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G. Flint Taylor

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Symposium: Police in America: Ensuring Accountability and Mitigating
Racial Bias

The Long Path to Reparations for the Survivors of Chicago Police Torture

By G. Flint Taylor*

I. INTRODUCTION

In the early 1970s, a Chicago police detective named Jon Burge¹ began a nearly twenty-year reign of police terror that was visited upon more than 120 almost exclusively African-American men who were interrogated at police stations on the South and West sides of Chicago.² Burge, working with a unit of white detectives who came to be known as the “midnight crew,” used electric shock, simulated suffocation, and mock executions, often accompanied with virulent racial epithets and attacks to the genitals, to coerce false confessions that formed the basis for wrongful convictions and Draconian prison terms including death sentences in at least ten instances.³

This scandal, which was slowly uncovered and exposed primarily by lawyers from the People’s Law Office (PLO),⁴ an investigative reporter from the *Chicago Reader*,⁵ and an anonymous police source,⁶ not only implicated Burge (who had risen from Detective to Commander) and his midnight crew, but also a series of Chicago police

* The author is one of the founding members of the People’s Law Office (PLO) in Chicago, has represented numerous survivors of Chicago police torture for nearly thirty years, and has worked to obtain reparations for victims of Chicago police torture. He is a 1972 graduate of the Northwestern School of Law, and has received awards, *inter alia*, from the Northwestern Center on Wrongful Convictions and the Northwestern Public Interest Fellowship Fund for his work in fighting against police torture and brutality. Other PLO attorneys who have worked on police torture cases over the years include Michael Deutsch, Ben Elson, Sarah Gelsomino, Jeffrey Haas, Timothy Lohraff, Joey Mogul, Shubra Ohri, John Stainthorp, Jan Susler, Erica Thompson, and Standish Willis.

¹ For a detailed recounting of Chicago’s systemic and racist police torture, and its more than forty-year legal and political history, see G. Flint Taylor, *The Chicago Police Torture Scandal: A Legal and Political History*, 17 CUNY L. REV. 329 (2014). See also G. Flint Taylor, *A Long and Winding Road: The Struggle for Justice in the Chicago Police Torture Cases*, 17 PUB. INT. L. REP. 178 (2012).

² *Id.*

³ *Id.*

⁴ For more information about the People’s Law Office, see PEOPLE’S LAW OFFICE, <http://peopleslawoffice.com/> (last visited May 17, 2016).

⁵ The reporter, John Conroy, wrote a series of in-depth articles starting in 1990 with *House of Screams*. John Conroy, *House of Screams*, CHI. READER (Jan. 25, 1990), <http://www.chicagoreader.com/chicago/house-of-screams/Content?oid=875107>.

⁶ The source, who worked with Burge and was dubbed “Deep Badge,” contacted the author in 1989 during the first civil rights trial of Andrew Wilson and provided information that revealed the systemic and racist nature of the torture, the names of several of Burge’s main collaborators, implicated Richard M. Daley in the cover-up, and identified a victim of electric shock named Melvin Jones. *The Chicago Police Torture Scandal*, *supra* note 1, at 335.

superintendents, former Mayor Richard M. Daley (who was also a former Cook County State's Attorney), and a myriad of high-ranking police and prosecutorial officials.⁷ Since the late 1980s, a generation of lawyers and activists have utilized this evidence to obtain a series of major victories including Burge's termination, findings by a Cook County Special Prosecutor that Burge and his men tortured a number of African-American suspects, the exoneration of numerous wrongfully convicted torture survivors,⁸ recognition from the United Nations of the pattern and practice of torture, the indictment and conviction of Burge for perjury and obstruction of justice, and the creation of the Illinois Torture Inquiry and Relief Commission to reinvestigate the cases of incarcerated Burge torture victims.⁹ Finally, on May 6, 2015, in response to a re-energized interracial movement, the Chicago City Council formally recognized Chicago's sordid history of torture and the related cover-up by passing historic legislation that provided reparations to the survivors of police torture in Chicago.¹⁰

This Article focuses on the fight to uncover, properly label, and expose the origins and motivations underlying the systemic torture, as well as the international aspects of the struggle, and the successful effort to change the popular narrative about Chicago police torture. The Article will explore how these developments contributed to the historic reparations legislation.

II. THE EARLY HISTORY

Chicago police torture by Jon Burge and his fellow Area 2 detectives was a well-kept secret during the 1970s. The complaints of torture were most often ignored by defense lawyers, debunked by prosecutors, and routinely dismissed by judges as unworthy of belief.¹¹ Brief attention was paid to the allegations of torture in the early 1980s when Andrew Wilson, an accused cop killer, and his brother Jackie, raised the issue of their brutal torture at an unsuccessful hearing on a Motion to Suppress their confessions.¹² Andrew described being tortured by Burge in detail with a device housed in a black box that generated electric shocks through wires when a handle on the box was

⁷ Documents have revealed that Richard M. Daley, son of the political boss and former Chicago Mayor Richard J. Daley, was informed of Burge's brutal torture of Andrew Wilson in 1982 while he was the elected State's Attorney of Cook County. Richard M. Daley did not investigate or prosecute Burge, but rather praised him. Further, Daley's assistants used Burge's perjured testimony to defeat Wilson's motion to suppress his confession. Subsequently, Daley and his assistants relied upon scores of confessions Burge and his confederates tortured from African-Americans to obtain convictions and, in a number of cases, death sentences. *The Chicago Police Torture Scandal*, *supra* note 1, at 332–33, 343.

⁸ From 1989 to February of 2016, eighteen African-American torture victims were exonerated. *See* G. Flint Taylor, *Two More Victories in Chicago Police Torture Cases*, 11 POLICE MISCONDUCT & CIV. RTS. LAW REP. 1, 6 (Nov./Dec. 2015).

⁹ *The Chicago Police Torture Scandal*, *supra* note 1, at 339–40, 343–54, 356–60, 363–66, 376–77.

¹⁰ Hal Dardick & John Byrne, *Mayor: Approval of Burge victims fund a step toward 'removing a stain,'* CHI. TRIB. (May 6, 2015), <http://www.chicagotribune.com/ct-city-council-rauner-cupich-met-20150506-story.html>.

¹¹ *See, e.g.*, Transcript of Proceedings, U.S. v. Burge, No. 08 CR 846 (May 27, 2010) (testimony of Larry Suffredin and Paul Kayman) (on file with author); Transcript of Proceedings, Wilson v. City of Chicago, No. 86 C 2360 (1989) (testimony of Willie Porch and Thomas Davy) (on file with author).

¹² *See generally* Transcript of Motion to Suppress Hearing, People v. Wilson, Ind. No. 82-1211 (1982) (on file with author).

cranked.¹³ After the Wilson brothers were convicted of murder and Andrew was sentenced to death,¹⁴ he filed a *pro se* 42 U.S.C. § 1983 complaint in federal court seeking damages for his torture.¹⁵ In 1987, lawyers from the PLO took on his civil case, and the struggle to expose the nature and origins of systemic police torture began.

During discovery in the *Wilson* civil damages case, PLO lawyers learned that Jon Burge, prior to becoming a Chicago police officer, had served as a military police sergeant assigned to a prisoner-of-war (POW) camp in Vietnam.¹⁶ The 1971 Winter Soldier hearings had established that torture tactics, including electric shock, were used by U.S. soldiers assigned to POW camps in Vietnam.¹⁷ PLO lawyers obtained an admission from an African-American police officer (and former Army infantryman) that a field telephone generator with a crank, similar to what Andrew Wilson described, was used “by both sides” in Vietnam to torture the enemy, that the genitals were a favorite place to apply the electric shocks, and that placing plastic bags over victims’ heads was also employed.¹⁸

The lawyers also enlisted a well-respected human rights expert, Dr. Robert Kirschner, who had developed expertise in evaluating international cases of torture, to evaluate Andrew Wilson’s injuries and to offer opinions at the trial about the similarities between Chicago police torture and that which Dr. Kirschner had documented across the world. In testimony that the *Wilson* trial judge barred from the jury, Dr. Kirschner explained how he had spent several hours a week reviewing torture cases, reading the literature and consulting with human rights groups, that he had read many cases involving electric shock applied through wires and clips attached to a victim's body, had talked to and examined many people who had experienced electric shock, and had written articles on various aspects of torture.¹⁹ He further testified that Wilson's account of how he felt when he was shocked, and his description of the pain going through his brain with his teeth clenching and chattering, was “very consistent with what other people who have been tortured report when they have received similar electric shocks,” and was unlikely to be manufactured testimony.²⁰ He also testified that Wilson's crying during his testimony about being shocked was characteristic of a torture victim, especially since Wilson was a streetwise “cop killer” who was unlikely to break down.²¹

¹³ *Id.*

¹⁴ Andrew Wilson’s conviction was later overturned by the Illinois Supreme Court on the basis that his confession was physically coerced from him. *See* *People v. Wilson*, 116 Ill.2d 29 (1987). He was later re-convicted and sentenced to life in prison. Conroy, *supra* note 5.

