

## **LAWMAKERS WANT 'WORST-CASE' PLAN FOR CONGRESS**

From Kate Snow  
CNN Washington Bureau  
March 7, 2002

WASHINGTON (CNN) --House Democrats are urging the Republican leadership to take steps to prepare for a worst-case scenario -- the possibility of a large-scale attack killing most or all members of the U.S. Congress.

House Minority Leader Dick Gephardt, D-Missouri, said he was briefed Wednesday at the White House on the plan for continuity of government within the executive branch, but he said those plans don't cover the Congress.

"I don't think we've done enough here on our continuity-of-government plan," Gephardt said. "It isn't enough to just have continuity in the executive branch. We need it in the judicial branch and the legislative branch."

Senate Majority Leader Tom Daschle, D-South Dakota, was briefed at the White House on executive branch plans on Tuesday. After the briefing, Daschle called such plans "essential for all three branches of government."

"I think it's important that, to the extent possible, those contingency plans be coordinated, that each branch work in concert with the other. I don't think that's been done adequately to date, but I am confident that it could be in the future," Daschle said.

Rep. Brian Baird, D-Washington, has started gathering signatures for a letter to House Speaker Dennis Hastert, R-Illinois, that calls for a bipartisan, bicameral panel of lawmakers to look at the issues that might arise for Congress in the event of an attack. Democrats and Republicans have signed the letter.

Baird wants the panel to look at potential constitutional, statutory or procedural

problems that exist or could arise.

"Congress does not have contingency plans," Baird said. "The Senate can be replaced quickly by gubernatorial appointment, but the House cannot be. And in a bicameral body, what does the Senate do without a House?"

House vacancies are governed by state laws, which vary from state to state. Special elections to fill a seat can be held anywhere from a few days to six months after the death of the incumbent.

Baird also noted that existing plans to evacuate congressional leaders and hold congressional sessions at nearby Fort McNair would be useless in the event of a full-scale attack.

"To say that we have provisions for getting the leadership out is to assume that we're all alive," Baird said. "What makes people assume that the terrorists are going to give us a friendly phone call and say 'You better leave town?' We will most likely have no warning if this happens, and the weapons available can destroy us. It's horrible to consider, but it's true."

The panel envisioned by Baird would be a small working group, with perhaps 20 members of the Senate and House, that would begin meeting immediately and report back to Congress within three months with recommendations.

The group would also be asked to clarify what Baird called "certain ambiguities in presidential succession."

For example, if the president, vice president, speaker of the House and Senate president pro tempore were all to lose their lives in an attack, a Cabinet-level official would take over as president under current law. But if enough lawmakers survived, and the House was able to reconvene and appoint a new speaker, would that new speaker then take over as

president?

Baird said that point is unclear under the current law.

Gephardt also expressed concern Thursday over evacuation plans for the U.S. Capitol.

"I don't think we've done enough to train ourselves and the staff and media people that are in this building for how we're going to get out of this building in the case of an attack," Gephardt said. "I think we need to repeatedly train for how to get out."

Since September 11, there has only been one evacuation drill for the Capitol building and many lawmakers were not present for the drill. House and Senate office buildings hold drills at least twice a year.

A spokesman for the Capitol Police said Gephardt's complaints represent "valid concerns."

"The difficulty we have is obviously we have a responsibility for public safety, but we also don't want to disrupt the public business that goes on here," said the police spokesman.

A continuity-of-government plan for the legislative branch does exist, according to Rep. Bob Ney, R-Ohio. But the plan deals mainly with evacuation, emergency procedures and alternate locations for the Congress to convene. The plan does not deal with the larger constitutional questions of how to handle congressional succession in the event of a catastrophic attack.