

[“I don’t want to know what the law is. I want to know who the judge is.” — Roy Cohn](#)

There’s one more important point about today’s *per curiam* DC Circuit ruling that should be emphasized: the composition of the panel. Two members were Clinton appointees: [Judith Rogers](#) and [David Tatel](#). But the third was the chief judge, [David Sentelle](#), a Reagan appointee. And not just any Reagan appointee.

Sentelle is probably the most right-wing judge on the circuit. A former associate of Jesse Helms, he pulled the strings to extend the Whitewater investigation and get Ken Starr appointed as independent counsel.

Memo to state and industry petitioners, who have hired some of the best legal minds in the country: if you’ve lost David Sentelle, you’d better reconsider your legal strategy.

We are about 36 hours away from the Supreme Court’s ruling in the health care cases, which will tell us a lot about the role of politics in the judiciary. If the DC Circuit’s opinion is any indication, politics does not always govern.