¹⁵ *See* *Wilson v. City of Chicago*, 684 F. Supp. 982 (N.D. Ill. 1989).

¹⁶ Burge Dep. at 15–19, *Wilson v. City of Chicago*, No. 86 C 2360 (1989) (on file with author).

¹⁷ *See, e.g.*, Testimony of Former E-5 David Stark, Winter Soldier Investigation First Air Cavalry Division (Jan. 31, 1971), available at <http://www.wintersoldier.com/staticpages/index.php?page=20040315221403442>.

¹⁸ *See* Batey Dep. at 122–28, *Wilson v. City of Chicago*, No. 86 C 2360 (1989) (on file with author).

¹⁹ Transcript of Proceedings at 2171–72, 2185, 2191, 2297–2304, *Wilson v. City of Chicago*, No. 86 C 2360 (1989) (testimony of Dr. Robert Kirschner) (on file with author).

²⁰ *Id.* at 2203–04, 2213–15.

²¹ *Id.* at 2187–88.

After two tumultuous eight-week trials, an all-white jury found Burge was not liable for Andrew Wilson's torture.²² However, Dr. Kirschner's expert testimony condemning Wilson's abuse as torture, combined with the mounting evidence uncovered, developed, and publicized during the *Wilson* trials that Burge's abuse was part of a pattern and practice, led to hearings before the Chicago City Council in 1990, at which Dr. Kirschner testified.²³ Additionally, a facsimile of Burge's "black box," complete with a telephone generator, wires, and alligator clips, was prominently displayed as demonstrative evidence during the hearings.²⁴ The following month, Amnesty International released a report calling for an independent investigation of "Police Torture in Chicago."²⁵

On appeal in the *Wilson* civil damages case, the Seventh Circuit Court of Appeals reversed the jury's verdict and ordered a new trial, but, in what turned out to be both insulting and short-sighted *dicta*, found that the District Court's barring of Dr. Kirschner's expert testimony was not an abuse of discretion.²⁶ The court stated that the medical and scientific knowledge needed to identify the "effects of electroshock treatments on the human body or psyche" was outside of Dr. Kirschner's area of expertise as a pathologist, that his "study of torture" was an "avocation," and that, as an "amateur in the subject," he should not be considered an expert in this particular field.²⁷ Despite this legal setback, the attorneys continued to develop and utilize expert testimony in order to identify patterns of torture, and its physical and psychological effects on individual torture survivors.

III. BROADENING THE SCOPE AND APPLICATION OF THE TORTURE EVIDENCE

A. *The Death Penalty Cases*

In the mid and late 1990s, the focus of the legal and activist struggle against police torture became, in significant part, torture victims sentenced to death. Several Death Row torture victims banded together to form the Death Row Ten, and courtroom battles centered around the cases of Death Row prisoners Madison Hobley, Stanley Howard, Ronald Kitchen, Leroy Orange, and Aaron Patterson.²⁸ The leading example of the direction these cases took is the case of Aaron Patterson. Patterson's lawyers filed a post-conviction petition that included a psychological evaluation by Dr. Antonio

²² The first jury, which was racially mixed, hung. At retrial, the second jury found that the City had a policy and practice of abusing certain African-American suspects, but that the practice did not cause Wilson's injuries. *See Wilson v. City of Chicago*, 6 F.3d 1233, 1236 (7th Cir. 1993).

²³ *See Hearing Before the Subcommittee of the Committee on Finance* (Ill. Dec. 24, 1990) (transcript on file with author).

²⁴ *Id.*

²⁵ Amnesty Int'l, *Allegations of Police Torture in Chicago, Illinois*, AI Index AMR/51/42/90 (Dec. 1990).

²⁶ *Wilson*, 6 F.3d at 1239.

²⁷ *Id.* The Seventh Circuit reversed the verdict for the defendants on other grounds, and summary judgment for Wilson was later granted. *See Wilson v. City of Chicago*, 120 F.3d 681 (7th Cir. 1997).

²⁸ *See People v. Hobley*, 159 Ill.2d 272 (1994); *People v. Howard*, 147 Ill.2d 103 (1991); *People v. Kitchen*, 189 Ill.2d 424 (1999); *People v. Orange*, 121 Ill.2d 364 (1988); *People v. Patterson*, 154 Ill.2d 414 (1992).

Martinez, who was highly experienced in treating victims of torture.²⁹ Dr. Martinez opined that Patterson—who had consistently maintained that he was suffocated with a typewriter cover, beaten about the body, and threatened with a gun, all without leaving documentable physical injuries—exhibited psychological markers consistent with his torture narrative.³⁰ After the trial judge summarily denied Patterson’s petition, his lawyers took his case to the Illinois Supreme Court where they challenged the court’s prior decisions requiring a torture victim to show physical injury in order to establish that his confession was physically coerced from him.³¹

Patterson’s lawyers traced the history of torture from ancient Greece and Rome to the present,³² and specifically tracked the avowed purpose and intent of torture: to extract confessions and other information without leaving physical injury.³³ Patterson’s lawyers argued that “many forms of torture are designed not to leave physical traces, but rather to change the mental balance of the individual, and torture victims of today are unlikely to present physical stigmata but can . . . be expected to reveal numerous symptoms mostly of a psychological nature.”³⁴

Patterson’s lawyers further asserted that the United Nations Special Rapporteur on Torture’s reports on Mexico, Venezuela and Chile found that:

detainees were routinely tortured in ways that would leave no marks, with attempted suffocation by plastic bags and electric shock being commonly utilized by interrogators for that purpose . . . “[I]nfliction of torture is an offense that must be prosecuted by itself, independently of the physical harm caused to the victim. There are, for example, methods of torture that leave no after effects but are no less effective for the torturer’s purposes,” and “the absence of marks on the body consistent with allegations of torture should not necessarily be treated by the prosecutors and judges as proof that the torture did not occur.”³⁵

Although the Illinois Supreme Court did not specifically discuss the international predicate for Patterson’s argument, it accepted its premise, and in a landmark decision held it would no longer require that physical injury be shown in order to establish that a confession was physically coerced.³⁶

²⁹ Amended Petition for Post-Conviction Relief at 70–75, *Patterson v. State of Illinois*, No. 86 Cr 6091 (Cook County Cir. 1994) (on file with author); *see also* *Martinez Aff.*, *Patterson v. State of Illinois*, No. 86 Cr 6091 (Cook County Cir. 1994) (on file with author).

³⁰ *Martinez Aff.*, *Patterson v. State of Illinois*, No. 86 Cr 6091 (1994) (on file with author).

³¹ *People v. Patterson*, 192 Ill.2d 93, 116 (2000).

³² Reply Brief and Argument for Appellant at 1–4, *People v. Patterson*, 192 Ill.2d 116 (2000) (No. 82711).

³³ *Id.* at 4–44.

³⁴ Reply Brief and Argument for Appellant at 6, *People v. Patterson*, 192 Ill.2d 116 (2000) (No. 82711) (citing Hans D. Peterson & Peter Jacobson, *Psychical and Physical Symptoms after Torture*, 29 FORENSIC SCI. INT. 179, 180 (1985); Rosalind Ramsay et. al., *Psychiatric Morbidity in Survivors of Organized State Violence, Including Torture*, 162 BRIT. J. PSYCHIATRY 55, 55 (1993) (“the purpose of torture is always to achieve a psychological change in individuals . . .”).

³⁵ *Id.* at 7 (internal citations omitted).

