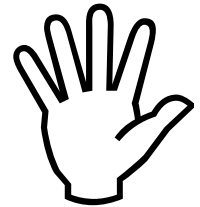




The Invisible Hand

Newsletter of the Campus Libertarian Movement



War, the Constitution, and Bananas By Scott Wagner

The Constitution is more than just a piece of paper. It is far from perfect, but it is a functional summation of the chains and locks that keep the green eyes of our would-be oppressors downcast. It is a detailed explanation of what our government may do and (as in much of the Bill of Rights) what our government may not do. It is something so precious and inviolable that without it, everything for which this country stands - life, liberty and the pursuit of happiness - is lost.

I will be the first to admit that the founders of this nation would never, in their wildest dreams, have imagined the world in which we live today. This fact, however, is not a justification for what the politicians in Washington have done to desecrate the Constitution.

Anyone who has attended a Notre Dame home football game can recognize the preamble: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." It would be impossible for me to count how many times I have heard a left-winger appeal to the preamble to justify price controls, socialized medicine, really any grand social scheme imaginable. Because the Constitution is a "living document," they claim, it must adapt to provide for today's "general Welfare."

Continued on page 3

Old Enough To Kill... But Not For Smokin' By Darian Worden

New Jerseyans will have another thing to celebrate this tax day! Not only do we get to "voluntarily" hand over our money to the highwaymen who would kill us for it, we also get to begin enjoying the state government's "Public Health Triumph," as they are calling it. On April 15, two laws concerning smoking go into effect.

The first bans smoking in most private commercial establishments that the state calls "public," including bars and restaurants. Now I really don't like the smell of tobacco smoke, and I actually might enjoy metal shows more if the atmosphere of the building contained more air than smoke. However, my enthusiasm for the new atmosphere will be dampened by the knowledge of what the law means for freedom, much like my enthusiasm for a birthday present would collapse if I found out that it was stolen property.

Continued on page 6



Badnarik Running For Congress

They say we'll never matter.

They say we can't win.

They say it's hopeless.

We're here to prove them wrong.

Libertarians will always matter – you and I know this even if the politicians don't, because you and I know that being a libertarian is about more than belonging to a party. We know libertarians are the great unseen crowds in this country, the not-needy who are not pestering Washington for the things they do *not* want. Libertarians are the job holders and home owners, the ones who mind their own business and can't understand why others can't do the same, the ones who make this country great. Libertarians are the vast but silent majority, and they will never go away.

Michael Badnarik doesn't want this majority to be silent anymore. He'll speak – loudly – for our rights in Washington, and he'll fight all who oppose him. Michael won't tolerate bloated highway bills loaded with pork, or a so-called 'Patriot Act' that violates our privacy and our constitutionally defined freedoms. Michael won't stand quietly by while the ruling party – be it Republicans or Democrats – funnel more tax dollars into never ending entitlement programs like Social Security and Medicare.

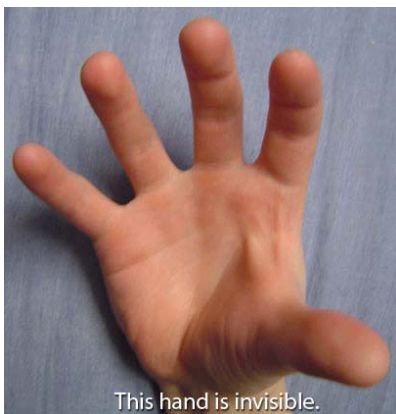
Can one Libertarian in Congress make a difference? He can't outvote his fellow 434 colleagues, no. But all we need is one voice, one man that shows how alike the two major parties really are, and Americans will be reminded what the word *choice* really means. A revolution begins with one.

If there was a ever a Libertarian that stood a chance, it's Michael Badnarik. He's in a race against an unpopular Republican incumbent and a Democrat with almost no money at all, and as of the end of March has already raised more than \$200,000. He has passion, experience, money, and a talented staff. All we need are volunteers – that's where you come in.

