

December 7, 2014

The last *Pickings* devoted much of the issue to the probable unwinding of Rolling Stone's UVA campus rape story. Now a dénouement of sorts has been reached since [Rolling Stone](#) has apologized for the original story.

Last month, [Rolling Stone](#) published a story titled "A Rape on Campus" by Sabrina Rubin Erdely, which described a brutal gang rape of a woman named Jackie at a University of Virginia fraternity house; the university's failure to respond to this alleged assault – and the school's troubling history of indifference to many other instances of alleged sexual assaults. ...

... In the face of new information, there now appear to be discrepancies in Jackie's account, and we have come to the conclusion that our trust in her was misplaced. We were trying to be sensitive to the unfair shame and humiliation many women feel after a sexual assault and now regret the decision to not contact the alleged assaulters to get their account. We are taking this seriously and apologize to anyone who was affected by the story.

Thursday morning's [Richmond Times-Dispatch](#) story of the UVA/Maryland basketball game mentions that the Maryland crowd was pretty hostile and made references to the Rolling Stone story. Saturday afternoon UVA will go to Virginia Commonwealth University to play and we could have expected more trash talk from the fans there. Perhaps now things will be toned down a bit.

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Virginia now prepares for one of its most anticipated games of the season, a Saturday afternoon clash with VCU at the Siegel Center.

[WaPo](#) had a 3,000 word piece on the problems with the story. It is too long for *Pickings*. But we have the beginning and you can follow the link if you want to read more.

Several key aspects of the account of a gang rape offered by a University of Virginia student in Rolling Stone magazine have been cast into doubt, including the date of the alleged attack and details about an alleged attacker, according to interviews and a statement from the magazine backing away from the article.

The U-Va. fraternity chapter where the alleged attack on a student named Jackie was said to have occurred in September 2012 released a statement Friday afternoon denying that such an assault took place in its house. Phi Kappa Psi said it has been working with police to determine whether the account of a brutal rape at a party there was true. The fraternity members say that several important elements of the allegations were false.

A group of Jackie's close friends, who are sex assault awareness advocates at U-Va., said they believe something traumatic happened to her, but they also have come to doubt her account. They said details have changed over time, and they have not been able to verify key points of the story in recent days. A name of an alleged attacker that Jackie provided to them for the first time this week, for example, turned out to be similar to the name of a student who belongs to a different fraternity, and no one by that name has been a member of Phi Kappa Psi. ...

The fundamental dishonesty and cynicism of the Rolling Stone reporter is called into question by a post in Daily Caller.

... She was rape shopping: going from campus to campus auditioning rape victims, contacting advocacy groups and asking for introductions. But the rapes she found at Harvard, Yale, Princeton and Penn didn't have the right narrative feel. They were just rapes, and she needed a cover-worthy rape. So she kept shopping until she found someone who would tell her a version of the story she had already decided to tell. She needed a big rape — something splashy, something with wild details and a frat house. She needed a rape that would go viral. You can't do that with just some regular boring rape. ...

... Meanwhile, real problems go unreported, because booooooring. Look again at how casual the discard pile is: "She talked to people at Harvard, Yale, Princeton and her alma mater, the University of Pennsylvania. None of those schools felt quite right."

Get better rapes, Harvard, Yale, Princeton and Penn. Let's face it: For magazine journalism, yours just aren't colorful enough.

Turning our attention to another story, law professor Stephen Carter has a libertarian take on the case of Eric Garner, the man killed by police as they arrested him for selling individual cigarettes on a New York City street. Winston Churchill said, "If you have 10,000 regulations, you destroy all respect for the law."

On the opening day of law school, I always counsel my first-year students never to support a law they are not willing to kill to enforce. Usually they greet this advice with something between skepticism and puzzlement, until I remind them that the police go armed to enforce the will of the state, and if you resist, they might kill you.

I wish this caution were only theoretical. It isn't. Whatever your view on the refusal of a New York City grand jury to indict the police officer whose chokehold apparently led to the death of Eric

Garner, it's useful to remember the crime that Garner is alleged to have committed: He was selling individual cigarettes, or loosies, in violation of New York law.

The obvious racial dynamics of the case -- the police officer, Daniel Pantaleo, is white; Garner was black -- have sparked understandable outrage. But, at least among libertarians, so has the law that was being enforced. Wrote Nick Gillespie in the Daily Beast, "Clearly something has gone horribly wrong when a man lies dead after being confronted for selling cigarettes to willing buyers." ...

