



## Washington Post Column Smears Birch Society

“The minute you start sounding like a John Bircher, you’ve made a terrible mistake,” [wrote](#) Megan McArdle on Tuesday in the *Washington Post*.

McArdle’s specific argument about [The John Birch Society](#) (JBS) is in reference to the recent boasts by some on the Left that they intend to impeach Brett Kavanaugh, the newest member of the Supreme Court. This she then compares to the effort of the JBS (the parent organization of *The New American*) to impeach Chief Justice Earl Warren in 1961.



“The Birchers’ penchant for snatching defeat from the jaws of victory was nowhere more evident than in their most infamous stunt, the campaign to impeach Supreme Court Justice Earl Warren,” McArdle opined. She conceded, “Conservatives had every right to denounce the court’s evolution toward a sort of liberal supra-legislature, to build up alternate legal philosophies and to groom law professors and judges who could advance them in the public arena.”

But she takes the Birchers to task for their chosen method of combating the Court’s “evolution toward a sort of liberal supra-legislature” through the impeachment process. She then castigates the Left for similarly calling for the impeachment of now-Justice Kavanaugh. (Of course, the Left wants to use impeachment against Kavanaugh because they fear — rightly or wrongly — that Kavanaugh would actually leave legislating to the legislative branch.)

Despite her claims that she opposes the use of the Court to be a “supra-legislature,” she accepts the mantra that Supreme Court decisions are “the law of the land.” Perhaps McArdle should read Article I, Section 1 of the U.S. Constitution, which states, “All legislative powers herein granted shall be vested in a Congress of the United States.” That doesn’t seem to leave *any* room for the Supreme Court to make laws.

Yet, McArdle argues that the Birch Society was wrong to impeach Earl Warren when he clearly usurped the legislative powers of Congress — repeatedly. “Luckily for us,” McArdle concluded, “despite fitful attempts to impeach other justices, the broader conservative movement largely rejected their extremism, and ‘Impeach Earl Warren’ billboards are a humorous memory. Let’s hope the Left proves similarly cautious — and that the nation holds together long enough for us to all look back and laugh.”

McArdle describes herself as a “right-leaning libertarian,” but she has criticized former Texas Congressman Ron Paul, perhaps the leading “right-leaning libertarian” in the country, claiming Paul doesn’t understand “anything about monetary policy,” despite the fact that he has written solid books on the subject.

The truth is, McArdle has demonstrated vividly that she has little understanding of what The John Birch Society and its leader, Robert Welch, were really attempting to accomplish with its “Impeach Earl



Written by [Steve Byas](#) on October 11, 2018

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Warren” campaign over a half-century ago.

Two objectives were paramount in the Impeach Warren campaign. Sure, as John F. McManus has written in his new book, [The John Birch Society: Its History Recounted by Someone Who Was There](#), Robert Welch, the Society’s founder, was “serious about getting Warren removed as Chief Justice of the Supreme Court,” but his main target was the unconstitutional role the Court had assumed under his leadership. In other words, his targets were twofold: to draw attention to judicial overreach and to illustrate that the Supreme Court was not above the law — the law being the Constitution itself.

Welch said that Warren’s attitude “epitomizes the newborn theory that our Constitution means absolutely nothing against the changing sociological views of the Supreme Court justices ... [and] that both our Constitution and our laws are simply whatever the Supreme Court says they are.”

In his book *The Politically Incorrect Guide to the Constitution*, Kevin Gutzman wrote, “In recent decades, numerous judges ... have undertaken to use the Constitution as a blank check allowing them to write into American law their own ideas of ‘the evolving standards of decency that mark the progress of a maturing society,’ as Chief Justice Earl Warren put it in *Trop v. Dulles* (1958)... And of course, if the judges’ ideas differ from those of the majority of the electorate, that only shows how much further the judges have evolved and how superior they really are.”

This arrogant attitude, as expressed by Warren, was the target of Welch’s campaign. He desired to use the billboard campaign to educate Americans to the proper role of the courts (and if he could get rid of Warren, so much the better).

Welch noted that, in New York, the Communist *Daily Worker* had even organized a huge rally “to pay honor to the U.S. Supreme Court and its recent decisions.”

Not surprisingly, the impeachment project “resulted in a new round of scorn aimed at the Society,” wrote McManus in his new book. “But it also earned praise from many while providing needed lessons about important positions of the U.S. Constitution.”

Rather than allow the campaign to be diverted into just a personal attack upon Warren, “Welch repeatedly stressed that the case against Warren should focus simply on his ‘violation of the constitutional provision for good behavior in office.’ He [Welch] wrote that the Chief Justice was ‘tearing down the Constitution which it is his sworn and official duty to uphold,’” McManus added.

Despite Welch specifically discounting the notion that Warren was a communist, liberals and leftists falsely claimed that he and the Society were making just such an assertion.

Although Warren retired from the Court in 1969, the campaign was highly successful in drawing attention to the idea that the Supreme Court, under Warren and his philosophy — a philosophy that continues to dominate federal courts and the left-leaning law schools of the country — was exercising powers not given in the Constitution.

Today, few Americans remember Earl Warren, much less The John Birch Society effort to impeach him. And even some of those who are aware of the effort, such as Megan McCardle, still do not understand what it was about. But because of the impeachment campaign, and the Society’s continuing efforts, many Americans are now quite aware that the members of the federal judiciary often violate the very Constitution they are sworn to uphold.



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