³⁶ *People v. Patterson*, 192 Ill.2d 93, 116 (2000).

B. *The Darrell Cannon Hearings*

While Patterson's case was pending in the Illinois Supreme Court, lawyers for Darrell Cannon presented evidence at a Motion to Suppress re-hearing mandated by the Illinois Appellate Court.³⁷ Cannon had been subjected in 1983 to electric shock of the genitals with a cattle prod, mock executions, and virulent racial slurs by several of Burge's trusted confederates at a remote site.³⁸ At the hearing, Cannon's lawyers expanded upon the evidence that demonstrated the similarities between systemic torture in Chicago and that which was practiced internationally. Dr. Kirschner, now with an additional ten years of torture-related experience, was offered as an expert in "the field of the methodology and evaluation of cases of torture."³⁹ Dr. Kirschner drew on his extensive experience in evaluating and documenting two hundred torture cases worldwide, particularly ones where electric shock, simulated suffocation (which was known internationally as "dry submarino"), and mock executions were routinely employed;⁴⁰ his extensive writing, consulting, and lecturing;⁴¹ his leading role in drafting and presenting the United Nations Manual on the Effective Investigation and Documentation of Torture;⁴² his experience in evaluating patterns and practices of torture in Israel, Turkey, Czechoslovakia, and several Central and South American countries;⁴³ and his evaluation of several Chicago police torture survivors and their cases, including Cannon's.⁴⁴ Dr. Kirschner ultimately testified to his expert opinion that there was a "pattern of torture at Area 2," which featured electric shock, "dry submarino", and mock executions.⁴⁵

Cannon's lawyers also called Dr. Martinez as a witness. Over the preceding few years, Dr. Martinez had evaluated several Chicago police torture survivors, including Cannon, for torture-related post-traumatic stress symptoms, using personal interviews and the Hopkins Symptoms Checklist, which was developed to evaluate torture victims from Vietnam and Cambodia.⁴⁶ Dr. Martinez testified that there was a recognized psychological field of torture treatment that relied heavily on the existence of post-traumatic stress symptoms.⁴⁷ He also gave a detailed analysis of the symptomology that

³⁷ See generally *People v. Cannon*, 293 Ill.App.3d 634 (1997). Under torture, Cannon falsely confessed to murder. He was convicted on the basis of that confession and sentenced to life in prison. Cannon served twenty-four years in maximum-security prisons until his release in 2007 after a two-decade-long legal struggle that was premised on the fact that his conviction and imprisonment were products of torture. See *id.*; see also G. Flint Taylor, *Black Lives Matter: Darrell Cannon and His Fellow Police Torture Survivors*, HUFF. POST, (Feb. 10, 2015), http://www.huffingtonpost.com/g-flint-taylor/black-lives-matter-darrel_b_6653096.html.

³⁸ *Black Lives Matter: Darrell Cannon and His Fellow Police Torture Survivors*, supra note 37.

³⁹ Transcript of Proceedings at 6, *People v. Cannon*, No. 92-CR-28009 (testimony of Dr. Robert Kirschner) (on file with author).

⁴⁰ *Id.* at 45–46.

⁴¹ *Id.* at 11–35.

⁴² See *id.* at 35–41.

⁴³ *Id.* at 46, 49–51.

⁴⁴ *Id.* at 54–86.

⁴⁵ See *id.* at 87–97. Dr. Kirschner also testified that electric shock torture was used by the U.S. military during the Vietnam War, and that cattle prods, like the one used to torture Cannon, were commonly employed to torture victims around the world. *Id.* at 78.

⁴⁶ Transcript of Proceedings, supra note 39, at 30–32.

⁴⁷ *Id.* at 48–52.

he observed in the Chicago torture survivors, and equated it to what he had seen in the other torture victims he had treated.⁴⁸ Additionally, Dr. Martinez defined the forms of torture used by Burge and his confederates in internationally-accepted terms,⁴⁹ and opined that Cannon and the other Chicago survivors exhibited post-traumatic stress symptoms that were caused by their torture.⁵⁰

The effort to view Chicago police torture through an international lens was lent further credibility by the research and writings of John Conroy, who contemporaneously published a book that analyzed three separate cases of torture in-depth—one from Israel, one from Northern Ireland, and the *Wilson* case from Chicago.⁵¹ In early 2005, Conroy published an extensive investigative article regarding the practice of torture, which established, based on interviews with Military Police (MP) personnel who served in Vietnam at the same time as Burge that: (1) electric shock torture using telephone field generators was routinely practiced by U.S. Army Intelligence officers, including at the POW camp where Burge was stationed as an MP Sergeant; (2) the interrogations took place within yards of Burge's post; and (3) MPs often accompanied the electric shock victims to their interrogations.⁵²

C. *The Chicago Torture Cases Are Presented to International Bodies*

In 2005, lawyers and activists, frustrated by the continuing official cover-up, and drawing on their experience in dealing with international aspects of torture, raised the issue of Chicago police torture to the international community as a human rights issue by petitioning the Inter-American Commission for Human Rights (IACHR) and the United Nations Committee Against Torture (UNCAT).⁵³ A public call for an IACHR hearing was made at a Washington, D.C. press conference, and the formal request was made on behalf of forty-four human rights and civil rights organizations in a letter to the IACHR.⁵⁴ After the IACHR granted the request, a torture survivor, a Midwest Committee for Human Rights (MCHR) member, and several Chicago human rights attorneys testified at the hearing,⁵⁵ but the IACHR took no official action beyond holding the hearing and voicing concern over the issues raised.

Shortly thereafter, the same group of lawyers and activists presented the issue of systemic Chicago police torture in a formal letter to UNCAT.⁵⁶ The group's submission decried the failure of the U.S. government to properly investigate or prosecute Burge and

⁴⁸ *Id.* at 15–24, 31–37, 42–43, 53–58, 60–87.

⁴⁹ *Id.* at 24–26, 74–75, 70, 82–83.

⁵⁰ *Id.* at 58–59, 65, 71, 83–84.

⁵¹ See JOHN CONROY, UNSPEAKABLE ACTS, ORDINARY PEOPLE: THE DYNAMICS OF TORTURE: AN EXPLANATION OF THE PRACTICE OF TORTURE IN THREE DEMOCRACIES (Univ. of Cal. Press, 2001).

⁵² *Id.*

⁵³ Letter to the Executive Secretariat of the Inter-American Commission on Human Rights (Aug. 26, 2005) (on file with author); see also Letter to the United Nations Committee Against Torture, *Issues Regarding United States' Second Periodic Report* (Sept. 30, 2005) (on file with author).

⁵⁴ Letter to the Executive Secretariat of the Inter-American Commission on Human Rights (Aug. 26, 2005) (on file with author). This strategy was undertaken at the urging of Chicago human rights attorney Standish Willis. Willis, together with the National Conference of Black Lawyers and U.S. Congressman Danny Davis, put out the public call.

⁵⁵ *Panel Hears Claims of Anti Black Cop Brutality Here*, CHI. SUN-TIMES, Oct. 15, 2005.

⁵⁶ See Letter to the United Nations Committee Against Torture, *Issues Regarding United States' Second Periodic Report* (Sept. 30, 2005) (on file with author).

his collaborators, highlighted the systemic nature of the torture, called for financial compensation and full rehabilitation for survivors of torture at the hands of the Chicago police, and also detailed how the U.S. government had failed to comply with the Convention Against Torture.⁵⁷ The submission also called attention to the numerous torture survivors who were imprisoned as a result of confessions tortured from them:

[D]espite the fact that the Convention Against Torture prohibits the use of “any statement which is established to have been made as a result of torture [as] evidence in any proceedings,” (Article 15) dozens of individuals have been charged, convicted and imprisoned for crimes they confessed to as a result of torture. Several dozen of these individuals continue to languish in prison despite continued claims of innocence. . . . Questions of guilt or innocence aside, the use of evidence obtained through torture is clearly in violation of the Convention Against Torture.⁵⁸

Finally, the petitioning groups encouraged the Committee to examine issues of government discrimination concerning these cases:

