



Bloomberg Law's False and Misleading Report about Leif Olson

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I have known Leif Olson since I moved to Houston in 2012. Leif is a smart attorney, a kind friend, and a committed father. I have also had the honor of working with Leif on several Texas cases. Recently Leif accepted a position with the Department of Labor. However, he resigned after Ben Penn, a reporter at Bloomberg Law, began to inquire about a 2016 Facebook post.

Penn wrote:

Olson, an unsuccessful GOP candidate in 2012 for a Texas district court judgeship, fired off a series of late-night posts on his personal Facebook page three years ago that started as a sarcastic quip about former House Speaker Paul Ryan's blowout primary victory. They then devolved into an exchange referencing two anti-Semitic tropes: that Jews control the media and that they look out for members of their own faith.

This characterization of Olson's post is not even remotely accurate. Vox—no fan of conservatism—offered this summary of the posts:

Written in the voice of a Breitbartist conservative who hates Paul Ryan, [Olson's] post assails Ryan for his "emasculating 70-point victory" after Ryan defeated Nehlen by that overwhelming margin. The comments are what got Olson in (undeserved) trouble: "Neo-cons are all Upper East Side Zionists who don't golf on Saturday if you know what I mean," and, after a friend joked about Ryan being Jewish, Olson added, "It must be true because I've never seen the Lamestream Media report it, and you know they protect their own."

You do not need a PhD in linguistics to correctly identify this as obvious sarcasm — another commenter on the thread praised the post's "epic sarcasm." Conservatives, especially ones of a neoconservative bent on foreign policy, have made sarcastic jokes like this about what they perceive as (and what sometimes, as in the case of Nehlen, is) anti-Semitic criticism of neoconservatism, a movement primarily founded by Jewish intellectuals.

It should have been painfully obvious to anyone reading the post that Leif was intended to be sarcastic. The editors at Bloomberg should not have let Penn publish this nonstory.

Moreover, Bloomberg's fact-checking failed. Penn's reporting about Leif's legal career contains at least one falsehood. He wrote:

In another high-profile case, Olson filed an amicus brief for the Cato Institute in 2015, asking the Supreme Court to strike down the Deferred Action for Parents of Americans and Lawful Permanent Residents program, or DAPA, an Obama administration immigration policy preventing some deportations.

This statement is simply false. In *Texas v. United States*, Leif served as local counsel for me, the Cato Institute, and Professor Rabkin, with respect to briefs filed before the Southern District of Texas, as well as the Fifth Circuit. He was not counsel for our brief to the Supreme Court. He did not "file[] an amicus brief for the Cato Institute in 2015, asking the Supreme Court to strike down" DAPA. This fact was easily verifiable.

Bloomberg should retract the piece, and apologize to Olson.

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