

GOP's Last Line of Anti-Trump Defense

Exclusive: Donald Trump shook up Republican politics with his populist challenge to the party's economic and foreign policy orthodoxies, but the GOP establishment has one last chance to stop his nomination, reports ex-CIA analyst Peter W. Dickson.

By Peter W. Dickson

The last-ditch hopes of the Republican Party establishment to block Donald Trump's presidential nomination may come down to whether the GOP convention frees delegates to vote their consciences on the first ballot, a prospect possibly made more likely by the appointment of two anti-Trump party loyalists to head the Rules Committee.

But the rules of any convention are ultimately set by the delegates themselves, meaning that a vote on whether to bind delegates based on the will of voters in state primaries and caucuses likely will be decided by a majority of the delegates in approving or rejecting the proposals of the Rules Committee, a test of whether pledged Trump delegates will remain loyal to the candidate or follow the will of some party establishment figures who still want to stop Trump.

Plus, there are some in the "Stop Trump" faction who insist that delegates are free to vote their consciences in any event – regardless of state laws and party rules – a position bolstered by [a federal court ruling](#) on Monday blocking a Virginia state law binding delegates to support the primary winner.

And it is technically true that the rules for the upcoming convention in Cleveland do not yet exist, since each convention sets its own rules. Thus, rules from the 2012 convention, including Rule 16 which commits bound delegates to vote for their assigned nominee at least on the first ballot, have no standing in 2016. But prior convention rules do serve as a baseline, even if specific wording can be changed.

At least one rule (Rule 41) from the previous convention, however, does apply, obligating the 56-member Republican National Committee's permanent committee on rules to submit its recommendations by June 18 to the 112-member Convention Rules Committee, which will meet in Cleveland on July 14-15 just before the convention to finalize rule recommendations for the 2,472 delegates to accept or reject.

One estimate suggests that at least 40 members on the 112-member Convention Rules Committee will defend Trump's interests, meaning that those wanting to block Trump would have to sway 57 of the remaining 72 committee members to

propose rules designed to sabotage Trump's nomination.

Yet, even if the "Stop Trump" faction can't muster a majority, there is the likelihood that Rule 34 from the last national convention – if reaffirmed for this convention – would allow minority reports with support of only 28 committee members to propose amendments to the committee's final report to the full convention.

So, if this rule is retained, which seems almost certain, then a minority report could propose an amendment to permit the convention's delegates to have an up-or-down floor vote on a motion to allow delegates to vote their consciences.

Such a scenario would not be a case of the Rules Committee rigging the convention against Trump, but instead a case of the committee via a minority report giving the 2,472 delegates the opportunity to decide whether they want to free themselves to vote as they see fit.

A vote on such an amendment, which would negate Rule 16, would surely cause an uproar on the convention's first day. It would force Trump's loyalists – a number considerably less than the roughly 1,550 delegates pledged at the moment to support him on the first ballot – to deny in full public view the right of delegates to vote their consciences rather than as dictated by primary and caucus voters.

Reappearance of Romney Loyalists

There are other hints that Trump supporters may face some serious problems inside the Convention Rules Committee.

On June 17, RNC Chairman Reince Priebus announced the appointment of two RNC members, Enid Mickelsen (former Congresswoman from Utah) and Ron Kaufman (a former Reagan-Bush administration official and a high-profile RNC member from Massachusetts), to chair the 112-member Rules Committee.

Some Trump supporters are paranoid about the Priebus selections and not without cause. Kaufman has deep personal and professional ties to the 2012 Republican presidential nominee Mitt Romney, who has denounced Trump's candidacy. Kaufman served as a senior adviser during Romney's term as Massachusetts governor and also worked with attorney Ben Ginsberg, a Romney loyalist, to change rules in 2012 to prevent Rep. Ron Paul's name from being placed in nomination – a controversial action that caused Paul's supporters to walk out of the convention.

Mickelsen is, like Romney, a Mormon from Utah, a state whose primary voters gave Sen. Ted Cruz a landslide victory. She has called it a "shame" that Trump is not

an appropriate role model for children. Last March, Mickelsen also said convention rules could be changed, including whether delegates should be bound.