The Convention Against Torture clearly prohibits the intentional infliction of “severe pain or suffering, whether physical or mental. . . for any reason based on discrimination of any kind.” (Article 1(1)). The victims of the torture detailed above were all African-American, which suggests that race was a factor in the use of torture by Chicago police. Recognizing the ubiquity of racial prejudice and discrimination in American society, including in the United States legal system, we have reason to believe that the race of the victims has also contributed to the government’s failure to rectify the situation.⁵⁹

The next May, one of the attorneys again raised these issues during her appearance before the Committee, and shortly thereafter, UNCAT issued a report that included a strong affirmation of the Chicago advocates’ position.⁶⁰ These findings were later thought to have played a significant role in obtaining Burge’s federal indictment, and the connection made with UNCAT would also prove to be important in the quest for reparations.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Committee Against Torture, *Consideration of Reports Submitted by States Parties Under Article 19 of the Convention, Conclusions and Recommendations of the Committee Against Torture*, 7, U.N. Doc. CAT/C/USA/CO/2 (July 25, 2006). “The Committee is concerned at allegations of impunity of some of the State party’s law-enforcement personnel in respect of acts of torture or cruel, inhuman or degrading treatment or punishment. The Committee notes the limited investigation and lack of prosecution in respect of the allegations of torture perpetrated in areas 2 and 3 of the Chicago Police Department (art. 12). The State party should promptly, thoroughly and impartially investigate all allegations of acts of torture or cruel, inhuman or degrading treatment or punishment by law-enforcement personnel and bring perpetrators to justice, in order to fulfill its obligations under article 12 of the Convention. The State party should also provide the Committee with information on the ongoing investigations and prosecution relating to the above-mentioned case.” *Id.*

IV. THE ROAD TO REPARATIONS

A. *The Concept of Reparations for Torture is Born*

During 2006 and 2007, the demand for compensation and full rehabilitation for Chicago police torture survivors was further developed and advanced by Black People Against Police Torture (BPAPT), a grassroots organization, and by the National Conference of Black Lawyers (NCBL), who demanded that Mayor Richard M. Daley and the City of Chicago (the City) formally apologize to all Chicago police torture survivors and provide financial compensation and psychological services to them.⁶¹ Leaders from BPAPT, the African American Police League, and NCBL conducted a series of Town Hall meetings to discuss and popularize these and a number of other related police torture issues.

It was during this time that the idea of identifying the broad relief sought by BPAPT and the anti-torture movement as “reparations” was conceived.⁶² While the anti-torture movement had long recognized that Chicago police torture was overtly and fundamentally racist both in design and effect, and activists had long fought to obtain reparations for slavery both locally and nationally,⁶³ the direct linking of Chicago police torture to the brutality of slavery through the concept of reparations—like the previous link to the international scope of torture—was an important step in establishing a true and complete narrative through which torture victims could seek acknowledgment and remedies.⁶⁴

⁶¹ BLACK PEOPLE AGAINST POLICE TORTURE, LEAFLET (on file with author). These demands were made as part of BPAPT’s campaign against the 2016 Olympics being held in Chicago.

⁶² Standish Willis, who had previously played a prominent role in the struggle for reparations for the descendants of enslaved African-Americans, first suggested the idea.

⁶³ For example, U.S. Congressman John Conyers, Jr. has introduced a bill each year since 1989 titled “Commission to Study Reparation Proposals for African-Americans Act.” H.R. 40, 114th Cong. (2015). The Chicago City Council in 2002 unanimously passed a Resolution requiring corporations doing business with the City to reveal any connections to slavery, and in 2006 the Seventh Circuit Court of Appeals affirmed, in large part, the dismissal of a multi-district federal class action lawsuit that sought reparations for the descendants of enslaved African-Americans. *See Cate Plys, Reparations Resolution Merited Far More Debate*, CHI. TRIB. (Oct. 04, 2002), http://articles.chicagotribune.com/2002-10-04/news/0210040225_1_reparations-dorothy-tillman-individual-aldermen; *see also* Michael Higgins, *Slavery Reparation Suit Gets a Reprieve*, CHI. TRIB. (Dec. 14, 2006), http://articles.chicagotribune.com/2006-12-14/news/0612140325_1_slave-trade-plaintiffs-reparations. Most recently, in January 2016, the UN Working Group of Experts on People of African Descent issued a preliminary report calling for reparations for descendants of Africans who were brought to the United States as slaves. Mireille Fanon-Mendes-France, the chairwoman of the committee, declared that “[t]he colonial history, the legacy of enslavement, racial subordination and segregation, racial terrorism and racial inequality in the U.S. remains a serious challenge as there has been no real commitment to reparations and to truth and reconciliation for people of African descent.” *UN committee urges US government to pay reparations for slavery*, RT (Feb. 1, 2016), <https://www.rt.com/usa/330934-un-recommends-usa-reparations-slavery/>. Rather than cash payments, Mendes-France recommended that the money be spent for the “full implementation of special programs based on education, socioeconomic, and environmental rights.” *Id.* For an in-depth and compelling argument in favor of reparations for the descendants of enslaved African-Americans, with a focus on racist and predatory housing practices in Chicago, *see* Ta-Nehisi Coates, *The Case for Reparations*, THE ATLANTIC (June 2014), <http://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

⁶⁴ For a persuasive analysis of the interrelationship between the racist violence of slavery, lynching, Jim Crow, and Chicago police torture, *see* Kate Taylor, *Can’t Nothing Take that Pain Away: Chicago Police*

BPAPT incorporated this request for relief into proposed legislation, the Illinois Reparations for Police Torture Victims Act, which focused on the Burge victims still in jail and the long-term trauma that torture inflicted on its victims and their families.⁶⁵ The Act called for the establishment of a center for torture victims and families, which would provide psychological and psychiatric treatment and vocational assistance, community education, and the appointment of an Innocence Inquiry Commission to investigate and determine credible claims of innocence of torture victims.⁶⁶ These demands were later reasserted to the United Nations Committee on the Elimination of Racial Discrimination (CERD) in a report and at a CERD hearing.⁶⁷

B. Mayor Daley Refuses to Apologize

In October of 2008, a federal grand jury in Chicago indicted Jon Burge for lying about whether he tortured African-American suspects.⁶⁸ Directly after Burge's indictment, Mayor Richard M. Daley, a long-time participant in the torture scandal both as the Cook County State's Attorney and as Mayor, was given the opportunity by the local media to make a public apology.⁶⁹ Two years earlier, in response to the release of the Cook County Special Prosecutor's Report finding that Burge and his men tortured numerous African-American suspects, an embattled Daley had offered to "apologize to anyone."⁷⁰ This time, however, he gave a sarcastic and mocking response:

I apologize to everybody [for] whatever happened to anybody in the city of Chicago . . . So, I apologize to everybody. Whatever happened to them in the city of Chicago in the past, I apologize. I didn't do it, but somebody else did it. Your editorial was bad. I apologize. Your article about the mayor, I apologize. I need an apology from you because you wrote a bad editorial.⁷¹

Laughing, Daley continued, "[I] was not the mayor. I was not the police chief. I did not promote [Burge]. You know that. But you've never written that, and you're afraid to. I understand."⁷²

In late June of 2010, Burge was convicted of perjury and obstruction of justice, in significant part, based on the testimony of Anthony Holmes and Melvin Jones, two men

Torture and the Historical Construction of the Black Body (Apr. 16, 2010) (unpublished Senior Honors Thesis, Brown University, Department of Africana Studies) (on file with author).

⁶⁵ Martha Bondi, Frederick Douglass Institute, Introduction of Keynote Speaker at the University of Rochester (Oct. 2006).

⁶⁶ *Id.*

⁶⁷ See Letter to the United Nations Committee on the Elimination of Racial Discrimination, *In the Shadows of the War on Terror: Persistent Police Brutality and Abuse of People of Color in the United States* (Dec. 2007) (on file with author). The call for a Commission became a reality in 2009, with the passage of the Illinois Torture Inquiry and Relief Commission Act, which established a Commission to review claims of Burge-related torture. See 775 ILL. COMP. STAT. 40/1 (2009).

⁶⁸ Steve Mills & Jeff Coen, *Feds catch up with Burge*, CHI. TRIB., Oct. 22, 2008, at 1, 23.

