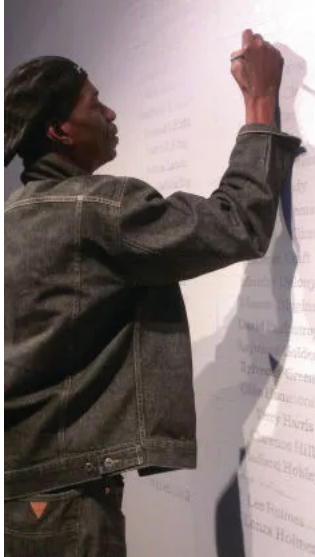


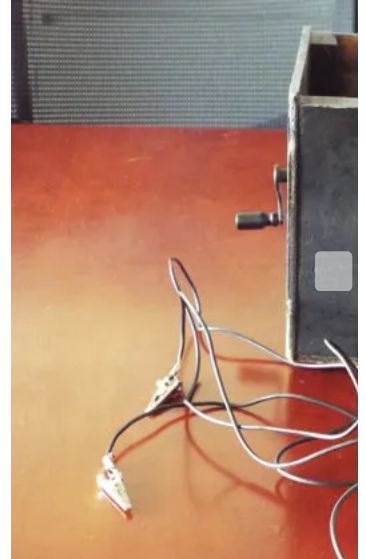
REPARATIONS The long battle for police torture survivors



by [Gretchen Rachel Hammond](#)
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Darrell Cannon signing the wall of names in 2012 at the opening reception for Opening the Black Box: The Charge is Torture at Sullivan Galleries.



Box used by Burge to electrocute suspects. Photo by Gretchen Rache

At a meeting of the Chicago City Council, on May 6, Ald. Edward Burke called for a vote on matters nine and 10 on the day's agenda.

Mayor Rahm Emanuel asked, "is there anyone else who would like to address this matter?" As a part of his speech, Ald. Joe Moreno asked his fellow council members to recognize some of the individuals packed into the viewing gallery above. They were given a standing ovation.

Alds. Howard Brookins and Joe Moore each followed with their own declarations before Emanuel rose.

"This is another step but an essential step in righting a wrong, removing a stain on the reputation of this great city and the people who make up this great city. In this action today Chicago finally will confront its past and come to terms with it and recognize when something wrong was done and be able to be strong enough to say something was wrong," the mayor said.

Many of the people Emanuel thanked for "your persistence, for never giving in or giving up and allowing the city to come face-to-face with the past" were solemnly watching.

"The stain cannot be removed from the history of our city but it can be used as a lesson of what not to do and the responsibility that all of us have," Emanuel added before calling upon Burke.

"Mr. President, I move the adoption of the report of the committee on finance pass on items nine and 10 of the same roll call which is applied to item number one on the agenda," Burke stated.

"Carried. No objections. So ordered," Emanuel replied quickly with a strike of the gavel.

It happened so fast that there were those in the gallery who were not sure what had just taken place—that the first battle had been officially won in a 42-year war declared in 1973 by a few members of the Chicago Police Department against the concepts of justice, morality, racial equality, human rights and dignity.

Many of the key figures who fought and ultimately prevailed in that battle were in the gallery. They included some of those who had survived horrific treatment at the hands of the Chicago Police Department (CPD) and the freedom subsequently robbed from them, their families, attorneys, multi-generations of activists and representatives from advocacy organizations ranging from grassroots to those internationally recognized.

They had come together to forge a movement spanning age, race, sexual orientation, gender identities, social class and income level. Their battlefields included state, federal and public opinion courtrooms, prisons, schools, the media, political arenas, art galleries, theaters, social media, street by street and twice to the United Nations in Geneva.

Their fight brought about a moratorium on the death penalty in Illinois, raised questions historic, profound and lasting concerning the integrity of the criminal justice system owing to the misconduct of those who administer it from the CPD to the Cook County State's Attorney's Office, as well as alleging the conspiratorial involvement of two former Chicago mayors.

