

CONGRESS STILL LACKS TERROR DISASTER PLAN

More than three years after 9/11, Congress has no plan in place for the continuity of government in the event lawmakers die in a terror attack.

By Jim Abrams
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WASHINGTON - Police patrol the Capitol armed with rifles and wearing biological, chemical and radioactive attack gear. One senator was so concerned about the terrorist threat that he temporarily shut down his office during the recent pre-election recess.

But more than three years after Sept. 11, Congress has yet to decide how it would respond to a catastrophic event that could kill or incapacitate many or most of its members.

"The Capitol building has to be one of the prime targets in the world," said Rep. Brian Baird, D-Wash., a crusader for better congressional preparedness. "But we have yet to make true provisions either for congressional continuity or presidential succession."

"It's an immense disappointment to me," said Norm Ornstein, a scholar at the American Enterprise Institute and senior counselor to the Continuity of Government Commission, a nonpartisan group formed in 2002 to study how to keep Congress functioning after a disaster.

LEGISLATIVE LOGJAM

The commission, led by former Sen. Alan Simpson, R-Wyo., and former Clinton White House counsel Lloyd Cutler, concluded that Congress must amend the Constitution to ensure its survivability in an age of terror.

The problem is more with the House. The 17th Amendment, ratified in 1913, allows governors to temporarily appoint replacements to empty Senate seats until special elections can be held. But the Constitution requires that House vacancies be filled by direct election.

That, many warn, could lead to a lengthy legislative void if a majority of members are killed or

incapacitated in an attack and it takes months to stage elections to replace them.

It's commonly believed that Congress narrowly escaped that fate on Sept. 11, 2001, when passengers on United Flight 93 resisted their hijackers and the plane, possibly heading for the Capitol, crashed in Pennsylvania.

Security concerns have only grown since then. Security will be so tight at President Bush's inauguration in January that people working in the Capitol will need special clearance, and new photo IDs, just to get in the building.

But there's been strong resistance in the House, led by Judiciary Committee Chairman James Sensenbrenner, R-Wis., to any constitutional change allowing the temporary appointment of members.

HAMMERING OUT RULES

The House "is rooted in democratic principles, and those principles must be preserved at all costs," Sensenbrenner said in April when the House passed his legislation requiring expedited special elections within 45 days after the speaker of the House confirms that 100 or more members had been killed.

The House Rules Committee also is working on new rules that would allow the speaker, after crossing several procedural barriers to assure there was no political manipulation, to lower the number of members needed to constitute a quorum.