⁶⁹ See Fran Spielman, *Daley issues sarcastic apology for torture*, CHI. SUN-TIMES, Oct. 23, 2008.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.* In response, the author challenged Daley to make a sincere apology: "It is disgraceful and remarkably disrespectful to . . . [give that response] . . . when he's asked to make good on an apology to the victims of the most heinous kind of police abuse and torture in the history of Chicago, . . . [p]articularly when he and his first assistant, Richard Devine, were responsible over 25 years ago for not taking Burge off the street and prosecuting him . . . Daley repeatedly sided with Burge and against the victims of torture in scores of cases." *Id.*

who were brutally shocked by Burge himself.⁷³ However, neither of these men, like the great majority of their fellow survivors, had received any compensation because they had never been exonerated for their alleged crimes, and the statute of limitations on their claims had expired many years before.⁷⁴ Burge's conviction provided a broad public platform upon which to raise the issue of compensation and lack of psychological counseling for all torture survivors. Both issues were later included in a petition that urged a sentence for Burge that would take Burge's underlying crimes and refusal to accept responsibility into account.⁷⁵

Later that year, Mayor Daley announced that he would not run for reelection, and in January of 2011, Jon Burge was sentenced to four-and-a-half years in federal prison. At the sentencing hearing Anthony Holmes spoke movingly, saying, "[w]hat I wanted to ask Burge [was] . . . Why did you do this? Why would you take a statement you knew was not true? You were supposed to be the law. He laughed while he was torturing me."⁷⁶ Adam Green, an Associate Professor of History at the University of Chicago, also testified. He explained how the torture scandal had damaged Chicago's African-American community, and contended that a fair sentence would help to mitigate that damage.⁷⁷ After the imposition of the sentence, which many people felt was far too lenient, the demand for a mayoral apology was again raised as an issue that the new mayor would have to address.⁷⁸

C. CTJM is Founded and a New Mayor is Confronted

A few months after Burge's sentencing, a group of artists, educators, lawyers, and other activists formed the Chicago Torture Justice Memorials (CTJM). CTJM's first project was to call for proposals on how to memorialize the Chicago police torture cases and the struggle for justice.⁷⁹ The group would later be instrumental in obtaining reparations from the City, and in June of 2011, CTJM announced its intention "to honor the survivors of torture, their family members, and the African American communities affected by the torture," and put out a public call for people to submit proposals for the memorials.⁸⁰

Two months later, the continuing police torture scandal landed squarely on newly elected Mayor Rahm Emanuel's desk after a federal judge ruled that Daley had been properly named as a conspirator in exonerated torture survivor Michael Tillman's civil

⁷³ See Transcript of Proceedings, U.S. v. Burge, No. 08 CR 846 (2010) (testimony of Anthony Holmes and Melvin Jones) (on file with author).

⁷⁴ See Fran Spielman, *Burge victims renew their pitch for \$20 million in reparations*, CHI. SUN-TIMES (Oct. 02, 2014), <http://chicago.suntimes.com/politics/burge-victims-renew-their-pitch-for-20-million-in-reparations/>.

⁷⁵ *Illinois Coalition Against Torture's Objections to Granting Jon Burge a Light Sentence*, CARE2 PETITIONS, <http://www.thepetitionsite.com/1/burge-sentence/>.

⁷⁶ Natasha Korecki, *He Laughed While He Was Torturing Me*, CHI. SUN-TIMES, Jan. 21, 2011, at 2.

⁷⁷ Transcript of Proceedings at 131–32, U.S. v. Burge, No. 08 CR 846 (2011) (testimony of Adam Green) (on file with author).

⁷⁸ See *Ex-Chicago Cop Gets 4 1/2 Years in Torture Case*, CBS NEWS (Jan. 21, 2011), <http://www.cbsnews.com/news/ex-chicago-cop-gets-4-1-2-years-in-torture-case/>.

⁷⁹ See *Chicagoans Plan Monument to Victims of Police Torture*, WBEZ 91.5 CHI. (June 24, 2011), <https://www.wbez.org/shows/wbez-news/chicagoans-plan-monument-to-victims-of-police-torture/037991f9-6a8d-40a6-9136-bff29ccb3e22>.

⁸⁰ *Id.*

lawsuit.⁸¹ Directly after the ruling, Daley was subpoenaed to give sworn deposition testimony, and the *Chicago Sun-Times* led its story on these developments by stating “Mayor Rahm Emanuel walked a political tightrope . . . on the explosive police torture allegations that continue to surround convicted former Chicago Police Commander Jon Burge.”⁸² Emanuel refused to comment on the Daley issue other than to say that the City would pay for Daley’s lawyers as it had done for Burge for the previous twenty-three years.⁸³ Tillman’s lawyers called this response “the ‘same head-in-the-sand line’ that the city . . . [followed] under Daley.”⁸⁴ Tillman’s lawyers further publicly stated that Emanuel should not only “resolve these cases so taxpayers can compensate the victims rather than the torturers [but should also] apologize to the African American community and to the victims for this pattern of torture.”⁸⁵ A few days later, Emanuel refused a reporter’s invitation to apologize, and added, “I answered one question. Some people say, ‘This pulls Rahm into it’ . . . This is like the most ridiculous thing I’ve ever heard . . . [Daley’s] allowed to have the cost of his legal defense . . . That’s it. I’m not part of it.”⁸⁶

D. Progress Towards Reparations in Chicago

In January of 2012, the Human Relations Committee of the Chicago City Council held a hearing on a resolution proposed by the Illinois Coalition Against Torture that declared Chicago to be a “torture free zone.”⁸⁷ The resolution, which was backed by a petition signed by 3,500 people, was symbolic only, and several witnesses who testified at the hearing raised the issues of financial compensation, an official apology, and funding for the treatment of police torture survivors.⁸⁸ The City Council, in a 45-0 vote, subsequently passed the resolution.⁸⁹

The demand for an official apology was again publicly raised in the summer of 2012; the *Tillman* case was settled with the city, which thereby excused Daley from detailing his role in the torture scandal under oath.⁹⁰ Emanuel continued to refuse to acquiesce to the public demand for an apology. When asked, he told reporters his reason for not apologizing was that he was “focused on the future of the city, not just about the past,” and that he “wanted to see this dark chapter in the city’s history brought to a close,” which he contended was being achieved, and that “lessons from this moment” should be

⁸¹ See *Tillman v. Burge*, 813 F.Supp.2d 946, 968 (N.D. Ill. 2011).

⁸² Fran Spielman, *Emanuel: Deny Burge Pension*, CHI. SUN-TIMES, Aug. 11, 2011, at 11.

⁸³ See *id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Emanuel: Settling with alleged Burge torture victims a possibility*, CHI. SUN-TIMES, Aug. 15, 2011.

⁸⁷ Daniel Hertz, *Chicago poised to become first city to condemn torture*, IN THESE TIMES (Jan. 12, 2012), http://inthesetimes.com/ittlist/entry/12529/chicago_city_council_holds_anti-torture_hearings.

⁸⁸ *Id.*

⁸⁹ *Anti-torture resolution is a Band-Aid, but advocates are glad to have it*, MEDILL NEWS SERV. (Jan. 19, 2012), <http://news.medill.northwestern.edu/chicago/news.aspx?id=198783>.