Ultimately the movement made history. When Emanuel's gavel was struck May 6, Chicago became the first U.S. city to issue a formal apology for the conduct of its employees against an estimated 111 Black men and women, establishing a \$5.5-million reparations fund for them as well as free tuition at Chicago City Colleges, access to job training, certification and placement programs, counseling to include psychological, family and substance abuse to be implemented at a dedicated South Side center, the construction of a permanent memorial and, beginning in the 2015-16 school year, the teaching of the torture case and its legacy to eighth- and tenth-grade students.

The names of some of those in the gallery May 6 might never have been known had the movement not formed around them. They might have spent lives behind bars written off and forgotten by society or lost those lives at the end of an executioner's needle—their final declarations of innocence and insistence that they were brought to their end by torture given at best a few lines in a newspaper or a minute on a local television report. Unacknowledged and never once believed.

Names like Leonard Kidd, Reginald and Jerry Mahaffey, Stanley Howard, Derrick King, Leroy Orange, Ronald Kitchen, Andrew Maxwell, Madison Hobley, Aaron Patterson, and Frank Bounds who formed what became known as the Death Row Ten—men who were awaiting execution from the State of Illinois after torture that included repeated beatings about the body and face with items such as a phone book, suffocation with a typewriter bag and electric shocks applied to the genitals, buttocks and rectum using what their tormentors at the CPD called the “n**ger box.”

Bounds died of cancer while on death row.

They were joined in injustice by more than 100 other names such as Andrew Wilson (also under sentence of death who died of natural causes in 2007), Darrell Cannon, Anthony Holmes, Mark Clements, Lawrence Poree, Franklin Burchetter, Andre Wilk (age 13), TyShaun Ross and “unidentified victims” who were similarly electrocuted with either the box or a cattle prod sometimes shoved into the rectum, beaten with steel flashlights or lead pipes encased in rubber hoses, deprived of sleep, choked, forced to play Russian Roulette and subjected to mock hangings.

Despite the political and legal victories there are those survivors who still remain incarcerated seeking evidentiary hearings, convictions obtained under torture that have yet to be reversed, and survivors have yet to be fully compensated. Then there is the former CPD Commander Jon Burge—the man who allegedly orchestrated and oversaw each of the abuses suffered by those in his custody now lives in Tampa, Florida, and draws a healthy pension having served only a four-and-a-half-year sentence for perjury and obstruction of justice.

Moreover, there are those fighting the death penalty nationwide or in states like Texas, or for the abolition of the mass incarceration of some 2.2 million people across the United States who believe that without someone stepping up on behalf of a man or woman whose voice has been discounted or rejected entirely, the story that begins People's Law Office Founding Partner G. Flint Taylor, Jr.'s essay entitled “A Long and Winding Road: The Struggle for Justice in the Chicago Police Torture Cases” will inevitably be repeated.

“In the early morning hours of May 29, 1973,” Taylor wrote, “Anthony Holmes was taken to Area 2 detective headquarters where he was tortured by recently promoted Chicago police detective Jon Burge and several other detectives who worked with Burge on the Area's midnight shift. The torture included repeated shockings from an electrical device housed in a box, and suffocation with a bag placed over Holmes' head. Holmes passed out from the pain, felt that he was dying, and, as a result, gave a detailed stationhouse confession to an assistant Cook County state's attorney implicating himself in a murder that he has later insisted he did not commit.”

Windy City Times talked to some of the people involved in the fight that began and evolved in the years after 1973. Their experiences, challenges, the strategies used to overcome them and the countless hours spent long into sleepless nights formed the nucleus of, as People's Law Office partner and co-founder of Chicago Torture Justice Memorials Joey L. Mogul put it, an “inspirational, intergenerational and multi-racial movement” that was “necessary to achieve real change” and can “serve

as a model as to how we can fight for people's rights to freedom from law enforcement violence, including and most particularly that of trans and queer folks of color.”

In 1997, Mogul was fresh out of the City University of New York (CUNY) School of Law. There they (Mogul's preferred pronoun) studied international law under groundbreaking human-rights attorney Rhonda Copelon.