David Boaz has more.

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."

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We have beautiful star filled photos instead of cartoons today.

Rolling Stone **To Our Readers:**

Last month, *Rolling Stone* published a story titled "A Rape on Campus" by Sabrina Rubin Erdely, which described a brutal gang rape of a woman named Jackie at a University of Virginia fraternity house; the university's failure to respond to this alleged assault – and the school's troubling history of indifference to many other instances of alleged sexual assaults. The story generated worldwide headlines and much soul-searching at UVA. University president Teresa Sullivan promised a full investigation and also to examine the way the school responds to sexual assault allegations.

Because of the sensitive nature of Jackie's story, we decided to honor her request not to contact the man she claimed orchestrated the attack on her nor any of the men she claimed participated in the attack for fear of retaliation against her. In the months Erdely spent reporting the story, Jackie neither said nor did anything that made Erdely, or *Rolling Stone's* editors and fact-checkers, question Jackie's credibility. Her friends and rape activists on campus strongly supported Jackie's account. She had spoken of the assault in campus forums. We reached out to both the local

branch and the national leadership of the fraternity where Jackie said she was attacked. They responded that they couldn't confirm or deny her story but had concerns about the evidence.

In the face of new information, there now appear to be discrepancies in Jackie's account, and we have come to the conclusion that our trust in her was misplaced. We were trying to be sensitive to the unfair shame and humiliation many women feel after a sexual assault and now regret the decision to not contact the alleged assaulters to get their account. We are taking this seriously and apologize to anyone who was affected by the story.

Will Dana
Managing Editor

Richmond Times-Dispatch

Virginia knocks off Maryland in foul-plagued game

by Michael Phillips

COLLEGE PARK, Md. - The conference affiliation has changed, but the bizarreness that characterizes the Virginia-Maryland rivalry has not.

The Cavaliers escaped town with a 76-65 victory over the Terrapins on Wednesday night, surviving a game that averaged a foul every 51 seconds. Those whistles disrupted anything resembling a cohesive flow, but couldn't cool off U.Va.'s Justin Anderson, who finished with 16 points despite leaving with an ankle injury with 11 minutes remaining.

Anderson appeared to twist his ankle about a minute earlier, continued playing, then fell to the ground again after going for a rebound. He was taped up by team doctors, but during his absence freshman Marial Shayok had hit a 3-pointer that put the game out of reach.

Forward Darion Atkins also left the game after taking a hard fall onto his back. He did not return.

Virginia coach Tony Bennett said he didn't have any immediate updates about their availability for Saturday.

"With Darion, it looked like a bad fall," Bennett said. "He's not going to enjoy the bus ride back, would be my guess.

"With Justin, I think he rolled his ankle. Those are two important players, but that's why you're always ready on the bench."

Unlike last season's overtime thriller, the Wahoos were simply too much on defense for the newly-ranked Terps, who were without top scorer Dez Wells (wrist injury).

Even without Wells, a crowd of 15,371 provided a passion that indicated the two fanbases aren't on cordial terms yet.

The chanting and signs ranged from the predictable "Virginia (stinks)" to a steady booing every time Anderson, who had originally committed to the Terps, touched the ball.

There was also a reference to a recent Rolling Stone article, with a student raising a sign that said "Hold UVA Accountable." He wrote the message on the back of a piece of cardboard that was originally used to house 24 Natural Light beers.

A late tipoff provided ample time for jeering, but then the focus turned to the court, and the officials, who called 11 fouls against the teams in the first six minutes of the second half.

"You felt the intensity from the crowd, the warm fuzzies they always give us when we come," Bennett said of the Maryland fans. "They were revved up, and we felt it."

When the game entered its crunch time, seven Cavaliers had three personal fouls each. Of the game's 111 points, 46 came on free throws.

With Atkins sidelined, junior forward Mike Tobey was called on to provide crucial minutes, and did so for the 'Hoos. U.Va. outscored Maryland in the paint 36-20.

Virginia's Malcolm Brogdon led all scorers with 18 points, while Tobey added 14 of his own.

"It was definitely sad to see (Darion) go down," Tobey said. "His defensive presence is big for us, so it was important that we step up."