⁹⁰ See *Time for apology in Burge cases*, CHI. SUN-TIMES, June 22, 2012. See also Nancy Harty, *City to Pay \$7 Million to Burge Torture Victims; Daley Won’t Have to Testify*, CBS NEWS (July 23, 2012), <http://chicago.cbslocal.com/2012/07/23/city-to-pay-7-million-to-burge-torture-victims-daley-wont-have-to-testify/>.

learned “so we can build a future for the city.”⁹¹ The public rejoinder was a cutting response that called the occasion a missed opportunity to show that there had been a true “changing of the guard,” and chastised Emanuel for being “tone-deaf to the African-American community” for not understanding “that the community still feels very strongly that justice has not been done, and that the city still stands on the wrong side of the issue.”⁹²

1. The Original Reparations Ordinance is Drafted

Throughout 2012, Chicago Torture Justice Memorials conducted roundtables, workshops, readings, performances, and other educative events. In the fall it opened an exhibit at a local art gallery entitled “Opening the Black Box, the Charge is Torture,” featuring seventy-five torture-related exhibits that were submitted by artists, educators, architects, and activists as proposals to memorialize Chicago police torture.⁹³ Later in the year, as CTJM continued to present its series of cultural and educative events, including a film festival, CTJM also drafted the original Reparations Ordinance. After much discussion, it was decided that the relief for victims should continue to be called reparations, despite the fact that it had the potential of alienating some of the politicians whose support CTJM was seeking. As was later explained to the *Washington Post* by CTJM member Mariame Kaba, the term “reparations” reflected the fact that it was a type of compensation meant to make amends for abuse at the hands of the state, and underscored that race and bias were central: “‘The racial component of this is an essential part of the torture itself’ . . . the victims were subject to repeated racial epithets. ‘The . . . box that was used to electrocute them was called the ‘n—’ box. It was painted black.’”⁹⁴

In June of 2013, in recognition of Torture Awareness Month, the issue of torture reparations was raised in an article published in the *Huffington Post*:

What if Mayor Emanuel . . . and Cook County Board President Toni Preckwinkle, on behalf of the County and the State's Attorneys' Office, stood in front of the old Area 2 "House of Screams" . . . and issued a joint apology to all of Chicago's citizens, together with a pledge to create a reparations fund to compensate those still suffering survivors of Chicago police torture who were cheated out of lawsuits by the cover-up of the scandal. This fund could also be used to provide treatment for the psychological damage inflicted and for job training.⁹⁵

“Then and only then,” the article concluded, would “the true healing begin.”⁹⁶

⁹¹ John Byrne, *Emanuel: It's time to close chapter on Burge scandal*, CHI. TRIB. (July 25, 2012), http://articles.chicagotribune.com/2012-07-25/news/ct-met-city-council-roundup-0726-20120726_1_burge-victims-chicago-police-cmdr-attorney-flint-taylor.

⁹² *Id.*

⁹³ See, e.g., *Opening the Black Box, the Charge is Torture*, FLICKR, <https://www.flickr.com/photos/sierraromeo/sets/72157631833347318/>.

⁹⁴ Sandhya Somashekhar, *Why Chicago used the word 'reparations'*, WASH. POST, (May 8, 2015), <https://www.washingtonpost.com/news/post-nation/wp/2015/05/08/why-chicago-used-the-word-reparations/>.

⁹⁵ G. Flint Taylor, *It's Time to Heal the Wounds From Chicago Police Torture*, HUFF. POST, (June 18, 2013), http://www.huffingtonpost.com/g-flint-taylor/its-time-to-heal-the-woun_b_3455452.html.

⁹⁶ *Id.*

2. An Impromptu Mayoral Apology

In September of 2013, the City settled two torture cases brought on behalf of two exonerated torture survivors, one of whom, Ronald Kitchen, had spent twelve of his twenty-one imprisoned years on death row. Again pressed about apologizing, Emanuel stated:

I am sorry this happened. Let us all now move on. This is a dark chapter on the history of the city of Chicago. I want to build a future for the city . . . But, we have to close the books on this. We have to reconcile our past . . . Yes, there has been a settlement. And I do believe that this is a way of saying all of us are sorry about what happened . . . and closing that stain on the city's reputation . . . That is not who we are.⁹⁷

Cook County Board President, Toni Preckwinkle, praised the Mayor for his apology, saying that it was “long overdue.”⁹⁸ She also acknowledged the role that county prosecutors had played in the torture conspiracy, and further stated, “You've got to fess up and acknowledge the difficult, problematic parts of your own history if you're ever going to make any progress forward. Denial gets you nowhere. Refusing to acknowledge those reprehensible parts of our national or local history is self-destructive in the long run.”⁹⁹

In response, Kitchen's lawyers called on Emanuel to establish a \$20,000,000 fund—an amount equal to that which had been paid out by the City to private lawyers to defend Burge, Daley, and their co-conspirators—to compensate the survivors who had no legal recourse because of the official cover-up.¹⁰⁰ The City, through its Corporation Counsel, Stephen Patton, publicly rejected the demand for compensation, saying that “[i]t would be very difficult to justify spending taxpayer dollars to settle a claim that's barred.”¹⁰¹

On the heels of the apology, CTJM, relying on reparations legislation passed in other countries, revised the Reparations Ordinance to include further input from torture survivors, their family members, and the affected community.¹⁰² The international models for reparations included those that were adopted in Chile, Argentina, and South Africa.¹⁰³ The Ordinance called for an official apology and compensation to the

⁹⁷ Fran Spielman & Tina Sfondeles, *Rahm: 'Sorry' For Burge Torture*, CHI. SUN-TIMES, Sept. 12, 2013, at 6.

⁹⁸ John Byrne, *Preckwinkle praises Emanuel's apology for Burge era*, CHI. TRIB., (Sept. 12, 2013), http://articles.chicagotribune.com/2013-09-12/news/ct-met-toni-preckwinkle-cigarette-taxes-0913-20130913_1_preckwinkle-4th-ward-alderman-burge-era.

⁹⁹ *Id.*

¹⁰⁰ See Spielman & Sfondeles, *supra* note 97.

¹⁰¹ Fran Spielman, *Rahm's settlement plan: Pay now, hope to save later*, CHI. SUN-TIMES, Sept. 24, 2013, at 13.

¹⁰² See G. Flint Taylor & Joey L. Mogul, *'Sorry' Not Good Enough for Chicago Torture Survivors*, IN THESE TIMES, (Jan. 6, 2014), http://inthesetimes.com/article/16064/sorry_not_good_enough_for_torture_survivors_say_activists. In Chile, survivors of torture during the Pinochet regime received a stipend of approximately \$190 a month; free healthcare for victims and their parents, partners and children; and free education for victims whose studies were interrupted by their imprisonment. Additionally, numerous memorials, including the Museo De La Memoria Y Los Derechos Humanos in Santiago, were constructed to honor the victims and to remember the crimes. *Id.*

¹⁰³ *Id.*

survivors.¹⁰⁴ It also requested tuition-free education at the City Colleges of Chicago for all torture survivors and their families, and a center on the south side of Chicago that would provide psychological counseling, healthcare services, and vocational training to those affected by law enforcement torture and abuse.¹⁰⁵ The Ordinance also called for the establishment of a fund of at least \$20,000,000 to finance these reparations, required the Chicago Public Schools to teach students about the torture cases, and it mandated that the City sponsor the construction of public memorials for torture victims.¹⁰⁶

3. Introduction of the Reparations Ordinance into City Council

In its pursuit of the adoption of the Reparations Ordinance, CTJM next solicited the support and political leadership of Alderman “Proco” Joe Moreno to sponsor the Ordinance, and enlisted Alderman Howard Brookins, who was the Chair of the City Council’s Black Caucus, to be a co-sponsor.¹⁰⁷ On October 16, 2013, Moreno and Brookins introduced CTJM’s Ordinance to the City Council.¹⁰⁸ Members of CTJM then took on the task of meeting with numerous members of the Council, explaining the Ordinance and obtaining, one by one, the members’ endorsement.¹⁰⁹ Two of the enlisted Aldermen, Joe Moore and Roderick Sawyer, joined Moreno and Brookins as *de facto* political consultants.¹¹⁰ A hearing on the Ordinance was scheduled for March 2014 before the Council’s Finance Committee, which was chaired by the powerful Ed Burke, but it was postponed only days before the hearing was due to begin.¹¹¹

In April of 2014, Amnesty International (AI) joined the reparations coalition that was spearheaded by CTJM, and declared its support for the Reparations Ordinance. In its Global Campaign Against Torture, AI featured Darrell Cannon,¹¹² and took the lead in organizing a march, a demonstration, and a vigil in downtown Chicago during its national convention.¹¹³ Each of the participants carried a black flag, designed by CTJM members, emblazoned with the name of one of the known Burge torture survivors. Survivors’ names were read aloud at the end of the rally, and corresponding flags were displayed facing City Hall.¹¹⁴

¹⁰⁴ Chi., Ill., Reparations for the Chicago Police Torture Survivors (Oct. 16, 2013) (proposed).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ G. Flint Taylor, *How Activists Won Reparations for the Survivors of Chicago Police Department Torture*, IN THESE TIMES (June 26, 2015), <http://inthesetimes.com/article/18118/jon-burge-torture-reparations>.

