

Antonin Scalia's death during secret junket points to new ethical violations

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Antonin Scalia died as he lived, indulging behind closed doors in the largess of the very wealthy, who could depend on the right-wing associate justice to defend their interests in the United States Supreme Court.

The nauseating praise for Scalia as a towering judicial figure is exposed as all the more dishonest and absurd by the still emerging circumstances of his passing.

On Friday, February 12, the start of the Supreme Court's annual week-long President's Day recess, Scalia took a chartered jet from Washington, D.C., accompanied by an unidentified lawyer friend, to the exclusive Cibolo Creek Ranch in the Chinati Mountains of West Texas, near the Mexican border. US marshals assigned as Scalia's bodyguards were told not to make the trip.

John B. Poindexter, a former commanding officer in Vietnam who now controls a Houston manufacturing empire with multiple subsidiaries, taking in total annual revenues of close to \$1 billion and employing 5,000 people, bought the 30,000-acre property in 1988. He renovated its three adobe forts, which date back to 1857, turning them into plush accommodations for a high-end resort.

Among the guests seeking seclusion in the lap of luxury at Cibolo Creek Ranch that have been identified by the press are Mick Jagger, Bruce Willis, a variety of businesspeople and "European royalty."

According to its web site, among the resort's most popular activities is the guided tour of its scenic desert terrain in a Humvee, the same vehicle used by the United States military in its occupations of Afghanistan and Iraq.

Guests can hunt pheasants and chukars along with bigger game such as deer, elk, buffalo and mountain lions. Retired Supreme Court Associate Justice Sandra

Day O'Connor once told Houston lawyer Mark Lanier that Scalia "will do anything if you take him hunting."

After landing at the ranch's private airfield, Scalia enjoyed an outing with some other guests, followed by dinner. Weary from traveling, Scalia retired alone to the 1,100-square-foot "El Presidente Grand Suite" shortly before 10. The advertised rate for "El Presidente," which includes a private fire pit on the veranda overlooking Cibolo Lake, is \$700 per night, inclusive of meals and one bottle of wine per stay.

The next morning, after Scalia did not join the other guests for breakfast, Poindexter and Scalia's lawyer friend found his cold, lifeless body in bed.

A local justice of the peace contacted by telephone pronounced Scalia dead of natural causes, freeing his body to be shipped back to Washington without a coroner's investigation or autopsy.

This episode pulls back the curtain a bit on how big financial interests have been pulling the strings in the Supreme Court.

Poindexter confirmed to the *Washington Post* that Scalia was not going to pay for his stay at Cibolo Creek Ranch. "He was an invited guest, along with a friend, just like 35 others," Poindexter said. According to media sources, Poindexter hosts gatherings two or three times a year.

Last year, James Hinga, a 76-year-old machinist for MIC Group, one of Poindexter's companies, filed a petition in the Supreme Court seeking review of a lower-court decision that summarily dismissed his claim that he was fired based on pretexts because of his age. Scalia participated in the October 5, 2015 decision denying review, thus ending the case in Poindexter's favor. Scalia's acceptance of gifts worth several thousands of dollars so soon after ruling in a party's favor is a clear violation of judicial ethics.

Other significant ethical questions remain unanswered a full week later. Poindexter maintains that he did not pay for Scalia's chartered jet. There is no indication yet whose pocket that money came from, but one can be assured that it did not come from Scalia's own.

Similarly, it is not yet known whether Scalia's companion, or any of the 35 other Cibolo Creek Ranch guests, similarly had matters pending before the Supreme Court, because none of these witnesses to the circumstances of Scalia's death have been identified.

This silence itself suggests that Poindexter and the others may have something to hide. At minimum, given the central role Houston plays in the United States energy industry, it is likely that some of Poindexter's guests benefited from the Supreme Court's extraordinary five-to-four order the preceding Tuesday that halted implementation of the Environmental Protection Agency's "Clean Power Plan," which would have shifted some energy production from fossil fuels to renewable sources such as wind and solar.

This is not the only time Scalia has been caught hobnobbing during private hunting junkets with people who had vested interests in his actions as a Supreme Court justice. He was, in addition to being an arch reactionary who consistently ruled in opposition to democratic rights, a thoroughly corrupt individual who flaunted his corruption.

In a notorious incident 12 years ago, Scalia accepted an invitation from a Louisiana oilman to spend several days hunting ducks with about a dozen others at a private camp in the Bijou. The *Los Angeles Times* discovered that Scalia's companion on the trip was Vice President Dick Cheney.

Cheney at the time was the lead defendant in a case brought by the Sierra Club that was then under review in the Supreme Court, making Scalia's outing a clear violation of the principle that sitting judges must avoid even "the appearance of impropriety."

Asked for a comment, Scalia sent the newspaper a flippant response, noting that the "hunting was lousy," but "I did come back with a few ducks, which tasted swell."

Scalia later issued a belligerent and disingenuous 21-page memorandum to explain why he refused to remove himself from the case. After attacking the press for raising the issue, Scalia asserted that because the

hunting took place "in two- or three-man blinds," referring to the camouflaged hideaways used by bird hunters, and because "I never hunted in the same blind with the vice president," no one could conclude Scalia's "impartiality might reasonably be questioned."

The Supreme Court later ruled for Cheney by a vote of 7-2.

Scalia's practice of slipping away from Washington, unannounced, all expenses paid, to socialize for days in private, intimate settings with selected people who have business either before or affected by the Supreme Court epitomizes how justice in the United States is dispensed. It highlights the role of a social layer that is profoundly hostile to democratic principles and feels itself in no way bound by traditional political methods or legal prescriptions.



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