Tim Alberta, in a National Review article entitled "Everyone is Afraid of Enid Mickelsen," reported that tension is building among the members of the Convention Rules Committee over what might happen next.

In particular, Mickelsen has become the focus of conspiracy theories, especially among those who fear that Priebus deliberately and duplicitously chose Mickelsen and Kaufman to preserve the option of dumping Trump if his campaign continued to stumble and his poll numbers sank to a level that would almost ensure the loss of GOP control of the Senate and perhaps the House as well.

Priebus insists there will be no underhanded maneuvers when it comes to the adoption of the convention rules. For her part, Mickelsen has given assurances that the committee's work will be impartial and said, "Nothing's going to come out of this that's been done by parliamentary trickery."

Yet Mickelson said she anticipates a "lively debate" and has defended the rule that permits a minority report to be brought to the convention floor, meaning that it seems improbable that the two chairpersons would block 28 anti-Trump committee members from advancing a minority report seeking to free up the delegates to split from Trump on the first ballot.

It is impossible to escape the strong impression that Mickelsen and Kaufman are Romney loyalists who distrust Trump and will give the anti-Trump members on the committee every opportunity to shape the rules.

In the past several days, The Wall Street Journal, NBC News and The Daily Wire have interviewed Kendal Unruh, a member of the Convention Rules Committee from Colorado who is one of the leaders of the anti-Trump movement.

She told the Journal that regarding the 28 votes needed for a minority report that she already has "private commitments from more than 30 committee members, but that many aren't willing to admit so publicly." She expanded on this claim with The Daily Wire, saying: "Not everyone who is with us is willing to be public yet, due in part to the threats being made by Trump's campaign and the RNC itself."

The possibility of an anti-Trump rebellion on the Rules Committee has become a factor in the timing of Trump's announcement of a vice presidential running mate. Were Trump to select someone whose positions upset many delegates, that could fuel a drive to adopt rules unfavorable to Trump's nomination.

However, Unruh insisted to NBC News and The Daily Wire that whomever Trump

selects there are at least 28 votes for a minority report. She also argued that regardless of party rules or state laws mandating that delegates follow the will of the voters, delegates have a right and a duty to apply their own judgment.

Unruh told The Daily Wire that “It is the duty of the delegates to represent the best interests of their states and to select a Republican candidate who actually represents our party and who can beat Hillary [Clinton] in November. That’s not Donald Trump.

She added: “We don’t live in a straight democracy, where majority rule has the absolute say. We have a measured, representative form of government that allows time for discussion, fact-finding, and wisdom before our elected representatives make the final decision.

“Many new facts have come out since the early primaries that should disqualify Trump, and the delegates have historically always been the final stop-gate through which our party’s nominee must pass. Trump didn’t even get the vote of a majority of Republicans, and over 50% agree that he should not be our nominee. In fact, he would be the first Republican nominee to receive the nomination with more votes cast against him in the primaries than for him.”

Unruh added that if delegates are unbound, Trump would likely lose the nomination, a possibility that clearly worries Trump and his backers.

An internal survey conducted by RNC member Randy Evans of Georgia, who is trying to help Trump lock up the nomination, found that only 890 delegates are personally loyal to Trump while 680 are known to be opposed to Trump, according to The Wall Street Journal. Evans said, “900 delegates are ‘in play.’ So, no, Trump certainly does not have this locked up – particularly if delegates are allowed to vote their consciences.”

Trump’s Challenge and Dilemma

To beat back an eleventh-hour attempt to deny him the nomination, Trump needs opinion polls to show that he remains competitive with Hillary Clinton and he must avoid doing or saying more things that would deepen the fears among delegates about his conduct as a candidate and his electability in the fall.

