



Written by [Joe Wolverton, II, J.D.](#) on March 21, 2014

RNC Rules Restrictions

As the on-ramp to the presidential election of 2016 approaches, the malingering effects of the Republican Party's successful scheme to squelch dissenting voices within its own ranks are still a major concern to those who consider the GOP the party of the Constitution.

U.S. News reported March 11 on three rules adopted at the Republican National Convention in 2012 that will exert extraordinary control over the 2016 nomination process.



One of the rules highlighted in the story “cracks down on delegates who are inclined to peel away from the electoral outcome in their state.” Enactment of this RNC regulation was a direct response to the efforts of delegates committed to Ron Paul who felt disenfranchised at the convention held in Tampa two years ago.

The *New American* reported on that story and the related tale of the revising of RNC Rule 40. A brief retelling is in order.

Disregarding the nominating rules in place at the time and the Ron Paul delegates' adherence to them, when the roll call was read at the Tampa convention in 2012, only the votes for Mitt Romney were announced. The nomination of Ron Paul was ignored in open and hostile violation of the RNC's rules governing the presidential nomination process. No explanation. No chance for appeal. No recourse.

According to RNC Rule 40(b) in effect until the 2012 revisions:

Each candidate for nomination for President of the United States and Vice President of the United States shall demonstrate the support of a plurality of the delegates from each of five (5) or more states, severally, prior to the presentation of the name of that candidate for nomination.

[In 2012,] Ron Paul unquestionably qualified for nomination under this rule, but he was denied placement on the ballot — and an opportunity to address the convention on behalf of his nomination — in what amounts to a total takeover of the Republican Party by the RNC and Mitt Romney.

Additional rule changes all but guaranteed that in the future the RNC will not allow itself to be embarrassed by “grassroots” candidates.

Not only did the RNC rob Ron Paul of delegates he won fairly at the Maine state convention, it prevented any who follow in his footsteps from winning any delegates in the first place.

According to the revised Rule 16, every state must amend its nominating process to ensure that their delegations are bound to vote in accordance with the winner of the popular vote as cast at state caucuses or primaries.

Another rule adopted in 2012 — Rule 12 — empowers the RNC to bend the rules to suit their needs



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at any time without having changes approved at the quadrennial convention. This unprecedented revision places the control of the GOP in the hands of the establishment candidate without suffering the inconvenience of listening to dissenting voices.

Prior to the roll call at the 2012 convention that would formally confirm the nomination of Mitt Romney for president, RNC Chairman Reince Priebus announced the results of the voice vote on the accepting of state delegation credentials as Paul supporters chanted “Seat them now! Seat them now!”

... Having successfully rammed the unseating of the Maine delegation down the throats of party members, House Speaker John Boehner then called for a voice vote on the revised RNC rules that will govern the party’s nomination process in 2016. The video of Boehner’s participation went viral at the time because of the presence on the teleprompter of a statement declaring the proposed rule had passed. The text on the teleprompter was prepared — obviously — before the vote was ever taken!

[Then,] despite what many present at the vote reported as an equal volume of “ayes” and “nays,” the parliamentarian announced the adoption of the new rules package. *Fait accompli*.

Although the events at the 2012 Republican National Convention are similar to the laughable electoral practices of North Korea, where Kim Jun Un was recently reelected by “100 percent of voters, after the convention Ron Paul told Fox New’s Neil Cavuto that “we knew what to expect.”

In spite of all this rule wrangling and dissension control, the 2016 GOP convention could still be the scene of an old-fashioned political donnybrook.

Rule 40 as now written requires that a candidate for president “shall demonstrate the support of a majority of the delegates from each of eight (8) or more states” prior to having his name presented to the convention for nomination. That’s an increase of 3 states over the previous version of the rule described above that essentially disenfranchised delegates committed to Ron Paul. *U.S. News* recognized the potential pitfall:

In a scenario with a commanding front-runner, this doesn’t seem like a high threshold to cross. But with the absence of an heir apparent standard-bearer and the most wide open nomination battle in decades looming, some RNC members think Rule 40 could crack open the door to the possibility of a convention floor fight. The theory: If no one candidate has secured eight states, it invites a free-for-all without a reason to get out.

Conversely, if multiple candidates garner eight victories and accrue hundreds of delegates, each could claim a right to soldier on. For instance, it isn’t inconceivable to think that Gov. Chris Christie, R-N.J., could dominate the Northeast, with Sen. Rand Paul, R-Ky. performing well in the South and Gov. Scott Walker, R-Wisc., racking up victories in the Midwest.

When it comes to Christie and Walker, though, it is unlikely that the establishment would have any problem convincing one of them to bow out and give way to the other. Both men are very unlikely to break ranks should GOP brass command their obedience. Rand Paul is a different story, however.

Paul has been a consistent GOP gadfly, calling out the constitutional inconsistencies of his party. His outspoken opposition to military maneuvers, unwarranted surveillance, murderous drone strikes, and other activities advocated by many of his fellow Republicans has made the scion of the Paul family a target of rebuke by the Republican establishment. If history is any sort of guide to the future, the RNC



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will find a way to manipulate the rules and keep Paul from playing any sort of spoiler role at the 2016 nominating convention.

This is especially true given the critical role played by Ben Ginsberg in crafting the new Republican rulebook.

Ginsberg's machinations at the 2012 convention guarantee that dissident voices would be forever silenced and thus Ginsberg's contribution to the party is invaluable. One of Romney's campaign insiders elevated Ginsberg's contribution to the Republican Party to legendary status, saying to the *Washington Times*, "It's hard to put into words what Ben Ginsberg means to the Republican Party," said Rich Beeson, Romney's presidential campaign political director. "It's like asking what Michael Jordan did for basketball."

True. Thanks to the Ginsberg's assist to the establishment, the GOP candidate for president is likely a slam dunk.

Revised Rule 40 could persuade power brokers to call for a timeout in order to rally enough of the rank and file to their side, but it is unlikely to be the spark that sets off an internecine bloodbath.

In the end, the difference between Republicans and Democrats amounts to little more than the road they take to totalitarianism. Americans still clinging to the promise of this or that party to save the Republic would be wise to re-read the counsel given on the subject by George Washington in his Farewell Address:

The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

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