The contest was part of the ACC-Big Ten Challenge, and turned into one of the evening's most anticipated games when Maryland got off to an unexpected 7-0 start.

The Terps now have one loss in the books, but Virginia remains undefeated at 8-0, the Cavs' best start since 2003.

Virginia now prepares for one of its most anticipated games of the season, a Saturday afternoon clash with VCU at the Siegel Center.

Washington Post

[Key elements of Rolling Stone's U-Va. gang rape allegations in doubt](#)

by T. Rees Shapiro

CHARLOTTESVILLE — Several key aspects of the account [of a gang rape](#) offered by a University of Virginia student in Rolling Stone magazine have been cast into doubt, including the date of the alleged attack and details about an alleged attacker, according to interviews and a statement from the magazine backing away from the article.

The U-Va. fraternity chapter where the alleged attack on a student named Jackie was said to have occurred in September 2012 [released a statement Friday](#) afternoon denying that such an assault took place in its house. [Phi Kappa Psi](#) said it has been working with police to determine whether the account of a brutal rape at a party there was true. The fraternity members say that several important elements of the allegations were false.

A group of Jackie's close friends, who are sex assault awareness advocates at U-Va., said they believe something traumatic happened to her, but they also have come to doubt her account. They said details have changed over time, and they have not been able to verify key points of the story in recent days. A name of an alleged attacker that Jackie provided to them for the first time this

week, for example, turned out to be similar to the name of a student who belongs to a different fraternity, and no one by that name has been a member of Phi Kappa Psi.

Reached by phone, that man, a U-Va. graduate, said Friday that he did work at the Aquatic and Fitness Center and was familiar with Jackie's name. He said, however, that he had never met Jackie in person and had never taken her on a date. He also said that he was not a member of Phi Kappa Psi.

The fraternity — which has been vilified, had its house vandalized and ultimately suspended all of its activities on campus after the Rolling Stone article — said in its statement Friday that it had immediate concerns about the story and has been working to figure out what happened.

“Our initial doubts as to the accuracy of the article have only been strengthened as alumni and undergraduate members have delved deeper,” according to the statement.

Phi Kappa Psi said it did not host “a date function or social event” during the weekend of Sept. 28, 2012, the night that Jackie alleges she was invited to a date party, lured into an upstairs room and was then ambushed and gang-raped by seven men who were rushing the fraternity.

The fraternity also said that it has reviewed the roster of employees at the university's Aquatic and Fitness Center for 2012 and found that it does not list a member of the fraternity — a detail Jackie provided in her account to Rolling Stone and in interviews with The Washington Post — and that no member of the house matches the description detailed in the Rolling Stone account. The statement also said that the house does not have pledges during the fall semester.

“Moreover, no ritualized sexual assault is part of our pledging or initiating process,” the fraternity said. “This notion is vile, and we vehemently refute this claim.”

An attorney for the fraternity, Ben Warthen, declined to comment further.



Front right is Pres. Sullivan wishing she could be anywhere else.

U-Va. President Teresa A. Sullivan said late Friday that the developments will not alter the university's focus on "one of the most difficult and critical issues facing higher education today: sexual violence on college campuses."

"The University remains first and foremost concerned with the care and support of our students and, especially, any survivor of sexual assault," [Sullivan said in a statement](#). "Our students, their safety, and their well-being, remain our top priority."

Sullivan vowed to continue taking a "hard look" at the school's practices, policies and procedures.

...

Daily Caller

[Your Rape: Is It Clickbait? Does It Pop?](#)

by Chris Bray

Sabrina Rubin Erdely's [story](#) in the November issue of Rolling Stone about an alleged gang rape at a University of Virginia frat party has produced waves of skepticism from other journalists. Writing in Slate, for an example at the higher end of thoroughness, Allison Benedikt and Hanna Rosin discuss "[The Missing Men](#)," the nine alleged perpetrators of the gang rape — that Erdely didn't interview.

What no one seems to have discussed, though, is the missing women in Erdely's reporting. Look at these three remarkable paragraphs from a [story](#) in the Washington Post:

Magazine writer Sabrina Rubin Erdely knew she wanted to write about sexual assaults at an elite university. What she didn't know was which university.

