



Written by [Joe Wolverton, II, J.D.](#) on May 15, 2012

“Chaos” as Romney and Paul Supporters Clash at GOP Conventions

“Ron Paul!” “Ron Paul!” This was the deafening chant that greeted the son of “presumptive nominee” Mitt Romney as he took the stage at the [Arizona Republican State Convention on Saturday](#) to tout his father’s accomplishments.

The din grew so loud and so sustained that Josh Romney was forced to step off the stage after barely making it through his brief address where he told convention attendees that “We cannot afford four more years of President Obama.”



Judging from the reception the younger Romney received from the Arizona crowd, many in the Republican Party anticipate little substantive difference between a prospective Romney administration and the past four years under Barack Obama.

For the fourth time in a couple of weeks backers of the libertarian-leaning former obstetrician have wrestled control of a state convention from the smaller, Establishment bloc of the GOP.

[As we have reported](#), in Maine and Nevada, Republicans who consider themselves soldiers in the Ron Paul Revolution took advantage of Party rules to get a Paul-friendly slate of delegates elected to represent them at the Republican National Convention that will take place in August in Tampa, Florida.

The battle for the future of the Republican Party, particularly as pertains to the person who will be ultimately chosen to face off against President Obama in November, continued this weekend in Arizona and Oklahoma. In those states as in Nevada and Maine, the word “chaos” was appropriately applied to the scene as the Romney camp felt the power of the Paul brigades.

After Mitt Romney’s son, Josh, surrendered the stage at the auditorium at Grand Canyon University, State party chair Tom Morrissey stepped up and appealed to the convention to be respectful of all the nominees and their surrogates.

“Maybe it’s going to take getting behind somebody we weren’t so excited about. ... What I want is to save this country, and we’ve gotta do it together. None of us gets everything we want,” Morrissey declared. “Keep your eye on the prize: defeating Barack Obama,” he added.

Arizona will send 29 delegates to the national convention in August. The state used to have 58 delegates but Republican National Committee (RNC) cut the number in half as punishment for the state party’s decision to hold its primary prior to March 6 in violation of RNC rules.

It’s this very [RNC rulebook](#) that’s at the center of the controversy. One side (the GOP Establishment) argues that the winner of the popular vote (Mitt Romney in most cases) should also received at least a corresponding percentage of that state’s delegates elected at the state conventions.

The Establishment position is opposed by those who insist that delegates should be free to vote for the



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candidate of their choice and that are not bound to throw their support behind the front-runner.

A majority of those espousing the latter view are supporters of Ron Paul and they genuinely believe that the Paul campaign's strategy of focusing on amassing delegates rather than popular votes is the best and surest way to see their man take up residence at 1600 Pennsylvania Avenue in January 2013.

Much of the debate over whether these so-called "rogue delegates" can vote their consciences rather than be bound to vote for the candidate who won the state's popular vote centers on the interpretation of a Republican Party rule.

Republican National Committee Rule Number 38 states: "No delegate or alternate delegate shall be bound by any attempt of any state or Congressional district to impose the unit rule."

The Unit Rule is a rule requiring all delegates from a state or congressional district to vote as a unit, that is to say, for the same candidate.

Some argue that the states get around this rule by not technically binding all of their delegates. States will bypass the strictures of RNC Rule 38 by binding all but a few of their state's delegates, thus obeying the letter of the law if not the spirit.

But is such a technical tactic permitted by the Republican National Committee?

In an [article published by FairVote.org](#), the following analysis of the situation was provided:

Rather, we explain that the RNC rules' provision on the unit rule make it clear that delegates aren't bound to vote according to how most delegates from their state are voting. In fact, delegates can vote according to their own judgment and conscience, and that this is most likely to take place in a state where a state party's winner-take-all rule has allowed a candidate to win all delegates primarily due to a split in the majority vote, or due to votes cast by non-Republican voters participating in the contest.

