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CREATION DATE/TIME:11-MAY-2001 16:41:23.00

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Washington Bulletin: National Review's Internet Update for

May 11, 2001
<http://www.nationalreview.com>

By John J. Miller and Ramesh Ponnuru

THE OLSON PROJECT [Smearing a nominee for fun and profit.]

Not that you'd know it from Thomas Edsall's reporting in the Washington Post, but David Brock has had a grievance against Ted and Barbara Olson for years. Ted Olson is up for confirmation as President Bush's solicitor general. Yesterday, Edsall reported that Brock told the Senate Judiciary Committee that Olson's testimony before it had been misleading. Edsall's report appears to have caused the committee to delay a vote on Olson for a week.

Brock caused a minor stir in the summer of 1997 when he wrote an essay called "Confessions of a Right-Wing Hit Man" for Esquire. In it, he detailed his disillusion with the Right, which was unable to tolerate a journalist as single-mindedly devoted to truth as he. His opening anecdote concerned a phone call from Barbara Olson.

Mrs. Olson was calling to ask Brock not to come to a party at her place. He writes that she disinvited him because his just-released book on Hillary Clinton had not been as savage toward her as the Olsons, being Clinton-haters, had wanted. She says that the real reason she asked him not to come was that other guests had been sources for Brock's book and felt that he had burned them by revealing their identities; she didn't want any unpleasantness at the party. In Esquire, Brock wrote that "Barbara's message was especially jarring, given that Ted Olson. . . had a thriving First Amendment practice." (The First Amendment being the one that protects freedom of speech, freedom of religion, and the right to party.)

Edsall's piece doesn't mention this background. Nor does it mention that Brock has a book coming out on the vast conspiracy of right-wing Clinton-haters. He presents himself as having been one of the conspirators as a writer for the conservative magazine The American Spectator, although he is now repentant. The book is relevant because Brock's allegation is that Ted Olson misled the committee by downplaying his involvement in The American Spectator's investigations of President Clinton. Brock could well be trying to get some advance publicity for himself and his subject. Clinton's journalistic defenders, who have been obsessing about the Spectator for years, have also tried to discredit various Clinton critics for having axes to grind and books to sell. If that standard should apply to "Clinton-haters," it ought to apply to their haters, too.

The Spectator had a so-called "Arkansas Project" to look into Clinton's misdeeds as governor. Olson has said that he didn't know about the project until 1997, when he looked into it as a member of the magazine's board. Reporters affiliated with Salon, a liberal magazine, have suggested that the project was actually launched in Olson's law office and that he may have been paid for his work on the project.

What exactly counts as "work on the project" is, however, a matter of

dispute. Brock says that Olson came to dinners with him and the magazine's editor, R. Emmett Tyrrell, to discuss possible stories on Clinton scandals. Even if Brock is telling the truth here-something one usually cannot assume-it is quite possible that Olson did not understand himself to be participating in some "project" by talking about Clinton scandals with Tyrrell. If discussing the scandals with Tyrrell counts as being part of the project, then for several years anyone who talked to Tyrrell at all was a participant. Every discussion your correspondents had with him during that time touched on the Clinton scandals. The man did write two books about the subject.

The Arkansas Project's records show \$8,000 in payments to Olson's law firm Gibson, Dunn. But the project's finances-as its critics have explained-were shrouded in mystery and later had to be investigated by the board; Olson's claim not to have known whether the magazine was attributing its payments of him to the project is quite plausible. The payment was for research Olson did on possible criminal laws the president may have broken if all the allegations against him were true. The Spectator published an article-the magazine left the authors anonymous, but Olson was one of them-listing those laws. Olson didn't consider that work to be part of a gumshoe effort in Arkansas, and no reasonable person would. It is also quite plausible that Olson "did not know that there was a special source of funding" for this project, as Olson has written to the ranking Democrat on the judiciary committee.

On February 18, 1994, Gibson, Dunn sent a letter describing "the terms of our representation of The American Spectator" in this matter. Note that Gibson, Dunn was representing the Spectator, not the Arkansas Project; indeed, the words "Arkansas Project" do not appear in the letter. It states: "On behalf of The American Spectator, you have engaged us to prepare, on an expedited basis, a chart summarizing various Federal and State criminal laws that may be implicated by conduct of certain public officials as that conduct has been reported in the press. You have not asked us to do any independent factual research into that conduct or to reach any professional judgment concerning whether prosecutable offenses have in fact been committed." The letter is entirely consistent with Olson's testimony before the judiciary committee. The people making these tissue-thin accusations against Olson bring more discredit on themselves than on him.

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