So, for six weeks starting in June, Erdely interviewed students from across the country. She talked to people at Harvard, Yale, Princeton and her alma mater, the University of Pennsylvania. None of those schools felt quite right. But one did: the University of Virginia, a public school, Southern and genteel, brimming with what Erdely calls "super-smart kids" and steeped in the legacy of its founder, Thomas Jefferson.

What Erdely eventually found in Charlottesville shocked her, and it eventually shocked the nation. "None of those schools felt quite right." But what's clear is that it wasn't the schools that didn't feel right. Here's what the same story says Erdely was actually doing at the University of Virginia:

Erdely was introduced to Jackie — her real name, unlike the pseudonyms given other figures in the article — by Emily Renda, a leader of the One Less group and one of Jackie's confidants.

She was rape shopping: going from campus to campus auditioning rape victims, contacting advocacy groups and asking for introductions. But the rapes she found at Harvard, Yale, Princeton and Penn didn't have the right narrative feel. They were just rapes, and she needed a cover-worthy rape. So she kept shopping until she found someone who would tell her a version of the story she had already decided to tell. She needed a big rape — something splashy, something with wild details and a frat house. She needed a rape that would go viral. You can't do that with just some regular boring rape.

Here's another [story](#) in the Washington Post that describes the same shopping:

In explaining the origins of the piece to Slate, Erdely said, 'I made contact with a student activist at the school who told me about the culture of the school ... and then I asked her to put me in touch with other rape survivors and she had mentioned a bunch of people with different situations and she had kind of casually mentioned that she knew somebody who had been gang-raped.' When she chose her opening anecdote, that is, Erdely opted for a sensational and undocumented gang-rape case over other cases, which were perhaps more prosaic and documentable.

Prosaic rape cases. Yeah, you definitely don't want to report on those.

This is what she does. Here's a [blog interview](#) with Erdely on the craft of magazine writing, discussing an earlier story on a high school student who had sex with a teacher:

Sabrina had two months of false starts while looking for a good "character," a must for all nonfiction narratives. She was looking for a semirecent case in which the teacher was convicted of something.

"Also one of the qualifications was that the teacher be hot," Sabrina admitted. "You want the readers to kind of understand the chemistry between them."

Again, the narrative is set before the reporting begins. The teacher is hot; there's chemistry between them. That's what happened — now I have to go find it. It's not Stephen Glass-level invention, but it's still a Glass act. Sabrina Rubin Erdely auditions reality until it sits up and barks for her like a trained seal. More than that, this is what so many journalists obviously do, settling on a narrative and then going shopping for sources who will give them the story they've decided to write. And so we end up always discussing the most extreme examples, the most colorful instances of a thing, as the essence of the thing itself.

Reporter decides to write about the epidemic of drug addiction among kindergarten teachers, talks to a thousand kindergarten teachers, doesn't find any drug addicts; talks to kindergarten teacher number 1,001, who admits to drug addiction. **Headline: AMERICAN CRISIS: THE EPIDEMIC OF KINDERGARTEN DRUG ADDICTION.**

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Bloomberg News **[Law Puts Us All in Same Danger as Eric Garner](#)**

by Stephen L. Carter

On the opening day of law school, I always counsel my first-year students never to support a law they are not willing to kill to enforce. Usually they greet this advice with something between skepticism and puzzlement, until I remind them that the police go armed to enforce the will of the state, and if you resist, they might kill you.

I wish this caution were only theoretical. It isn't. Whatever your view on the refusal of a New York City grand jury to indict the police officer whose chokehold apparently led to the death of Eric Garner, it's useful to remember the crime that Garner is alleged to have committed: He was selling individual cigarettes, or loosies, in violation of New York law.

The obvious racial dynamics of the case -- the police officer, Daniel Pantaleo, is white; Garner was black -- have sparked understandable outrage. But, at least among libertarians, so has the law that was being enforced. Wrote Nick Gillespie in the Daily Beast, "Clearly something has gone horribly wrong when a man lies dead after being confronted for selling cigarettes to willing buyers." Republican Senator Rand Paul of Kentucky, appearing on MSNBC, also blamed the statute: "Some politician put a tax of \$5.85 on a pack of cigarettes, so they've driven cigarettes underground by making them so expensive."

