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Scalia's final junket linked to aristocratic hunting society

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While the media continues to eulogize the late Supreme Court Justice Antonin Scalia as a “towering legal figure and a “brilliant intellectual,” it has emerged that his death on February 13 occurred during a junket with an exclusive aristocratic hunting society.

The International Order of St. Hubertus, a European knightly order dating from 17th century Bohemia, is dedicated to preserving hunting as a ritual pastime of the nobility. Members of the exclusive men-only society, founded in 1695 by Count Franz Anton von Sporck, wear green ceremonial robes decorated with a large Christian cross. They use the Latin motto “Deum Diligite Animalia Diligentes” (honoring God by honoring his creatures).

On February 24, the *Washington Post* reported that John Poindexter, the owner of the exclusive Cibolo Creek Ranch in Texas, where Scalia was visiting at the time of his death, is a leading member of the order. Scalia traveled to the ranch on a private plane with C. Allen Foster, a prominent Washington lawyer who is a secretary and “knight grand officer” of the order. Other high-ranking members of the order took private flights around the same time. Scalia declined the protection of the US Marshals Service, which would otherwise provide his security, for his trip to the ranch.

In 2006, the *Washington Post* reported that Scalia's friend Foster marked his 65th birthday with a six-day celebration in the Czech Republic. “He flew his family and 40 Washington friends there to stay in Moravia's Zidlochovice, a baroque castle and hunting park,” the newspaper explained. “The birthday bash included tours of the Czech countryside, wine tasting, wild boar and mouflon (wild sheep) hunts, classic dance instruction and a masked costume ball.”

Foster's list of former clients includes the Republican Party, tobacco advertisers, the director of the failed Washington National Bank, companies accused of civil rights violations, the mercenary company Blackwater Security Consulting and the right-wing Cato Institute. Foster is also the director of the Young Women's Christian Association and a companion of the Order of St. John of Jerusalem.

The *Washington Post* reported that in 2010, “Poindexter hosted a group of 53 members of the Houston chapter of the International Order of St. Hubertus at the Cibolo Creek Ranch, according to a Houston society publication.”

“The International Order of St. Hubertus,” says the society’s web site, “is a true knightly order in the historical tradition.” The web site continues: “The Order is under the Royal Protection of His Majesty Juan Carlos of Spain, the Grand Master Emeritus His Imperial and Royal Highness Archduke Andreas Salvator of Austria and our Grand Master is His Imperial and Royal Highness Istvan von Habsburg Lothringen, Archduke of Austria, Prince of Hungary.”

The identification of the order with the old establishment of Europe is underscored by the fact that in 1938, after Austria was absorbed into the German Reich, “Herman Göring demanded membership in the Order and executed the Grand Prior when he was denied.” (Adolf Hitler appointed Göring as Reich master of the hunt in 1933 and master of the German forests in 1934. An avid hunter, Göring built two aristocratic hunting lodges.)

“In March of 2013,” the web site continues, “HIH [His Imperial Highness] Archduke Istvan von Habsburg-Lothringen became the fifth Grand Master of the Order... Archduke Andreas assumed the office of Grand Master Emeritus and King [of Spain] Juan Carlos continues to offer the order his protection.”

Officers of the Order of St. Hubertus receive titles like “grand master” and “knight grand officer,” and members apparently refer to themselves as “knights.” The American chapter of the order was founded in 1968. “The first Investiture of American Knights took place at the Bohemian Club in San Francisco. The ceremony was presided over by then Grand Master Karl Messany,” the order’s web site explains.

The American chapter of the order is comprised of approximately 250 people, according to 2013 financial filings, and brought in \$160,000 in donations. Membership in the order requires an \$800 application fee and “sponsorship.” Formal investiture involves a medieval ceremony in which an old dagger is used to “knight” the subject.

Scalia’s furtive association with such an outfit underscores the fundamentally reactionary and anti-democratic character not just of one right-wing justice, but of the Supreme Court as an institution and the capitalist state as a whole. Scalia’s fascistic inclinations were well known, but he was not only tolerated, he was generally celebrated by the political and media establishment, including its spineless so-called “liberal” wing. This is despite his role in the infamous “Bush v. Gore” ruling in February of 2000 that halted vote-counting in Florida and handed the White House to the loser of the presidential election, and his open defense of torture, racial discrimination and state repression.

Scalia’s theory of constitutional jurisprudence, “originalism,” purported to involve ascertaining the original meaning of the American Constitution. In practice, Scalia’s application of this doctrine was entirely tendentious and arbitrary. Notwithstanding his “originalism,” Scalia’s relations with the Order of St. Hubertus may have violated the text of the Constitution.

Article I, Section 9, Clause 8 (the “Titles of Nobility Clause”) of the Constitution, which was ratified in 1788, provides: “No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.”

Scalia’s affiliation with such figures as Poindexter and Foster is entirely consistent with his judicial legacy, which includes the promotion of authoritarian executive powers and backwardness and bigotry on every social question. As a judge who was vigorously opposed to the principle of separation of church and state, it is not entirely surprising to find Scalia in the company of wealthy would-be aristocrats with Crusader-like crosses emblazoned on their medieval costumes.

Whatever the details of Scalia’s relations with the Order of St. Hubertus, the circumstances of his trip highlight the corrupt relations between justices on America’s highest court and the rest of the ruling class. Scalia was not the only Supreme Court justice to have traveled on privately paid trips. In fact, it is a common practice among the supposedly “liberal” justices as well.

The Center for Responsive Politics published the following statistics on the Supreme Court justices for the years 2004 to 2014: Scalia took 258 trips in 11 years (23.5 trips per year), Stephen Breyer took 185 trips in 11 years (16.8 trips per year), Sonia Sotomayor took 67 trips in 5 years (13.4 trips per year), Anthony Kennedy took 132 trips in 11 years (12.0 trips per year), Ruth Bader Ginsburg took 117 trips in 11 years (10.6 trips per year), Samuel Alito took 83 trips in 9 years (10.1 trips per year), Elena Kagan took 33 trips in 4 years (8.3 trips per year), Clarence Thomas took 86 trips in 11 years (7.8 trips per year) and Chief Justice John Roberts took 48 trips in 10 years (4.8 trips per year).

These private trips to exclusive and luxurious resorts around the world often coincided with cases before the Supreme Court. Poindexter, who hosted Scalia’s final junket, owned a company that was accused of age discrimination in a lawsuit that came before the Supreme Court last year. The Supreme Court denied review of the case.

Before participating in the infamous *Citizens United* decision in 2010 that struck down limits on corporate campaign finance bribes in elections, Scalia and Thomas both attended a retreat in California sponsored by the right-wing financier Charles G. Koch. Scalia infamously went on a hunting trip with then-Vice President Dick Cheney while a case involving Cheney was before the Supreme Court.

In a recent report entitled *Antonin Scalia: The Billion-Dollar Supreme Court Justice*, David Dayen of the *Intercept* noted that Dow Chemical has settled a \$1.06 billion adverse class-action antitrust ruling for \$835 million. The company had appealed the decision to the Supreme Court, but decided to pay substantially all of the judgment after Scalia’s death rather than allowing the case to come before the high court minus its leading reactionary.