

# Theodore Olson: a record of political reaction and provocation

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Theodore Olson, President Bush's nominee for solicitor general, made his mark in Republican circles as a 40-year-old Justice Department official in Ronald Reagan's first term. As an assistant attorney general, he supplied Reagan with the legal rationale for firing 13,000 PATCO air traffic controllers who went on strike in August of 1981. Reagan's smashing of PATCO was the signal for a wave of government-backed union-busting that continued for more than a decade.

In 1985 Olson left public office and returned to private practice. He did so under the cloud of investigations into misleading testimony he gave two years previously to a congressional committee investigating a corruption scandal in the Environmental Protection Agency. The perjury investigations did nothing to damage Olson's standing with powerful patrons within the right wing of the Republican Party. As a private lawyer, he went on to handle some of the most politically sensitive cases for the Republicans. After Reagan left office in 1988 Olson became his attorney in the Iran-Contra affair, helping to protect Reagan and other Republicans from criminal sanctions for their involvement in a secret and illegal operation to finance counterrevolutionary death squads in Nicaragua.

Olson became a founder and leading light within the Federalist Society, an association of ultra-conservative lawyers co-chaired by Robert Bork, whom Reagan unsuccessfully attempted to place on the Supreme Court in 1987. Olson heads the Washington branch of the Federalist Society and also chairs the executive committee of its Practice Group. The Federalist Society provided the bulk of the lawyers who worked on the Paula Jones suit and the Starr investigation.

After the election of Clinton in 1992 ended Republican control of the executive branch, the focus

of right-wing attacks on civil rights laws, environmental and worker safety standards and other regulations on business shifted to the court system, where hundreds of ultra-right lawyers had been appointed to federal judgeships during the 12 years of Reagan and Bush.

Olson played a leading role in the legal-political warfare. He argued the successful lawsuit that resulted in the 1995 Hopwood decision in Texas, overturning affirmative action rules at the University of Texas Law School. This case was brought with the backing of the Center for Individual Rights, a right-wing center financed by the Pennsylvania billionaire Richard Mellon Scaife.

Olson also defended a Colorado initiative that would have barred cities and towns from enacting gay rights statutes. He lost that case before the Supreme Court.

Olson rapidly emerged as the human link between the main prongs of the right-wing conspiracy against the Clinton administration. A long-time associate of Scaife—he has served on the advisory boards of four separate Washington organizations that have received substantial funding from this patron of the Republican right—Olson helped direct the activities of the Scaife-financed Arkansas Project and *American Spectator* magazine, he coached the lawyers for Paula Jones before they successfully argued that the Supreme Court should allow Jones's sexual harassment suit against Clinton to go forward, and he represented David Hale, a disgraced former Arkansas judge and admitted swindler who became Starr's key witness against Clinton in the Whitewater probe.

Olson's wife, Barbara Olson, was also an active player in the Republican vendetta, serving as legal counsel for House Republicans investigating some of the Clinton scandals that ultimately proved to be

without substance. She made the nightly television circuit as an anti-Clinton commentator and published a hostile bestseller about Hillary Clinton.

Last fall Theodore Olson played a key role in the legal battles that ended with the 5-4 Supreme Court ruling decision blocking a recount of disputed votes in Florida and handing the presidency to George W. Bush. Olson was the Republican's lead lawyer, and argued that the US Constitution does not provide for the popular election of the president.



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