The problem is actually broader. It's not just cigarette tax laws that can lead to the death of those the police seek to arrest. It's every law. Libertarians argue that we have far too many laws, and the Garner case offers evidence that they're right. I often tell my students that there will never be a perfect technology of law enforcement, and therefore it is unavoidable that there will be situations where police err on the side of too much violence rather than too little. Better training won't lead to perfection. But fewer laws would mean fewer opportunities for official violence to get out of hand.

The legal scholar Douglas Husak, in his excellent 2009 book "Overcriminalization: The Limits of the Criminal Law," points out that federal law alone includes more than 3,000 crimes, fewer than half of which found in the Federal Criminal Code. The rest are scattered through other statutes. A citizen who wants to abide by the law has no quick and easy way to find out what the law actually is -- a violation of the traditional principle that the state cannot punish without fair notice.

In addition to these statutes, he writes, an astonishing 300,000 or more federal regulations may be enforceable through criminal punishment in the discretion of an administrative agency. Nobody knows the number for sure.

Husak cites estimates that more than 70 percent of American adults have committed a crime that could lead to imprisonment. He quotes the legal scholar William Stuntz to the effect that we are moving toward "a world in which the law on the books makes everyone a felon." Does this seem too dramatic? Husak points to studies suggesting that more than half of young people download music illegally from the Internet. That's been a federal crime for almost 20 years. These kids, in theory, could all go to prison.

Many criminal laws hardly pass the giggle test. Husak takes us on a tour through bizarre statutes, including the Alabama law making it a crime to maim oneself for the purpose of gaining sympathy, the Florida law prohibiting displays of deformed animals, the Illinois law against "damaging anhydrous ammonia equipment." And then there's the wondrous federal crime of disturbing mud in a cave on federal land. (Be careful where you run to get out of the rain.) Whether or not these laws are frequently enforced, Husak's concern is that they exist -- and potentially make felons of us all.

Part of the problem, Husak suggests, is the growing tendency of legislatures -- including Congress -- to toss in a criminal sanction at the end of countless bills on countless subjects. It's as though making an offense criminal shows how much we care about it.

Well, maybe so. But making an offense criminal also means that the police will go armed to enforce it. Overcriminalization matters, Husak says, because the costs of facing criminal sanction are so high and because the criminal law can no longer sort out the law-abiding from the non-law-

abiding. True enough. But it also matters because -- as the Garner case reminds us -- the police might kill you.

I don't mean this as a criticism of cops, whose job after all is to carry out the legislative will. The criticism is of a political system that takes such bizarre delight in creating new crimes for the cops to enforce. It's unlikely that the New York legislature, in creating the crime of selling untaxed cigarettes, imagined that anyone would die for violating it. But a wise legislator would give the matter some thought before creating a crime. Officials who fail to take into account the obvious fact that the laws they're so eager to pass will be enforced at the point of a gun cannot fairly be described as public servants.

Husak suggests as one solution interpreting the Constitution to include a right not to be punished. This in turn would mean that before a legislature could criminalize a particular behavior, it would have to show a public interest significantly higher than for most forms of legislation.

He offers the example of a legislature that decides "to prohibit -- on pain of criminal liability -- the consumption of designated unhealthy foods such as doughnuts." The "rational basis test" usually applied by courts when statutes face constitutional challenge would be easily met. In short, under existing doctrine, the statute would be a permissible exercise of the police power. But if there existed a constitutional right not to be punished, the statute would have to face a higher level of judicial scrutiny, and might well be struck down -- not because of a right to eat unhealthy foods, but because of a right not to be criminally punished by the state except in matters of great importance.

Of course, activists on the right and the left tend to believe that all of their causes are of great importance. Whatever they want to ban or require, they seem unalterably persuaded that the use of state power is appropriate.

That's too bad. Every new law requires enforcement; every act of enforcement includes the possibility of violence. There are many painful lessons to be drawn from the Garner tragedy, but one of them, sadly, is the same as the advice I give my students on the first day of classes: Don't ever fight to make something illegal unless you're willing to risk the lives of your fellow citizens to get your way.

Stephen L. Carter is a professor of law at Yale, where he teaches courses on contracts, professional responsibility, ethics in literature, intellectual property and the law and ethics of war.

USA Today

Eric Garner could spark American Spring

One death too many can bring a government to its knees.

by David Boaz

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](#).

Crater Lake National Park, Oregon



Palouse Falls, Washington



Milky Way Silhouette