Do you want to have a Libertarian in Congress? Do you want to help put him there? It doesn't matter if he represents a district in Texas, because once he's in Washington he'll be fighting for all our rights. Michael Badnarik needs all of America's support to get there, and people like you can make it happen. It doesn't matter where you live; it doesn't matter how old you are. Become a part of the revolution and contact our office today.

Help us prove 'them' wrong.

Emily Cowan
Volunteer Coordinator, Badnarik For Congress
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The views, opinions and representations expressed in *The Invisible Hand* are solely those of the authors and do not represent the views, opinions or representations of any University, School, or organization.

"Every individual necessarily labors to render the annual revenue of society as great as he can. He generally neither intends to promote the public interest, nor knows how much he is promoting it. He intends only his own gain, and he is, in this, as in many other cases, led by an invisible hand to promote an end which was not part of his intention."

Adam Smith, Wealth of Nations

War, the Constitution, and Bananas

(continued from page 1)

Interestingly enough, the same argument is made by many "neoconservatives" to justify "American global leadership" - the Project for the New American Century's brilliant euphemism for "war" - in bringing about their vision of a free, democratic world. The Constitution is a "living document," they swear, and it need not be wholly respected with regards to foreign policy.

For example, they tell us, just because the Constitution requires a declaration of war, does not mean the government must always comply. Instead, Congress often abdicates their responsibility and, like they did in 2003, delegates the authority to declare war to the president. They have been doing so consistently for the last 60 years, despite the fact that it is dangerous and entirely unconstitutional. In fact, the last time America was at war was 1945; Korea, Vietnam and now Iraq are all something else. Indeed, as former Libertarian Party presidential candidate (and current Republican member of the House of Representatives) Dr. Ron Paul warned in 2002: "Transferring authority to wage war, calling it permission to use force to fight for peace ... is about as close to 1984 'newspeak' that we will ever get in the real world."

You may believe James Madison to be outdated, but he was right; in a letter to Thomas Jefferson, he wrote: "The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war in the Legislature." The president does not have authority to declare war for this very reason, a reason that America has conveniently forgotten.

Articles I through III of the Constitution clearly and succinctly explain the powers of the United States' government. Any powers "not delegated to the United States by the Constitution" nor "prohibited by it to the States" do not exist, and if you don't believe me you can read the 10th Amendment. Such powers are reserved for the states, or for the populace. So it does not matter how "alive" you believe the Constitution to be; unless the states ratify an amendment granting Congress the power to hand out free bananas,



Congress may not hand out free bananas.

But let us take it a step further: if the Constitution is a "living document," which parts of it are "alive"?

Is it the Second Amendment? Surely, as an enlightened civilization, we no longer need the right to bear arms. Is it the Fourth Amendment? Because in the fight against terrorism, we cannot afford to obtain warrants for wiretaps and searches. Or what about the Eighth Amendment, because seriously - why can't we torture terrorists?

What about the First Amendment? Do we need that anymore?

Here is my warning, then, to those with ears to hear it: if the Constitution is alive, its heart vibrates in tune with the party in power. When the ruling parties feel secure enough to ignore the restrictions imposed on them, something priceless and distinctly American is dead.

Our Constitution is not without flaws, but it is also not subject to the whims of anyone. The founders may not have been able to imagine today's world with the Internet or "Dancing with the Stars," but they could most certainly imagine a bloated centralized government that overtaxed its people, dictated its will across many oceans and made non-defensive war against whomever its leader deemed worthy.

In fact, they had just defeated one.

Scott Wagner is the president of the College Libertarians of Notre Dame, a club that has an awesome Web site at www.nd.edu/~liberty. He can be contacted at swagner1@nd.edu

(This article originally appeared in the Notre Dame Observer)

What Rights Don't I Have?

By Kenny Pearce

Last October, Mayor Gavin Newsom of San Francisco stated that "it is ... a fundamental right to have access universally to information" and concluded, therefore, that providing wireless internet access for free to the city of San Francisco was "a civil rights issue as much as anything else." My first reaction to his statement was that African-Americans and other groups who have actually had to struggle for their civil rights should be offended that this man has equated something as significant as their struggle with his little plan to provide free wireless internet to the city. The 'right' to wireless internet is not like the right not to have harm done to your person or property without due process of law. It is not like the right to be secure from unreasonable search and seizure. It is not like the right to free speech. But why not? It seems obvious that there is a big difference here; what is not obvious is just what the difference is.

