

THE CHICAGO POLICE TORTURE CASES: 1972 – 2011

On June 28, 2010, after a twenty-nine year battle for justice, former Chicago Police Commander Jon Burge was convicted in federal court for perjury and obstruction of justice in connection with his torture of over 110 African American men on Chicago's South Side. Burge's criminal prosecution follows the release and exoneration of fourteen wrongfully convicted torture survivors and the City of Chicago's payment of over \$20 million in settlements in nine civil rights cases. These are victories won through creative, principled and persistent litigation in the courts and tireless activism in the streets and at City Hall. They are the product of attorneys, activists, torture survivors and their family members working together, empowering and propelling one another, to fight on year after year.

In what have become known as the Chicago Police Torture cases, Burge and white detectives working under his command tortured over 110 African American men and women at Chicago police headquarters from 1972 to 1991. Torture techniques included electric shocks to men's genitals, anal rape with a cattle prod, suffocation with plastic bags, and physical beatings, as well as sleep deprivation and denial of access to bathroom facilities. The survivors were not only subjected to excruciating physical pain but were also tormented with racist epithets and slurs. Detectives described the electric shock box as the "nigger box," and in one case, a victim was threatened with being hung "like they had other niggers," an obvious reference to lynching.

Throughout Burge's reign of terror, local and federal officials repeatedly received concrete and credible information regarding the torture, but nevertheless refused to take action. In February of 1982, then Cook County State's Attorney Richard M. Daley (former Mayor of Chicago) was advised that Burge and his men electrically shocked Andrew Wilson, burned him against a radiator, suffocated him with a plastic bag, and beat and kicked him. Instead of initiating a criminal investigation into Burge's crimes, Daley prosecuted Wilson for the murder of two white police officers based on a confession elicited by this torture.

It was politically expedient for Daley and other politicians to credit the word of white police officers closing scores of criminal cases by securing convictions based on these coerced confessions. It was also convenient to discredit, disbelieve and ignore the torture survivors, who were Black, poor and unsympathetic, and, in many cases, like Wilson, were accused of violent crimes. Emboldened by the State's Attorneys' and CPD's failure to take any action in 1982, Burge and his detectives went on to torture an additional seventy-four men with impunity over the next nine years.

Facing unrelenting resistance in the courts and long odds fighting the powers at City Hall, the State's Attorney's Office and the CPD, attorneys and organizers nevertheless persisted in their efforts to obtain justice for the torture survivors. In 1986, Wilson filed a *pro se* law suit in federal court against Burge that was subsequently taken up by lawyers from the People's Law Office (PLO). This litigation became the vehicle for discovering the overwhelming evidence of the CPD's pattern and practice of torture under Burge.

During and after Wilson's civil trial in the late 1980s, the Task Force to Confront Police Violence, Citizens Alert and approximately fifty other local organizations ranging from Clergy and Laity Concerned to Queer Nation routinely demonstrated outside the federal courthouse, at Police Headquarters and at City Hall, challenging then Mayor Daley and the Superintendent of the CPD to investigate and stop the torture. Attorneys and activists repeatedly orchestrated presentations and demonstrations at Chicago Police Board and City Council demanding Burge's termination from the CPD. Subsequently, the Office of Professional Standards (OPS) re-opened investigations into several torture cases, and in 1990 Amnesty International issued a report requesting a criminal investigation. Ultimately, the OPS sustained Wilson's allegations of torture, resulting in Burge's termination from the CPD in 1993, a huge victory in the campaign for justice.

Throughout the following decade, the PLO continued to successfully represent torture survivors in federal civil rights cases, further developing evidence that corroborated the systemic torture and racist practices of Burge and his men. Much of the litigation and organizing efforts, however, shifted to those who remained incarcerated on the basis of confessions elicited through torture. Torture survivors on Illinois' death row began to organize on their own behalf, dubbing themselves the Death Row 10 (later the Death Row 11). They were represented by a coalition of attorneys from Northwestern University's legal clinics, the Capital Defenders' Office, the Cook County Public Defenders' Office, the PLO and private attorneys. The torture survivors and their lawyers collaborated with community organizations, including the Campaign to the End the Death Penalty (CEDP), the African American Committee to Free Mumia Abu Jamal and Aaron Patterson, the Illinois Coalition to the Abolish the Death Penalty, and the Aaron Patterson Defense Committee to bring attention to their wrongful convictions. The synergistic combination of litigation and organizing educated the media, politicians and the public about the plight of these torture survivors, and resulted in several favorable rulings from the Illinois appellate courts granting new hearings to some of the torture survivors in their post-conviction cases. Family members of the survivors also took great risks and spoke out on behalf of their imprisoned loved ones. They joined with family members of other death row inmates in a historic meeting with former Illinois Governor George Ryan in 2002, where they appealed to him to commute all death sentences. The campaign for the Death Row 11 culminated with Ryan pardoning four torture survivors on the basis of their innocence. Moreover, the atrocities committed in the torture cases were one of the factors Ryan considered when he commuted the death sentences of all people on Illinois's death row in 2003, again another monumental victory in campaign for justice.

Meanwhile, neither Burge nor any of the detectives under his command were prosecuted for their crimes of torture, despite the wealth of evidence against them. This complete lack of accountability led to the formation of the Campaign to Prosecute Police Torture, a coalition of community organizations and attorneys, including the Mac Arthur Justice Center, Citizens Alert, Justice Coalition of Greater Chicago, Operation Rainbow Push, CEDP and the PLO. In 2002, the Campaign successfully filed a petition securing the appointment of special prosecutors to criminally investigate Burge and other detectives for their crimes of torture and abuse, as well as for the perjury they engaged

in when covering up their misconduct.