Among her many achievements, Copelon had served as co-counsel in the case of *Filártiga v. Peña-Irala*. The 1980 decision established that persons committing torture abroad could still be punished in the United States under international law. Her leadership of CUNY's International Women's Human Rights Clinic (IWHRC) led to rape being recognized as a form of torture and genocide in international courts.

“I went to law school wanting to work on death-penalty cases,” Mogul told *Windy City Times*. “I didn't become a lawyer to be a lawyer. I wanted to fight the injustices of the criminal legal system.”

When Mogul arrived at the People's Law Office in 1997 the organization and Taylor were representing Patterson—convicted under a 1989 death sentence. According to the organization The Campaign To End The Death Penalty while in CPD custody Patterson had scratched out the following words on a bench “Aaron 4/30 I lie about murders. Police threaten me with violence. Slapped and suffocated me with plastic. No lawyer or dad. No phone.”

A determined originally pro-se case brought in 1986 by Wilson alleging that he was “punched, kicked, smothered with a plastic bag, electrically shocked, and forced against a hot radiator throughout the day on February 14 [the day of his arrest], until he gave his confession” had begun to shed the first public light on Burge and his actions. A series of investigative reports by John Conroy at the *Chicago Reader* followed alongside an unyielding campaign through a community alliance put together by the advocacy organization Citizens Alert called the Coalition to End Police Torture and Brutality. That campaign led to reports issued by Office of Professional Standards (OPS) investigators Francine Sanders and Michael Goldston which determined “the preponderance of the evidence is that abuse did occur and that it was systematic.”

In 1993, Burge was fired by the CPD.

“But here were these guys on death row who were saying ‘we want to present newly discovered evidence of Burge's practices of torture to support our allegations,’” Mogul said. “They were perpetually being denied because the states attorney's office were saying, ‘You have no physical evidence of injuries, you can't corroborate your allegations so we're going to deny you.’ We had to take on this notion of the lack of physical injury. In Aaron Patterson's case, he was suffocated with a plastic bag and threatened with a gun neither of which would leave any physical marks but were tactics to inflict severe physical and mental pain and intimidation to force him to give an incriminating statement. So in arguing this to the Illinois Supreme Court we had to take on what is torture and why torture does not leave any physical marks and we turned to international law to do that.”

Using the European Human Rights Court, the UN Convention Against Torture and citing then-UN Special Rapporteur on Torture and Cruel, Inhuman or Degrading Human Treatment or Punishment Nigel S. Rodley, the People's Law Office filed its briefs in 1998. The court ruled in August 2000.

“In that ruling they changed the law,” Mogul recalled. “They established that you did not have to present evidence of physical injury in order to get an evidentiary hearing. That it was one factor among many to consider but not the litmus test. It was a profound ruling that provided relief not only to Aaron Patterson but so many others. This is exactly what I wanted to do and it was compelling and meaningful work.”

One year earlier, activist and now organizer with the Chicago Torture Justice Memorial Alice Kim had made the first of many visits to members of the Death Row Ten who were housed at the Pontiac Correctional Center.

Raised in Arlington Heights, Illinois, Kim told *Windy City Times* that she was “radicalized” as a student at Northwestern University. “It was where I was introduced to activism through Women's Studies classes,” she said. “It was life-changing for me. I was introduced to protest politics in college. I protested the [first] Persian Gulf War, got involved in pro-choice organizing.”

Mumia Abu-Jamal spent three decades on Pennsylvania's death row before the sentence against him was commuted to life-imprisonment in 2011. Both Abu-Jamal's own work against the death penalty from his prison cell and the international movement that built outside it captured Kim's attention.

“It opened my eyes to what was happening with the death penalty,” Kim said. “I also got involved to a couple of high-profile police brutality cases in Chicago—Latonya Haggerty and Bobby Russ.”

Both had been shot and killed by the CPD on the same day.