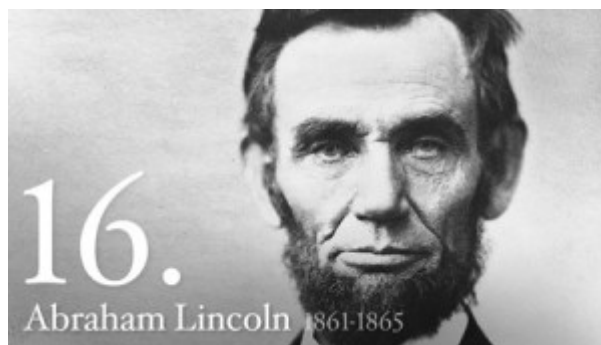
Trump also faces a possible challenge regarding his choice of a running mate, which traditionally is rubber-stamped by the convention. However, there have been reports that some members of the Rules Committee want to propose amendments that would give the delegates the right to confirm or veto Trump’s selection and that he would have to secure a two-thirds majority on the convention floor for his pick.

And – even if he clears all those hurdles – Trump may still face the possibility of a visible protest from some Republican delegates who might walk out of the convention in protest when he appears on stage to accept the nomination. Or, there’s the possibility that his backers might protest if they feel he is being treated unfairly.

Trump has predicted that there will be riots in the streets of Cleveland if it looks like he is being cheated out of the nomination. But the city is preparing for disorders even assuming that Trump gets the nomination because groups hostile to his candidacy have vowed to make their displeasure known.

Lincoln’s Nomination and Rule Changes

If Trump’s nomination is somehow blocked on the first ballot and Cleveland becomes a brokered convention, such a development would not be unprecedented in the annals of Republican Party politics. Although recent conventions have lacked that sort of drama, manipulation of rules and various “dirty tricks” were not rare prior to the 1960s.



Even Abraham Lincoln’s nomination in Chicago in 1860 was not a clean or immaculate nomination based simply on his appeal as “Honest Abe.” His supporters were able to take advantage of changes in the rules and revisions in the convention schedule to have more time to cut deals in smoke-filled hotel rooms as well as pack the galleries with Lincoln supporters by printing unauthorized tickets for access to the convention hall, known as “The Wigwam.”

The two decisive changes were: a decision during the convention to lower the requirement for nomination from two-thirds to a simple majority and a late, sudden decision to postpone the balloting by one day.

The lower threshold should have benefitted the presumptive nominee, the famous New York Sen. William Seward, whose campaign manager Thurlow Weed offered \$100,000 to the Illinois Republicans if Lincoln would be content to join the Seward ticket as the vice-presidential nominee.

This staggering sum of money (at the time) was rejected, but the Seward camp regarded a simple majority as easy to achieve and broke out the cigars and

champagne to celebrate victory the night before the balloting.

But the postponed vote gave Lincoln's campaign manager David Davis one last night to wheel and deal, especially with the pivotal Pennsylvania delegation, to get it to switch to Lincoln after the first ballot. Davis's stunning success enraged the Seward supporters and many others who distrusted Lincoln because he argued that those in the party who were pushing for the abolition of slavery were reckless and risked the party's defeat in the fall election.

A nervous, even paranoid Lincoln, staying down state at his home in Springfield, sent instructions twice during the convention that no bargains should be made that would "bind" him, especially on the slavery issue.

Davis, whose family in Maryland owned some slaves, did not try to curry favor with pro-abolitionist delegates, but he made all kinds of bargains and promises without bothering to inform Lincoln.

Then, immediately after the nomination was secure, Davis and his convention team bombarded Lincoln with eight telegrams demanding that he spurn pleas from others to go to Chicago to accept the nomination and instead stay home and keep his mouth shut until Davis could meet with him to reveal the price paid to get him the nomination. [[See four of the telegrams here.](#)]

These amazing eight telegrams survive as part of the Lincoln Collection in the Library of Congress. They convey the strong impression that Davis and his team genuinely feared for Lincoln's physical safety given the extreme anger among many delegates, especially in the Seward camp, concerning how the nomination was stolen for a "bar room politician" whom they viewed as "soft" on slavery.

Peter Dickson is a retired CIA political-military analyst and author of *Lincoln, His Kingmaker Davis and the "Stolen" Republican Nomination of 1860* (2010).

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