

The Law of Unintended Consequences

Chris Carlson/Carlson Chronicle

Sometimes irony in life is simply too rich. And all too often even incredibly bright people do not see the train wreck they are headed towards. In such instances one has little choice but to sit back and laugh at the absurdity of it all, rather than cry.

For the most recent example of this unintended consequence of not thinking through a matter we have Idaho's Senior U.S. Senator, Mike Crapo, a Harvard law product no less, to thank.

In going along with his party in rationalizing not even holding a hearing on President Barack Obama's nomination of District Judge Merrick Garland, one of Senator Crapo's expressed reasons was a perception on Crapo's part that Judge Garland was weak on Second amendment rights.

In voting to secure Judge Neil Gorsuch's nomination by President Trump, Crapo joined his majority Republican colleagues in doing away with the requirement that 60 votes is needed to end a filibuster. That they don't see this as a precedent that will be invoked with regard to legislation sooner rather than later is stunning.

Without the ability to hold up the process by filibuster, defender's of the Second amendment are going to discover they have lost their greatest aid. In Crapo's case it is so ironic that he invoked Judge Garland's perceived weakness on gun rights only to turn around and vote for the "nuclear option" which literally shatters 2nd amendment protections.

All it will take will be for the Democrats to recapture the Senate (which will happen sooner or later), then do away with allowing filibusters on legislation, then ram urban-oriented legislation down the throats of small states and in particular western states. Turn about will be fair play in their game play book, just as it is in the GOP play book.

Republicans of course blame the Democrats for starting this downhill slide when Harry Reid of Nevada was the Senate Majority Leader. Reid did invoke and utilize a modified form after getting fed up with

Republican stalls on lower court nominees. Two wrongs do not make a right, however.

To the extent there is shared blame, though, there is some truth, but the historical comity of the Senate will be lost and a pure form of hard, harsh partisanship will result with a minority no longer having any rights or an ability to influence legislation.

Welcome to this Brave New World where the winner takes all and the opposition is totally and cruelly crushed, and thanks Senator Crapo, as well as thanks to his equally blind colleague, Senator Jim Risch. It is truly sad that neither of them demonstrated any ability to look down the road to see the inevitable turning of the worm.

This abject failure to protect the rights of the minority is simply disgusting. Its an action that belies any talk by Crapo, Risch and their Republican colleagues that they believe in bi-partisanship and fully respect and dutifully honor Senate traditions. Pure balderdash.

Robert Byrd (D-WV) and Ted Stevens (R-Alaska), two former majority and Senate Pro Tempore leaders, are rolling over in their graves at the stupidity of their former colleagues and the damage they have done to the institution as well as the smaller, western states in the Union.

By utilizing this “nuclear option” (It was dubbed this by Republican Senator Bill Frist of Tennessee for a reason), Republicans are virtually guaranteeing the Senate will become as dysfunctional as the House. It is a win at any cost strategy that destroys the check and balance role of the Senate and thwarts the purpose of the Founding Fathers in setting up a bi-cameral legislature. The fact that they could pull it off regardless of the cost to the institution does not make it right unless one believes absolute power has absolutely unchecked rights.

Don't be taken in by Republican rhetoric, either, that this is just hard-ball politics. It is the first time in American history that the Senate deliberately stalled on even holding a hearing on a Court nomination until after the result of a coming presidential election was known. On the contrary, there were 13 instances where the Senate did its duty even when an administration was expected to change.

The really sad thing is that in Idaho Crapo and Risch will never be held accountable to the voters for their unconscionable role in diminishing the influence of the body in which they sit and its historical respect for the rights of the minority. Remember that when an increasingly urban and suburban dominated senate starts riding roughshod over your second amendment rights or your property rights.

They'll rant and rave as if they are the unknowing victims of this terrible perversion of the process of which they consciously aided and abetted. One wishes they had a sense of shame for what they've done but don't hold your breath.

The illusion of comity and bi-partisanship has gone the way of the dodo bird.