

Eric Garner could spark an American Spring

David Boaz
December 8, 2014

The violent death of Mohamed Bouazizi in Tunisia [set off](#) the Arab Spring. Could the killing of Eric Garner lead to a springtime of police reform – and regulatory reform -- in the United States?

Bouazizi was a street vendor, selling fruits and vegetables from a cart. He aspired to buy a pickup truck to expand his business. But, as property rights reformer Hernando de Soto [wrote](#) in the Wall Street Journal, "to get a loan to buy the truck, he needed collateral — and since the assets he held weren't legally recorded or had murky titles, he didn't qualify."

Meanwhile, de Soto notes, "government inspectors made Bouazizi's life miserable, shaking him down for bribes when he couldn't produce licenses that were (by design) virtually unobtainable. He tired of the abuse. The day he killed himself, inspectors had come to seize his merchandise and his electronic scale for weighing goods. A tussle began. One municipal inspector, a woman, slapped Bouazizi across the face. That humiliation, along with the confiscation of just \$225 worth of his wares, is said to have led the young man to take his own life."

Bouazizi was a poor man trying to engage in commerce to make a better life. His brother Salem told de Soto the meaning of Bouazizi's death: "He believed the poor had the right to buy and sell."

It was a story that resonated across the Arab world – a government that stifled freedom and enterprise, unaccountable bureaucracy, arbitrary enforcement, official contempt for citizens, a man who just couldn't take it any more.

Eric Garner's story is surprisingly similar. He had been arrested [more than](#) 30 times, for such crimes as marijuana possession and driving without a license, and most often for selling untaxed cigarettes on the street.

Why sell untaxed cigarettes? Because New York has the country's highest [cigarette taxes](#), \$4.35 a pack for New York State and another \$1.50 for the city. A pack of cigarettes [can cost](#) \$14 in New York City, two and a half times as much as in Virginia . So a lively black market has sprung up. Buy cigarettes at retail in Virginia or North Carolina, sell them at a big markup in New York, and you can still undercut the price of legal, taxed cigarettes.

Patrick Fleenor [reported](#) in a 2003 study for the Cato Institute that New York's cigarette taxes had created a thriving black market, with rising levels of street crime, turf wars and increasing

organized crime. He found that from 1990 to 2002, as the city and state repeatedly raised taxes, New York's sales of taxed cigarettes relative to the national average plummeted. But reported smoking rates fell only slightly, in line with national trends. Obviously a lot of New York smokers were getting their fix from the black market.

A 2013 [study](#) by the Mackinac Center found, not surprisingly, that New York had the highest rate of cigarette smuggling, totaling 61% of the state's cigarette sales.

Eric Garner was a small part of that black market. He sold individual cigarettes – "loosies" – on the street to people without much money. It's easier for police to apprehend street sellers than interstate organized crime. Thus his long record of arrests. And the more laws we pass, the more chances there are for people to run afoul of the police. Especially when we outlaw peaceful activities, such as smoking marijuana, selling untaxed cigarettes or [feeding the homeless](#).

Eric Garner's last words could have been said by Mohamed Bouazizi. We've all heard that his very last words were "I can't breathe," which he told the police eight times. But before his encounter with the police reached that final, fatal point, [cellphones captured](#) his [frustration](#):

"Every time you see me, you want to mess with me. I'm tired of it. It stops today. ... Because every time you see me, you want to harass me. You want to stop me (garbled) Selling cigarettes. I'm minding my business, officer, I'm minding my business. Please just leave me alone. I told you the last time, please just leave me alone."

Mohamed Bouazizi's death after he was disrespected and impeded by government officials set off a wave of protests, first in his native Tunisia, then across the Arab world. Governments toppled, Time magazine [proclaimed](#) "The Protester" the Person of the Year for 2011, and people talked hopefully of an Arab Spring. Reform has been more successful in Tunisia than anywhere else.

Eric Garner's death has also [set off protests](#), not just in New York but in Boston, Chicago, Washington, and other places. Many protesters held signs reading "I can't breathe" and "This stops now." They should add "I'm minding my business. Just leave me alone."

Let's hope this coming spring brings a wave of police reform in the United States, and also a reconsideration of the high taxes, prohibitions, and nanny-state regulations that are making so many Americans technically criminals and exacerbating police-citizen tensions.

David Boaz is executive vice president of the Cato Institute and author of the forthcoming "[The Libertarian Mind](#)."