To explain our case, we look to the language of Rule 38, which was adopted in its current form in 1964. The rule states: "no delegate shall be bound by any attempt of any state or Congressional district to impose the unit rule." The unit rule does not prohibit a state from using a winner-take-all primary in the same way that Rule 15(b) prohibits most states from using a winner-take-all primary when holding a contest earlier than April 1st. However, the unit rule does prohibit binding delegates to vote according to how a majority of delegates from their state vote — again, a scenario most likely to occur in a state using the winner-take-all rule.

As set out in the Rules of the Republican Party, delegates have the ability to vote according to the delegates' preference, even if that is contrary to the outcome of each state's primary. According to one source, the legal counsel for the Republican National Convention in 2008 stated: "[The] RNC does not recognize a state's binding of national delegates, but considers each delegate a free agent who can vote for whoever they choose." Thus, if a delegate were to challenge his or her ability to vote as a free agent, he or she would have grounds under Rule 38.

Evidence of the RNC's interpretation of its own rule was presented in 2008 when a delegate from Utah refused to vote for John McCain, the winner of the Utah popular vote. The delegate wanted to cast a vote for Mitt Romney. When the matter was referred to the RNC's general counsel, the response is illuminating and likely relevant to the present Ron Paul controversy. [The RNC attorney wrote:](#)

[The] RNC does not recognize a state's binding of national delegates, but considers each delegate a free agent who can vote for whoever they choose. The national convention allows delegates to vote



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for the individual of their choice, regardless of whether the person's name is officially placed into nomination or not.

That is about as clear and definitive a restatement of the RNC position as can be expected.

As for Arizona, it is a winner-take-all state and the Romney crowd has assumed since the primary that all 29 of their state's delegates will be included in the tally for the former governor of Massachusetts when the final vote is counted in Tampa. That remains to be seen, however, as over 40% of those attending the convention in Arizona as delegates were elected as Ron Paul representatives.

While the two sides squared off in Arizona, a Ron Paul [tornado swept through the Oklahoma Republican Convention](#), as well.

In fact, the situation in the Sooner State grew so heated that backers of Ron Paul and Mitt Romney literally came to blows (the AP reports that a Romney supporter allegedly punched a Paul supporter in the back of the head) as a voice vote was taken to determine which candidate would receive the 25 delegates and the 25 alternates being awarded at the convention.

Typically, such matters are handled by a roll call vote, but so contentious was the convention that agreement on questions generally so perfunctory were turned into clashes of ideas.

As the day wore on, a couple of elected politicians took the stage in an effort to quell the crowd — former Minnesota Governor Tim Pawlenty and Oklahoma Governor Mary Fallin — but both were unsuccessful and were booed and heckled off stage.

Later, the scene grew louder and more untenable and two women began fighting over the results of the voice vote. The scrum was caught on tape by a local television station sent to chronicle the chaos.

"There was one confrontation" state Republican Party Chairman Matt Pinnell said. "The sergeant-of-arms and a deputy broke it up."

Finally, state Republican Party leadership, desperate to regain some semblance of control, began closing dividers in the hall and turning off the lights. When the crowd then took the fight outside into the parking lot of the Norman Embassy Suites Hotel (pictured above) where the convention was taking place, the police were called to prevent a riot. The convention officially adjourned. Unofficially, the battle raged on.

Once outside, [a "rump convention" continued](#) the unfinished business of sorting out the selection of delegates to the Tampa convention.

According to Pinnell, however, an official vote was taken and that the state's delegates were to be allotted in proportion to the percentage of the primary vote won by the candidates: 14 delegates to Rick Santorum, 13 to Mitt Romney, 13 to Newt Gingrich, with three remaining slots taken by Pinnell and the state's national committeeman and committeewoman.

A spokesman for the Ron Paul Campaign in Oklahoma said those results will be appealed to the national Republican Party as there is genuine confusion as to whether or not the formula described by Pinnell was approved by a majority of state convention voters.



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