

Right Wing Hypocrisy Watch

Michael Sean Winters | Dec. 13, 2010 Distinctly Catholic

There is an argument to be made, and an argument that evidently [won the day in a Virginia District Court](#) [1], that the individual mandate to acquire health insurance is unconstitutional. I do not happen to think it is a very persuasive argument, but that is a separate issue.

But, I predict you will look in vain in the next few days for the conservative commentariat to abandon completely one of their decades-long staples: Their objection to "activist" judges.

The political branches decided the Commerce Clause was sufficient to justify the individual mandate. Now, an "unelected judge" has decided otherwise. I like a robust judiciary as much as the next liberal - and note that two other federal judges have ruled the individual mandate did pass constitutional muster - but the right wingers should be suffering backlash right now, and I suspect they will go to great lengths to conceal it.

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Links:

[1] <http://www.politico.com/news/stories/1210/46310.html>