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Reader Digest
NOV. 2002

Clear & Present Danger

Another attack could cripple Congress.
You can help by voting for the right
solution. | BY MICHAEL BARONE

IT'S A CRISP AUTUMN morning in Washington, D.C. Quietly, almost unnoticed, a remarkable group gathers in a conference room on Capitol Hill. Eleven men and three women, all on the same urgent mission: to save the country. Not from a plummeting economy, not from a failing education system, not even from another terrorist attack. They are trying to shield America from a disaster that could paralyze our government. A disaster that might have occurred that fateful September 11 if United Flight 93 had hit its probable target—the U.S.

ILLUSTRATED BY JOE ZEFF

Capitol. A disaster that could yet occur if hundreds of members of Congress were killed or incapacitated in a terror strike.

Two former chiefs of staff to Presidents Reagan and Clinton are there. So, too, are former speakers of the House, a former White House counsel, a former attorney general and two former Cabinet secretaries. They all share the same nightmare vision: a Congress utterly crippled, unable to pass laws, unable to govern.

This high-powered group, part of the bipartisan Continuity of Government Commission, believes that this

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ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 3-27-03 ROOM: 3138 EXHIBIT Z
SUBMITTED BY: Janine Hansen

The Continuity of Government Commission is considering all sorts of remedies, one of which would require states to hold special elections within 60 days. But three other options would trigger quicker responses. Each of these assumes that special elections would be held eventually, but that a crisis might require faster action. Your response to the choices below will help lawmakers decide which course to follow. What should the country do?

1. Amend the Constitution so governors can appoint replacements from any political party.

Pro: The House could be at nearly full strength within days and emergency legislation could be voted on right away.

Con: Watch out for a sharp shift in partisan balance. Today, a majority of House members—221—are from states with governors of a different party. Expect most of those governors to fill the vacancies with people from their own party. That could mean large numbers of Americans would be represented by members they never would have chosen themselves.

2. Amend the Constitution so governors can appoint replacements, but only from the same political parties as the former members.

Pro: This could quickly revive the House, and with members who would keep the balance set by voters.

Con: "Runners" could undercut the amendment by claiming allegiance to

the former member's party, only to give their votes to the other party. Also, it could be tough to replace Independent or third-party members.

3. Let the House change its rules to allow members to name successors in the event of catastrophe.

Pro: This would instantly restore full House membership with little chance of upsetting the party balance. And House rules can be changed immediately, while it can take months or even years to adopt a Constitutional amendment.

Con: Since the new Representatives would not have been chosen by the governor or the voters, it's possible this could end up being challenged in court. If the Supreme Court said this new House rule illegally circumvented the Constitution, any acts passed by that House could later be judged invalid.

Now it's TIME to cast your ballot. Which of these proposals would you embrace? Or do you have an even better idea?

Early next year, the commission will present its opinion in a report to Congress and the President that's sure to get wide attention. In the meantime, experts will weigh in with testimony before the group.

See the ballot on the facing page for instructions on how to register your opinion. We will tabulate the votes and pass them on to the commission.

rd.com Which of the three makes sense?
You decide at rd.com/danger.

could happen—and they're grappling for answers. Co-chaired by former Presidents Gerald Ford and Jimmy Carter, and sponsored by the Brookings Institution and the American Enterprise Institute, the commission has a stark message for the country: Our Constitution has left us vulnerable in the event of terrorist attacks, and the only solution may be a drastic one—a 28th Amendment.

The Founding Fathers could hardly

foresee a world of biological, chemical and nuclear terrorism. In framing the Constitution, they included this sensible rule: Each house of Congress must have a majority of its members on hand to do business. This, then, is the commission's nightmare: If an attack killed or incapacitated more than half the members of the House and Senate, there would be no such quorum. By law, Congress could not meet.

The Senate is not our biggest worry.

Thanks to the 17th Amendment, state legislatures can empower governors to immediately appoint new Senators to fill vacancies.

Not so the House of Representatives. Article One of the Constitution says that House vacancies must be filled by special elections—a process that usually takes three to six months. If a general election is scheduled within the next six months, some states simply leave a vacant seat open until voters go to the polls in November.

The result: The House could easily be shut down for months, effectively paralyzing our lawmaking capability. Think of the emergency legislation that Congress passed in the weeks and months after September 11—the expanded police powers to hunt down terrorists, the bill to safeguard air travelers. None of this would have happened.

We the People

Choose the smartest way to protect our country.

Please check the appropriate box, or if you have a different idea, describe it in the space below. Then mail this ballot to: We the People, Reader's Digest, P.O. Box 7000, Pleasantville, N.Y. 10572-7000. Or vote at rd.com/danger.

- ☐ Amend the Constitution so governors can appoint replacements from any political party.
- ☐ Amend the Constitution so governors can appoint replacements, but only from the same political parties as the former members.
- ☐ Let the House change its rules to allow members to name their own successors.

Your own suggestion:

Name:

Address:

E-mail address:

Phone number:

Are you eligible to vote? yes ☐ no ☐