

Supreme Court Justices Unethical Behavior?

We have all read about Jack Abramoff and how lobbying is done in Washington. Trips, dinners, campaign funding, and other perks paid for by lobbyists in return for favors the politicians can do for their clients.

But our Supreme Court Justices should be beyond reproach. They are not elected, but appointed. They are in that position for life or until they decide to retire. They also should go out of their way to be unbiased and out of the reach of special interest groups, people whose cases might come before the Supreme Court, and lobbyists.

While other Justices may walk the line of impropriety, Justice Scalia proudly struts over the ethical line and is smug about it. Remember Leona Helmsly when arrested for income tax evasion? She said "taxes are for the little people", or something to that effect. Justice Scalia has a similar attitude when questioned about his activities.

Not too long ago, the Supreme Court was hearing a case that affected the ability for the Bush administration to hold prisoners indefinitely. Just before the case was to be heard, Justice Scalia went on a hunting trip with Dick Cheney that didn't cost Scalia a dime. When asked if that might present a conflict of interest and that he should possibly recuse himself from the case, he called the idea ridiculous and stayed on the case. His vote favored the Bush Administration.

Yes, it might have been in favor of them anyway. No, the trip may not have influenced him in any way. However the appearance of impropriety, unethical behavior, or conflict of interest is enough to make going on that trip the wrong thing to do. And after doing so, thumbing his nose at people who raised the question was also the wrong thing to do.

Now, all the justices were at the swearing in of Justice Roberts, well all of them but Antonin Scalia. He was playing tennis and going fly fishing at the Ritz-Carlton hotel in Bachelor Gulch, Colo, all on the dole. All paid for by the Federalists Society.

"I was out of town with a commitment that I could not break, and that's what the public information office told you," he said.

According to ABC News, One night at the resort, Scalia attended a cocktail reception, sponsored in part by the same lobbying and law firm where convicted lobbyist Jack Abramoff once worked.

On a side note, Supreme Court Justice John G. Roberts Jr. has repeatedly said that he has no memory of belonging to the Federalist Society, but his name appears in the influential, conservative legal organization's 1997-1998 leadership directory.

Members of the Federalists Society stated they think the trip was ethical because they have no cases pending with the Supreme Court and are unlikely to have. Yes, as a group, but how many of it's members might have cases pending now or in the future?

From the "Why Join" page of the federalists society, "Interaction with prominent public officials, judges, and scholars". So someone with an agenda might be encouraged to join.

On the about us page it lists their goals as those that bring conservatism back into the judicial system and "In working to achieve these goals, the Society has created a conservative and libertarian intellectual network that extends to all levels of the legal community." Yes it does, evidently, all the way to the Supreme Court and Antonin Scalia.

More from their website;

"Founded in 1982, the Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians dedicated to reforming the current legal order." Overall, the Society's efforts are improving our present and future leaders' understanding of the principles underlying American law.

It seems the Federalists Society is a conservative organization, although they endorse no political party, and it actually has no cases before the Supreme Court and is unlikely to have as an organization. However, its membership includes over 35,000 lawyers and that makes it likely that some of their members have or will have cases pending before the Supreme Court.

So as a lawyer, who presents cases to the Supreme Court, all I have to do is join this group and have access to Supreme Court Justices in intimate surroundings, where of course, I would never discuss a case that was pending.

All I am saying here is that we as Americans have the right to expect a higher ethical standard from Supreme Court Justices. We sure can't get it from the legislative or executive branch of government, but we deserve it in the Judicial branch.

Accepting trips from groups with political and judicial agenda and gifts from private parties who may at some point have business before the court should not be allowed.

Short note about the author

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