¹⁰⁸ *Id.*

¹⁰⁹ Martha Biondi, a Professor of African-American History at Northwestern University, who had previously fought for reparations for the descendants of enslaved African-Americans, and Alice Kim, a veteran activist in the struggle against torture and the death penalty, played pivotal roles in recruiting Joe Moreno and obtaining the additional aldermanic support. *See id.*

¹¹⁰ *Id.*

¹¹¹ *See id.* The indictment of co-sponsor Alderman Brookins’ Chief of Staff appeared to be a motivating force behind what turned out to be an indefinite postponement. *See* Alex Parker, *Ald. Brookins’ Chief of Staff Charged with Bribery*, DNAINFO (Feb. 28, 2014), <https://www.dnainfo.com/chicago/20140228/downtown/ald-brookins-chief-of-staff-charged-with-bribery>.

¹¹² Jasmine Heiss, *Introducing Amnesty’s New Global Campaign Against Torture*, AMNESTY INT’L (May 12, 2014), <http://blog.amnestyusa.org/us/introducing-amnestys-new-global-campaign-against-torture/>.

¹¹³ *How Activists Won Reparations for the Survivors of Chicago Police Department Torture*, *supra* note 107.

¹¹⁴ *Id.*

As the year wore on, other activist groups, including Project NIA and We Charge Genocide, joined the reparations coalition, adding creative and energetic new leadership, and an infusion of young people of color. The number of aldermanic sponsors continued to grow as a result of the dedicated work of CTJM, which also initiated a very successful petition drive. In the fall of 2014, Karen Lewis, the dynamic president of the Chicago Teachers Union, who at that time was mounting a serious challenge to Mayor Emanuel in the upcoming primary election, publicly announced her support for the Ordinance.¹¹⁵

In October of 2014, Jon Burge was released to a halfway house after serving three-and-a-half years of his four-and-a-half-year sentence.¹¹⁶ Capitalizing on the outrage that Burge's release fostered, CTJM held a press conference at which torture survivors, their lawyers, and other CTJM members called for the City Council's Finance Committee to finally hold a hearing on the Ordinance.¹¹⁷ The speakers contrasted Burge's release with his police pension intact to the plight of the survivors who had not received "one red cent."¹¹⁸

Meanwhile, the *Chicago Sun-Times* reported that Emanuel, in seeming contradiction to his Corporation Counsel's prior declaration, was "riding the fence" on reparations and its proposed financial component:¹¹⁹

At one point, Emanuel appeared to crack the door open to the idea, telling reporters that there are "a number of things" that the reparations ordinance demanded that he was prepared to "look at and work through. On the money piece, we have to study it," the mayor said, without ruling it out. "As we get ready for what we have to do from a financial standpoint, there must be some way to address those whose statute of limitations has run out. But that doesn't mean there's only one way to do it." The mayor was asked whether that answer should be construed as a "yes, no or maybe." With trademark sarcasm, he replied, "I don't know. You've got all three answers."¹²⁰

The response to the Mayor's equivocation underscored that the "political repercussions," particularly for a Mayor who had already alienated many African-American voters by closing fifty inner-city schools, "cannot be overstated."¹²¹

V. A UNITED FRONT BRINGS SUCCESS

A. *The United Nations Committee Against Torture Calls for Reparations*

Also in the fall of 2014, CTJM worked with the MCHR to submit a brief to the United Nations Committee Against Torture that urged the Committee to recommend that the U.S. government support reparations, which, as the brief pointed out, were guaranteed

¹¹⁵ James Thindwa, *Karen Lewis Has Already Redefined Chicago Politics*, IN THESE TIMES (Oct. 18, 2014), http://inthesetimes.com/article/17268/how_karen_lewis_redefined_chicago_politics.

¹¹⁶ Jason Meisner, *Ex-cop Burge leaves prison, but torture victim is left seeking reparations*, CHI. TRIB. (Oct. 2, 2014), <http://www.chicagotribune.com/news/ct-jon-burge-prison-release-met-20141002-story.html>.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ Fran Spielman, *Emanuel dances around demand that city compensate Burge victims*, CHI. SUN-TIMES (Oct. 8 2014), <http://chicago.suntimes.com/politics/emanuel-dances-around-demand-that-city-compensate-burge-victims/>.

¹²⁰ *Id.*

¹²¹ *Id.*

under Article 14 of the United Nations Convention Against Torture.¹²² CTJM and We Charge Genocide members traveled to Geneva, Switzerland and appeared before UNCAT where they pressed the issue of reparations, and staged a dramatic silent protest to highlight continuing racist police violence in Chicago.¹²³ A few weeks later, UNCAT again formally recognized Chicago police torture under Jon Burge, and the necessity for compensation for the survivors:

With regard to the acts of torture committed by CPD Commander Jon Burge and others under his command between 1972 and 1991, the Committee notes the information provided by the State party that a federal rights investigation did not develop sufficient evidence to prove beyond a reasonable doubt that prosecutable constitutional violations occurred. However, it remains concerned that, despite the fact that Jon Burge was convicted for perjury and obstruction of justice, no Chicago police officer has been convicted for these acts of torture for reasons including the statute of limitations expiring. While noting that several victims were ultimately exonerated of the underlying crimes, the vast majority of those tortured—most of them African Americans—, have received no compensation for the extensive injuries suffered (arts. 11, 12, 13, 14 and 16).¹²⁴

UNCAT then specifically urged that the “State party” should “[p]rovide redress for CPD torture survivors by supporting the passage of the Ordinance entitled Reparations for the Chicago Police Torture Survivors.”¹²⁵

B. Mounting Pressure for Reparations

Darrell Cannon and Anthony Holmes, now joined by torture survivor Marc Clements and several mothers of imprisoned torture survivors, continued to speak out in support of reparations.¹²⁶ Holmes had received nothing, while Cannon had received a *de minimus* \$3,000 settlement before the cover-up had begun to unravel.¹²⁷ In December of 2014, AI, CTJM, Project NIA, and We Charge Genocide led a five-mile march from police headquarters to the mayor’s office, where the marchers delivered petitions signed by more than 45,000 people and then held a peaceful teach-in outside of his office.¹²⁸ The effort also included a Twitter power hour directed at the mayor.

¹²² Under Article 14 of the Convention Against Torture (CAT), the United States is obligated to “ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible.” *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, CAT/C/GC/3 (Nov. 19, 2012), available at http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3_en.pdf.

¹²³ *We Charge Genocide Holds Historic Protest Inside the United Nations During UNCAT Review of US Torture*, WE CHARGE GENOCIDE (Nov. 4, 2014), <http://wechargegenocide.org/we-charge-genocide-holds-historic-protest-inside-the-united-nations-during-uncat-review-of-us-torture/>.

¹²⁴ United Nations Committee Against Torture, *Concluding Observations on the Third to Fifth Periodic Reports of United States of America*, CAT/C/USA/CO/3-5 (Nov. 20, 2014), available at <http://www.state.gov/documents/organization/234772.pdf>.

¹²⁵ *Id.*

¹²⁶ *The Chicago Police Torture Scandal*, *supra* note 1.

¹²⁷ *Id.*

¹²⁸ See Sarah Lazare, ‘Fight For Justice Is Not Over’: Chicago Survivors of Police Torture Demand Reparations, COMMON DREAMS (Dec. 16, 2014), <http://www.commondreams.org/news/2014/12/16/fight-justice-not-over-chicago-survivors-police-torture-demand-reparations>.

As the February 2015 mayoral primary election approached, the campaign for reparations redoubled its effort. CTJM now had a majority of the fifty Chicago aldermen committed as sponsors, and a significant number of other politicians, aldermanic candidates, and community organizations had come aboard, as had Jesus “Chuy” Garcia, who had replaced Karen Lewis as Emanuel’s main opponent in the race for mayor after Lewis had been diagnosed with cancer.¹²⁹

On Valentine’s Day 2015, reparations activists held a rally attended by a large multi-racial and multi-generational crowd.¹³⁰ CTJM distributed a leaflet that recorded which politicians supported the Ordinance and highlighted those who had not done so, with particular emphasis on the mayor.¹³¹ Many of the attendees wore black t-shirts designed and distributed by CTJM that featured the City of Chicago flag with a fifth star, black in color, added to represent the torture survivors. The rally, which was timed to coincide with Burge’s release from the halfway house, also followed Burge’s latest refusal, a week earlier, to admit any responsibility for his actions in a sworn deposition during which he invoked his Fifth Amendment right in response to all questions.¹³² Several speakers at the rally emphasized the demand for the long postponed hearing on the Ordinance. Other coalition actions in support of reparations included a light show in front of the mayor’s house that spelled out “Reparations Now,” community teach-ins, a sing-in at City Hall, church presentations, and demonstrations on the subway and outside of mayoral debates.