Kim was working with The Campaign to End the Death Penalty when she became aware of the Death Row Ten. “They had recognized the power in organizing collectively,” she said. “They reached out to organizations on the outside. We worked hand-in-hand with the Death Row Ten and their family members. Going to Pontiac to meet with the guys was a crucial aspect and made the work real.”

The first men Kim visited in Pontiac were Kitchen and Howard.

“Death row and by extension the visiting room of death row are probably the most dehumanizing, inhospitable places on the planet,” Kim said. “Yet when they walked into the room they had these big smiles. So many of the death row prisoners that I met over the years were able to maintain their humanity and their capacity to love and have hope. It no longer became an abstract campaign. It was about people’s lives.”

For Kim and her fellow organizers, the work was non-stop and totally immersive. “We urged everyone who was involved to be in touch in some way with the Death Row Ten or other death row prisoners,” she recalled. “There were countless meetings in Hyde Park, prison visits, we tried to organize a pen-pal campaign. Often we’d pick up family members and go to Pontiac together. This was before communication was electronic and digital. We did a lot of mailing, flyer-ing. I remember standing on street corners to get petitions signed calling for new trials for the Death Row Ten or for abolition legislation against the death penalty.”

With the People’s Law Office’s first victory on behalf of Patterson behind them, the organization began to prepare for his evidentiary hearings. Before they could proceed, they had to deal with the man who was elected as Cook County State’s Attorney in 1996, Richard Devine.

“The attorneys who had represented the state in Andrew Wilson’s [criminal] case, William Kunkle and Richard Devine, had gone into private practice with the firm of Phelan, Pope & John,” Mogul explained. “As part of that firm, they represented Jon Burge in Andrew Wilson’s civil-rights case. It became apparent to us that there was a conflict of interest so we ended up bringing a petition to seek a special prosecutor to investigate Burge’s crimes based on Devine’s ethical conflict.”

With the help of Citizens Alert, the People’s Law Office prevailed again and, in 2002, Edward Egan and Robert D. Boyle were appointed as special prosecutors.

“There were groups of lawyers who were representing the Death Row Ten and we would meet and discuss the strategy of each individual case and the conflict Devine had,” Mogul said. “Some of us in that room recognized that this had to be a grassroots movement—that we had to involve the community, survivors, family members. It took a lot of organizing. I remember going to gospel fest and getting petitions signed to support our Campaign to Prosecute Police Torture. There was a lot of going door-to-door and meeting with community organizations to get them to sign on.”

The work paid off as public interest and the sheer numbers of organizations and people involved in the case grew exponentially.

“I remember when we had our first court date in the petition to get the special prosecutor,” Mogul said. “The whole courtroom was packed. We’re talking 150 people who had come to support the petition.”

However, for as much support and momentum Kim, Mogul and their organizations were gathering there was ample resistance.

“A lot of the individuals who were tortured had been accused of heinous crimes,” Mogul said. “For years our political leaders, the courts, others involved in the system chose to look the other way. A lot of people believed the means justified the ends. Litigating these cases in the courts has always been hostile and difficult. In civil-rights cases we’ve been up against lines of defense lawyers. One or two of us against six or seven other lawyers defending the interests of various government officials.”

“Early on we had this feeling of being the embattled minority,” Kim remembered. “Passers-by would make obnoxious comments like ‘just fry them.’ I remember the first time that I went out to Gainesville [Florida] for a vigil for a double execution. There were a group of townies out celebrating that this was happening. I recall that at the time the execution happened the townies started singing ‘Hey Hey Goodbye’. We often quoted Sister Helen Prejean who said that support for the death penalty was ‘a mile wide but only an inch deep.’ Over the years we could see that support decline. Now everybody knows that people who are innocent have been convicted—that wrongful convictions are a reality.”

A substantial part of that knowledge might never have fully been brought to light through the push for Burge’s conviction had the United Nations Convention Against Torture in 2006 not taken notice of the cases. For that to happen, pages of documents and evidence spanning by then over three decades and numbering in the thousands had to be boiled down to just 10 lines.

Next week: 2002-2015, and the fight to convict and compensate