Libertarian and classic liberal political theorists believe that all of our rights are what are called 'negative' rights. That is, we have rights not to have certain things done to us by others. We do not have 'positive' rights - rights to have things done for us. The reason for this is that any system of positive rights is necessarily arbitrary, as positive rights will conflict with one another and with negative rights, and they require a government with lots of money to implement, so they cannot be seen as being independent of the government. By contrast negative rights can be formulated in ways that make them perfectly consistent, and it is coherent to speak of them in the absence of government. In particular, libertarians believe that all of our negative rights are derived from this basic principle: you have a right to private property, and the first 'property' that you own is yourself.

The 'right' to wireless internet is a positive right. It requires others to do things for you, and in so doing violates their private property, including their self-ownership, by forcing them to work for you against their will. Therefore libertarian or classic liberal theorists can conclude that it doesn't exist. If there *were* a 'right' to wireless internet then everyone who lived before wireless internet was

invented, and everyone who lives in a poor country where no one can afford wireless internet would suffer a violation of his rights. Who would be the violator? Who is it that aggresses against these people and so violates their rights? In the case of those who lived before it was invented, before "access universally to information" was a technological possibility, it is certainly the case that no one does anything wrong, no one aggresses, there is no violation. The integrity of the individual's person and property is maintained.

Religious freedom, on the other hand, is, a negative right. Someone might think, I suppose, that there was a positive 'right' to religious freedom, but if this was the case, it would require government to build churches, or monuments, or whatever was required by the individual's religious beliefs. This is clearly not what we mean when we speak of religious freedom. What we mean is the negative right not to have anyone interfere with your religious belief and practice (provided your religious belief and practice doesn't interfere with anyone else in such a way as to violate his or her rights).

All of the rights actually enumerated in the US Constitution are negative rights. The government may not interfere with your free speech or freedom of religion. It may not violate your property by entering your house and searching it without due process and probable cause.

All of the issues discussed so far may seem pretty straightforward, but there are some tricky ones. Many people do believe in various positive rights, and would have the government confiscate the labor power and private property of individuals in order to implement them. For instance, the 'right' to universal health care is a positive right. Can you see why this can't work, or at least can't be a 'fundamental' right? If there were no government, a 'right' to health care would mean that one could walk into a doctor's office and demand treatment at no cost. This would clearly violate the negative rights of the doctor, particularly his right to determine what he does with his time and skills. In the presence of a government, massive taxation would be necessary to pay the doctor enough to support this alleged 'right.' This money has to come

TRENDY COLLEGE SOCIALISTS



from somewhere, and therefore, again, someone's negative rights are violated when his or her money is confiscated by force to pay for someone else's health care. Besides this, what would happen if the doctor didn't want to be a doctor any more, and no amount of money could persuade him. Would the government then conscript him, and force him to provide you with health care in order to satisfy your 'rights?' This leads, quite literally, to slavery.

On an even more controversial note: the 'right' to privacy is a positive right. Perhaps when some people discuss the 'right' to privacy, they merely mean the negative right against unreasonable search and seizure, combined with a few other provisions of the Constitution. However, in the reasoning of *Roe v. Wade* the 'right' to privacy is positive, and therefore faulty. Why is this? The right against unreasonable search and seizure means that the government (or anyone else) will not come look through your stuff. This is a negative right: it says what other people *can't* do. But privacy requires a lot more than this. Suppose you bought a glass house, or you live outside in a field, or in a cave without a door. If you have a 'right' to privacy,

then someone's seeing the inside of your house violates your 'right', even though the inside of your house is in plain site. A 'right' to privacy requires the government not just to not spy on you itself, or not to allow others to take certain types of actions, but to take active steps to make sure that you have privacy, as for instance putting a door on your cave. *Roe* requires that you have this kind of right: the government must actively ensure that no one finds out whether or not you used birth control or had an abortion. It is one thing for the government to protect you from people snooping around through your stuff, but quite another for it to be required to make sure that you have privacy. (From a libertarian perspective, as, I think, most Americans will agree, the issue of abortion is not primarily *about* privacy. It is about self-ownership. All libertarians agree that the mother has a right of self-ownership, but we disagree as to whether the fetus also has this right, and, if so, whether the mother violates that right in expelling the fetus from her womb.)