In the absence of any criminal indictments, a group of attorneys and organizers coalesced again two years later to bring the torture cases to the international arena. In May of 2006, advocates from Chicago and the Law Enforcement Working Group of the US Human Rights Network, with the assistance of the Midwest Coalition for Human Rights, presented the Chicago Police Torture cases to the U.N. Committee Against Torture (U.N. CAT) in Geneva, Switzerland. The Committee subsequently issued a scathing indictment of the U.S. government's failure to comply with the Convention Against Torture, and called on the U.S. government to "promptly, thoroughly and impartially" investigate the Chicago Police Torture cases and "bring the perpetrators to justice."

In July of 2006, the Special Prosecutors concluded their investigation without seeking any indictments, instead issuing a report. SEQ CHAPTER \h \r 1The failure to indict Burge or any of the other officers for their repeated acts of torture the Special Prosecutors concluded had taken place caused widespread community outrage. Armed with the findings in the Special Prosecutors' report and those of the U.N. CAT, attorneys and activists issued a "shadow" report to the Special Prosecutor's Report endorsed by more than 210 human rights, criminal justice, civil rights and racial justice organizations and individuals nationwide, demanding Burge's prosecution and relief for the survivors.

The report led to dramatic hearings before the Cook County Board and Chicago City Council. Subsequently, the Cook County Board passed a resolution calling on the U.S. Attorney to criminally investigate Burge. City Council Aldermen also advocated publicly for his prosecution as well. The CEDP continued to stage spirited demonstrations demanding new trials for the torture survivors behind bars. Black People Against Police Torture, a newly formed organization, initiated a campaign to oppose Chicago's bid for the 2016 Olympic Games, asserting the international human rights violations implicated by the torture cases disqualified the City from consideration as a host city.

In October 2008, the US Attorney's Office in Chicago, Illinois, in conjunction with the Department of Justice, indicted Burge for crimes of perjury and obstruction of justice, based on the fact that he lied under oath in a civil rights case when he denied he used, or was aware of the use of, torture techniques.

Burge was later tried in June of 2010. Four of the torture survivors – Anthony Holmes, Melvin Jones, Gregory Banks and Shadeed Mu'min - courageously testified at his trial reciting the torment and anguish they suffered when Burge and his men tortured and taunted them at Area 2 Police headquarters. Burge was ultimately found guilty by a jury of all three counts.

On January 20 and 21, a two day sentencing hearing was held in a courtroom packed with torture survivors, family members, activists, attorneys and community members. Again, Anthony Holmes testified recounting his torture and describing its long lasting effects he struggles with to this very day:

Burge electric shocked me and suffocated me and he forced me to confess to a murder I did not do. . . I only had a couple bruises on my

arm and a busted lip. But the rest of the injuries were internal from the electricity shot through me with the black box and Burge choking me with the plastic bag. He tried to kill me. It leaves a gnawing, hurting feeling. I can't ever shake it.

I still have nightmares, not as bad as they were, but I still have them. I wake up in a cold sweat. I still fear that I am going to go back to jail for this again. I see myself falling in a deep hole and no one helping me to get out. That is what it feels like. I felt hopeless and helpless when it happened, and when I dream I feel like I am in that room again, screaming for help and no one comes to help me. I keep trying to turn the dream around but it keeps being the same. I can never expect when I will have the dream. I just lay down at night, and then I wake up and the bed is soaked.

I still think I shouldn't have let Burge do that to me, but there was nothing I could do. I keep thinking how I can get out of it, but there was nothing I could do. I remember looking around the room at the other officers and I thought one of them would say that was enough and they never did.

At the conclusion of the hearing, the Honorable Judge Joan Lefkow sentenced Burge to serve four and half years in prison, twice the amount recommended under the federal sentencing guidelines. In doing so, Judge Lekow noted the letters and petition she received, signed by over 1,000 people:

those statements describe brutality at your hands or those under your supervision or command, some even more appalling than the torture the witnesses here have testified about.

One remarkable thing about the statements was how many came from outside the Chicago area. These people say they had to leave Chicago because they were terrified that the police would do this to them again.

One statement from a prisoner, however, will probably haunt me the longest. This man reports that he has been in prison for 30 years. He stated he was 17 when he was arrested while walking down the street and brutally tortured until he confessed to a murder. He said, I had the body of a man; but I was a child inside. He remains in prison for a crime he insists he did not commit, being abandoned by family and friends who trusted that the police would not have charged him had he not done the crime...

While Burge's conviction was a tremendous step forward along the path of accountability and justice, there is still more work to be done. The City of Chicago has failed to apologize to the torture survivors and the community and take responsibility for

this racist torture scandal. Twenty African American men remain in prison as a result of convictions based in whole or in part upon their coerced confessions. The vast majority of torture survivors, including Holmes, Jones and Mu'min, have not received any financial compensation whatsoever for their suffering nor have they been provided any psychological counseling. Finally, Burge did not act alone, and the other detectives involved in torturing people to secure coerced confessions must also be held accountable. The struggle for justice must continue.

Joey Mogul is a partner at the People's Law Office

For more information on the Chicago Police Torture cases see www.peopleslawoffice.com.