedited elections might disenfranchise a large segment of the population, such as members of the military serving overseas, who would not be able to participate.