Furthermore, once you open the door for positive rights, there is no principled way of distinguishing between the 'right' to privacy or health care and the 'right' to wireless internet. Back in 1989, another mayor, in Tucson, Arizona this time, said "Cable is not a luxury, since many areas have poor TV reception." When you have a scheme of 'positive rights' anything that society decides is a 'necessity' becomes a candidate for the status of 'fundamental right' and it suddenly becomes coherent to talk about wireless internet or cable television as 'civil rights' issues, equating them with "life, liberty, and the pursuit of happiness." Let us not cheapen the language of rights or the sacrifices of those who have fought for them through the ages by treating fundamental human rights as equal with the luxuries of our affluent society. Instead, we must recognize that there are some 'rights' we simply don't have.

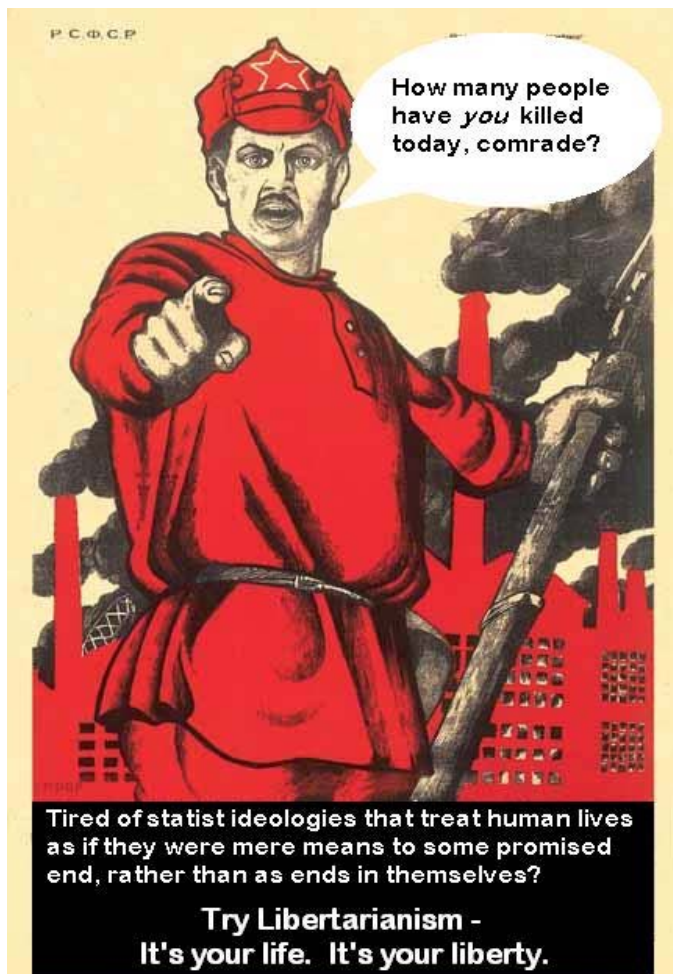
Kenny Pearce is a third year undergraduate at the University of Pennsylvania, majoring in philosophy, computer science, and classical studies. During the Spring 2006 semester, he is studying ancient Greek literature at DIKEMES, the International Center for Hellenic and Mediterranean Studies, in Athens, Greece. Kenny regularly discusses philosophy, theology, politics, and current events on his blog, located at <http://blog.kennypearce.net>

Smokin'

(continued from page 1)

The smoking ban is a clear violation of property rights. Businesses have the right to determine the rules for guests to follow on their property. If you don't like their rules, then you have the choice of not going to that establishment or simply dealing with what you don't like about the experience. You have no "right to clean air" anywhere but on your property. Anywhere else it is up to the owner(s).

