

“THE MATH”

FWIW, I think this morning's NYT article naming Olson as Bush's nominee to be AG was just a plant floated by conservatives pushing the Administration to make this nomination into a confrontation. David Johnston is very susceptible to this kind of planted leak. And Mike Allen, who has better ties to the White House than Johnston, names Olson as just one candidate among five (though the one favored by conservatives)—and he quotes an SAO saying there is "no clear frontrunner" (Laura Jakes Jordan says precisely the same thing).

But now that Harry Reid has thrown down the gauntlet, saying "I intend to do everything I can to prevent him from being confirmed as the next attorney general," lets do a little quick math, shall we?

Ted Olson was confirmed in 2001 with a 51-47 vote, after having been technically defeated in SJC with a 9-9 vote. But because this occurred during the 50-50 split in the Senate, Trent Lott was able to get Olson a vote on the Senate floor. The only two Democrats who voted for Olson were Zell Miller and Ben Nelson. That means Pat Leahy, Ted Kennedy, Joe Biden, Herb Kohl, DiFi, Russ Feingold, Chuck Schumer, and Dick Durbin—all members of the Senate Judiciary Committee—have already voted against confirming this guy, and that for a post back when DOJ was just a business as usual nomination. Ben Cardin and Sheldon Whitehouse now have a vote, too—but I'm not expecting Sheldon Whitehouse to lead a campaign in favor of Ted Olson.

In other words, an Olson nomination would not even get to the floor of the Senate if everyone voted as they already have—or would be expected to—on Olson.

The one question mark is DiFi, who on the Southwick vote got royally played. Or rather, Pat Leahy got royally played and DiFi got seduced, bigtime. I don't think she's as liable

to be seduced, particularly not if Reid is going to babysit things so Leahy doesn't get played. But just in case—if you're a DiFi constituent, it might be nice to have her opposition to Ted Olson on the record (her phone number is (202) 224-3841, if you were wondering).

That said, given the math, I'm more convinced all this Olson stuff is just hot air coming from the far right, hoping to pick a fight with the Democrats.