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Surprising Assault On Democracy

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Press and television channels have been filled for months about America's responsibility to bring democracy to Iraq and other faraway nations that have no prior experience with self-government. So why are some of the same people now trying to abolish the most democratic feature of our constitutional republic, namely, the right of the people to elect the U.S. House of Representatives?
An elite group of former Clinton advisers and former public officials of both political parties gathered last week at the American Enterprise Institute in Washington to announce their proposal to convert the House of Representatives from an elected body to an appointed body in the event of a national emergency. I'm not making this up; this crowd has set 9/11 of this year as its target date to pass a constitutional amendment to accomplish this goal.

This group calls itself the Continuity of Government (COG) Commission, and the acronym is apt. The COG Commission is trying to be a cog that manipulates our constitutional process of self-government.

COG offers a "solution" in search of a hypothetical problem that doesn't exist and may never exist. COG hypothesizes that it would be a second disaster if, after a terrorist attack on the U.S. Capitol killed most members of Congress, we then had to wait several months for special elections to fill the House vacancies.

It should not be high on our worry list that the House couldn't pass bills until special elections are held. Almost every year Congress goes about four months without passing anything significant.

COG proposes a constitutional amendment that would allow House members to be appointed, a procedure that is now unconstitutional. After painting an emotional picture of a worst-case scenario with most members of Congress killed, COG is hoping that Americans' fear of a recurrence of the events of 9/11 will bamboozle Congress into precipitous action, and H.Con.Res. 190 to study COG's proposals passed the House on June 5.

COG draws a dramatic word picture of what might have happened if United Flight 93 had departed on time and hit the U.S. Capitol instead of being forced down in Pennsylvania. In fact, only a handful of congressmen were in the Capitol that morning.

One of COG's proposals would simply give Congress plenary power to fill vacant seats "if a substantial number of members are killed or incapacitated." Another alternative would empower each governor to

replace his state's dead or disabled House members (e.g., Governor Gray Davis could appoint 53 Representatives from California).

The text of COG's proposed constitutional amendment contains far more words than the entire ten amendments of the Bill of Rights and is a Rube Goldberg-like plan (i.e., complex and impractical). COG would require each House and Senate member to designate in advance three to seven successors to fill his seat if it becomes vacant, and the governor would appoint Representatives from among those so designated.

Each House and Senate member would be empowered to "revise the designations" of his successors at any time. Thus, in the 2004 elections, voters would be given the task of electing a congressional candidate to whom is attached several shadows who would fade in and out of the possibility of serving in Congress and whose actual appointment would depend on the governor's choice.

Each governor's "appointment authority" would kick in after a majority of governors issued a proclamation that an "emergency" exists because a majority of the Representatives in that state are dead or "unable to discharge" their duties. The process gets even stickier if the disabled Representative rises from his sick bed and tries to resume the office to which he was legitimately elected.

James Madison did a better job of writing the Constitution than COG, whose members include Donna Shalala, Lynn Martin, Kweisi Mfume, Tom Foley and Newt Gingrich. Our present Constitution already allows governors to fill U.S Senate vacancies and allows states to advance their timetables for special House elections.

COG's co-chairman is Lloyd Cutler, confidant of Presidents Carter and Clinton, who was also co-chairman of the 1983 Committee on the Constitutional System that tried (fortunately unsuccessfully) to change the U.S. Constitution in a dozen ways in order to eliminate our Separation of Powers. A co-sponsor of COG is the Brookings Institution, whose president Strobe Talbott (Clinton's foreign policy adviser) famously wrote in Time Magazine that "nationhood as we know it will be obsolete" and that he rejoiced in the coming "birth of the Global Nation."

The United States survived the real national emergencies of the Civil War and the burning the U.S. Capitol by the British in 1814 without giving up our right to elect members of the U.S. House of Representatives. We should never relinquish that right.