Smoking bans are just one example of the latest of bad laws based upon the dangerous principles that government has the right to regulate consensual activities on private property, and that government decrees, not individual choices, are responsible for health. They also represent a disturbing trend of government to increasingly regulate social behavior. Cutting off potential critics, I will remind the reader that I am aware that principles and trends like these have been around for quite some time, and I would like to ask the reader to think about where they have led humanity in the past.



I was not surprised that the annoyingly authoritarian New Jersey government enacted an indoor smoking ban shortly after its comrades elsewhere showed it the way. However, the other smoking law passed caught me off guard. It raises the minimum age to buy tobacco products to 19 years old.

This is a ridiculous violation of the rights of young adults. They say it will make it harder for younger teens to get cigarettes because now almost no high school student can buy them. Well maybe it will make it a little harder, but middle school kids smoke and I doubt eighth-graders buy the cigarettes for them. Regardless of the law's effect, protecting people from their own decisions can never serve as a legitimate reason to deprive any person of his or her freedom. The government has no business deciding what anyone can or can't put into their bodies. Nor does it have any legitimate power to interfere with such personal choices. Similarly, nobody has the right to prevent you from peaceably buying or selling legitimately acquired property. The terms of such voluntary exchanges are rightfully determined only by those making the exchange.

This law really shows how ridiculous age restrictions are. Picture an eighteen year-old soldier about to go to Iraq. In a few days, many people will be trying to kill him, and the decisions he makes could easily mean the difference between life or death for countless people, including himself and his buddies. The pressure makes him want to enjoy some cigarettes on his porch before he goes to bed on his last day of leave. He has been too busy being a soldier to be aware of recent political developments in New Jersey and is about to hear some bad news from the 7-11 clerk. The conversation might go something like the following:

"Could I see some ID, please?" Joe busts out a driver's license.

"I'm sorry, but I can't sell these to you."

"Why not? That's nineteen-eighty-seven on there."

"Yes, but you are not nineteen yet."

"Whaaat?"

"In New Jersey, you must be *nineteen* to buy cigarettes."

“Are you serious? In a few days I’m gonna be handling all types of weapons - from knives to grenade launchers! How can I not be able to handle a pack of expletive cigarettes!”

“I’m sorry sir, but some people in Trenton are afraid you might give them to kids in high school.”

“That’s ridiculous! I don’t even go to high school anymore!”

“I’m sorry sir, but that’s the law and if I don’t follow it bad things will happen to me. Thanks for keeping America free over there, though.”

This law itself will not affect me very much – I’m 20, I have never smoked, and I don’t know any 18 year-old smokers I might otherwise soon be buying cigarettes for. However, expanded age restrictions affect all young adults.

The government seems to recognize that the age barrier between “minor” and “adult” is extremely arbitrary. Therefore, it has no qualms about periodically expanding its authority, creating older children of the state, by raising minimum ages. Think of how many more people the state has greater power over when an age minimum is raised by just one year. To politicians, power is good, because with power you can reshape the direction of life in accordance with your goals. If they can get away with establishing new age restrictions at their whim, there is no reason why they cannot do it in all cases. “Teen drivers get in a lot of accidents – let’s raise the driving age so older inexperienced drivers will now get in more accidents. Who cares what it means for the seventeen year-olds who now aren’t allowed to drive! Don’t they know this is for their own good?”

Age restrictions only delay the rights and responsibilities of maturity. It is better for parents and children to decide on an individual basis when one has come of age. We see this happening already. Many people get guns from their parents before they are legally old enough to own them or drink alcohol before they are old enough to legally do so.

And speaking of the drinking age, Libertarians generally favor lowering it. Remember who values your freedom this November.

In sum, despite the celebration piled on the two smoking bills by various health socialists, banning smoking in most commercial establishments and raising the tobacco purchasing age are two bad ideas based on bad ideas. Those who celebrate the expansion of state authority into the areas affected by such bills reveal that liberty, the healthiest state of affairs, is not their highest priority. For a sickening propaganda press-release on the bills, see the State of New Jersey website at:

http://www.state.nj.us/cgi-bin/governor/njnewsline/view_article.pl?id=2894

Darian Worden is Chair of the Rutgers Libertarians, and a third year student at Rutgers University. See more of his writings and his monkey-like HTML skills at: darianworden.tripod.com

Libertarians Love The Internet!

