



Supreme Court Prepositioning

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The Wall Street Journal accurately observes in an [editorial](#) headlined "Targeting John Roberts" that what the Journal calls "the elite liberal press" is preparing for the Supreme Court's ObamaCare ruling with articles warning the justices that if they strike the health care law they will be attacked as politically motivated partisans.

Alas the Journal does not provide any examples. Libertarian law professor Richard Epstein helps out on that front with a detailed [critique](#) of Jeffrey Toobin's New Yorker article about the *Citizens United* case.

Another [article](#) that falls into this category, though it focuses on Justice Scalia rather than Chief Justice Roberts, was published earlier this month by Bloomberg News, written by Greg Stohr. It goes through all the motions of even-handedness, beginning with a quote from Reagan solicitor general Charles Fried and including another quote from the Cato Institute's Ilya Shapiro, but the message gets through anyway — Mr. Shapiro's quote is buried toward the bottom, and the last word in the article goes to a harsh critic of Mr. Scalia. Simon Dodd offers a more detailed [critique](#) of the Bloomberg article at the Stubborn Facts blog. It's also kind of funny that Mr. Scalia is criticized for talking too much during oral arguments, when Clarence Thomas is [criticized](#) for not asking enough questions. If you are a conservative Supreme Court Justice, you either talk too much, or you don't talk enough.

Some might say the phrase "elite liberal press" veers dangerously close to redundancy, but that's a topic for another day.