There are tons of great libertarian websites. Here are some of the editors’ favorites:

libertarianism.com

isil.org - International Society for Individual Liberty

lp.org - US Libertarian Party

hammeroftruth.com - Libertarian Community Weblog

fff.org - Future of Freedom Foundation

libertyforall.net - Liberty For All

ncc-1776.org - The Libertarian Enterprise

independent.org - Independent Institute

rationalreview.com - Rational Review

groups.yahoo.com/group/libtystudents -

LibertyStudents Yahoo Group

freestateproject.org - Free State Project

"Libertarians believe that you have the right to live your life as you wish, without the government interfering - as long as you don't violate the rights of others. Politically, this means Libertarians favor rolling back the size and cost of government, and eliminating laws that stifle the economy and control people's personal choices."

US Libertarian Party FAQ

"In popular terminology, a libertarian is the opposite of an authoritarian. Strictly speaking, a libertarian is one who rejects the idea of using violence or the threat of violence - legal or illegal - to impose his will or viewpoint upon any peaceful person. Generally speaking, a libertarian is one who wants to be governed far less than he is today."

Dean Russell, Foundation for Economic Education, 1955

The Invisible Hand is a student organized publication with the goal of spreading the ideas of liberty to campuses everywhere.

If you are interested in contributing, visit libertarians.tripod.com/ih/handhome.html or email us at invisiblehandofru@yahoo.com. We are looking for people interested in anything from writing to artwork to website management.



Liberal?



Conservative?



Uncertain?

Where do you stand politically? To find out, take the World's Smallest Political Quiz!

For each statement, circle A for agree; M for maybe; D for disagree.

How do you stand on PERSONAL issues?

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| <ul style="list-style-type: none"> ▶ Government should not censor speech, press, media or Internet. ▶ Military service should be voluntary. There should be no draft. ▶ There should be no laws regarding sex between consenting adults. ▶ Repeal laws prohibiting adult possession and use of drugs. ▶ There should be no National ID card. | <table border="0"> <tr> <td>20</td> <td>10</td> <td>0</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> </table> | 20 | 10 | 0 | A | M | D | A | M | D | A | M | D | A | M | D | A | M | D |
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PERSONAL ISSUE scoring: take 20 for every A, 10 for every M, and 0 for every D: _____

How do you stand on ECONOMIC issues?

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| <ul style="list-style-type: none"> ▶ End "corporate welfare." No government handouts to business. ▶ End government barriers to international free trade. ▶ Let people control their own retirement: privatize Social Security. ▶ Replace government welfare with private charity. ▶ Cut taxes and government spending by 50% or more. | <table border="0"> <tr> <td>20</td> <td>10</td> <td>0</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> <tr> <td>A</td> <td>M</td> <td>D</td> </tr> </table> | 20 | 10 | 0 | A | M | D | A | M | D | A | M | D | A | M | D | A | M | D |
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ECONOMIC ISSUE scoring: take 20 for every A, 10 for every M, and 0 for every D: _____

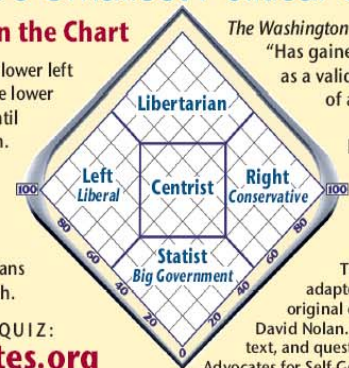
Now Find Your Place on the Chart

Mark your PERSONAL score on the lower left scale; your ECONOMIC score on the lower right. Then follow the grid lines until they meet at your political position.

The chart shows the political group that agrees with you most. Liberals tend to value personal freedom. Conservatives tend to value economic freedom. Libertarians value both. Statists are against both.

LEARN MORE ABOUT THE QUIZ:

www.TheAdvocates.org



The Washington Post says:
"Has gained respect as a valid measure of a person's political leanings."

This chart is adapted from an original concept by David Nolan. The chart, text, and questions are © Advocates for Self-Government