C. *The City Requests Talks with Chicago Torture Justice Memorials*

A few days after the February rally, Corporation Counsel Patton called CTJM lawyers¹³³ to suggest a post-primary election meeting with CTJM representatives at which the City would present its plan for reparations.¹³⁴ Patton initially reiterated his previously articulated position that the City was not inclined to provide any financial compensation to the survivors.¹³⁵ CTJM’s lawyers told Patton that compensation was a non-negotiable requirement, but CTJM decided to accept the meeting invitation in order to learn what the City had planned, and to advocate for the complete reparations package.¹³⁶

CTJM’s negotiation team was comprised of two CTJM lawyers, a representative from BPAPT, three CTJM members, and two representatives from AI. On the other side

¹²⁹ *Mayoral Candidate Jesus “Chuy” Garcia Supports Passage of The Chicago Police Torture Reparations Ordinance*, CHI. TORTURE JUSTICE MEMORIALS, <http://chicagotorture.org/articles/Garcia/>.

¹³⁰ See *‘We Must Love Each Other:’ Lessons in Struggle and Justice from Chicago*, PRISON CULTURE BLOG (Feb. 15, 2015), <http://www.usprisonculture.com/blog/2015/02/15/we-must-love-each-other-lessons-in-struggle-and-justice-from-chicago/>.

¹³¹ CHICAGO TORTURE JUSTICE MEMORIALS, LEAFLET, WHO IS RIGHT ON REPARATIONS? (on file with author).

¹³² G. Flint Taylor, *To Catch a Torturer: One Attorney’s 28-Year Pursuit of Racist Chicago Police Commander Jon Burge*, IN THESE TIMES (Apr. 8, 2015), <http://inthesetimes.com/article/17794/to-catch-a-torturer-one-attorneys-28-year-pursuit-of-racist-chicago-police>.

¹³³ Author G. Flint Taylor, as a member of CTJM, was personally involved in negotiations with the city.

¹³⁴ See Steve Mills, *Burge reparations deal a product of long negotiations*, CHI. TRIB. (May 6, 2015), <http://www.chicagotribune.com/ct-burge-torture-reparations-lawyer-met-20150505-story.html>.

¹³⁵ See *id.*

¹³⁶ See *id.*

of the table, Patton headed up a group that included representatives from the mayor's Legislative, Legal, and Human Relations Departments.¹³⁷

While non-financial issues were at the forefront of the initial discussions, the CTJM team persisted in firmly maintaining its position that financial compensation was a required part of the legislation, and continued to seek an immediate hearing on the Ordinance.¹³⁸ While the negotiations were ongoing, Alderman Burke—in the wake of the reparations coalition publicly announcing that it planned to disrupt the next Finance Committee meeting if no hearing date had been announced—set a hearing on the Ordinance for the week after the April election.¹³⁹ Both sides understood that, depending on the outcome of the negotiations, the City and Mayor Emanuel would be either commended or castigated at the hearing.

The CTJM team continued to meet with the City's representatives on several occasions throughout March and early April, and any initial guardedness or occasional hostility was gradually replaced by a mutual spirit of cooperation as both sides recognized the other's good faith, and worked out the parameters of the non-financial issues. Compensation for the survivors was discussed hesitantly at first, and as the April hearing date approached, CTJM and its negotiating team reluctantly agreed internally upon a bottom line of \$100,000 per survivor. Based on an estimated total of 120 potential survivors, CTJM lowered its financial demand to \$12 million, and the City responded with an offer in the range of \$2 to \$3 million.

Shortly before the hearing, the negotiating team made another difficult decision—to remove the deceased survivors from eligibility for financial compensation. The team concluded that the number of eligible living survivors would most likely be around fifty to sixty, making the bottom line of \$100,000 per survivor realizable from a total pool of \$5 to \$6 million. The City had reluctantly raised its "final" offer to \$5 million, but, at the last moment, the City increased its offer to \$5.5 million.¹⁴⁰ CTJM polled a number of survivors, all of whom approved of the figure, and the offer was accepted on the eve of the hearing.¹⁴¹

D. Reparations Approved and the Mayor Offers an Official Apology

At the Finance Committee hearing, held in the City Hall chamber packed with hundreds of reparations supporters, the agreement between the City and CTJM that had been memorialized in the form of a Resolution and Amended Ordinance, was supported with testimony from numerous witnesses.¹⁴² The Committee unanimously voiced its approval for the legislation, which provided for financial compensation to the living

¹³⁷ See generally *id.*

¹³⁸ See *id.*

¹³⁹ Press Release, Amnesty Int'l., Chicago: Finance Committee Announces a Hearing on the Burge Torture Reparations Ordinance (Mar. 16, 2015), available at <http://www.amnestyusa.org/news/press-releases/chicago-finance-committee-announces-a-hearing-on-the-burge-torture-reparations-ordinance>.

¹⁴⁰ Mills, *supra* note 134.

¹⁴¹ See *id.*

¹⁴² *Hearing on Reparations Ordinance – Mayor's Office Announces Support*, PEOPLE'S LAW OFFICE, <http://peopleslawoffice.com/hearing-on-reparations-ordinance-mayors-office-announces-support/>. Joey Mogul and Stephen Patton detailed the Resolution and Amended Ordinance, and their presentations were followed by supporting testimony from Darrell Cannon, Anthony Holmes, Amnesty International USA's Executive Director Steven Hawkins, CTJM and BPAPT member Dorothy Burge, and the author.

survivors in the total amount of \$5.5 million and non-financial reparations to the living survivors and their immediate families, as well as to the immediate families of the deceased survivors.¹⁴³ These non-financial reparations included psychological counseling at a dedicated community center, free education at the City Colleges, an official apology, the teaching of the torture scandal in the Chicago public schools, job training, and a public memorial.¹⁴⁴ The reaction to this reparations package was overwhelmingly positive, although there was some criticism that the financial compensation was too limited.¹⁴⁵ In stark contrast, Burge and his right hand man, John Byrne, who tortured Darrell Cannon, broke their longstanding silence to condemn the City, Cannon, Holmes, and the author in a statement to a police blog and to the *Chicago Tribune*.¹⁴⁶

Alderman Joe Moreno presented the Resolution and Amended Ordinance to the full City Council on May 6, 2015.¹⁴⁷ During his presentation, Moreno read each of the attending survivors' names, and each person stood. The Council members then spontaneously faced the standing men, and, in a moment of high emotion, applauded them.¹⁴⁸ After several other Aldermen spoke, Mayor Emanuel officially apologized on behalf of the City:

This is another step but an essential step in righting a wrong, removing a stain on the reputation of this great city. 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.¹⁴⁹

Addressing the torture survivors and their families, the Mayor continued:

I want to thank you for your persistence. I want to thank you for never giving in and never giving up and allowing the city to join you on that journey to come face-to-face with the past and be honest enough and strong enough to say when we are wrong and try to make right what we've done wrong. This 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.¹⁵⁰

¹⁴³ See Chi. Ill., "Reparations for Burge Torture Victims" Ordinance, available at http://www.cityofchicago.org/content/dam/city/depts/dol/supp_info/Burge-Reparations-Information-Center/ORDINANCE.pdf.

¹⁴⁴ Hal Dardick et al., *Mayor backs \$5.5 million reparations deal for Burge police torture victims*, CHI. TRIB. (Apr. 14, 2015), <http://www.chicagotribune.com/news/ct-burge-reparations-emanuel-met-20150414-story.html>.

¹⁴⁵ See, e.g., Ashahed M. Muhammed, *Mayor Emanuel announces support for reparations for Burge torture victims*, THE FINAL CALL (Apr. 21, 2015), http://www.finalcall.com/artman/publish/National_News_2/article_102288.shtml.

¹⁴⁶ See Fran Spielman, *Disgraced Chicago cop Jon Burge breaks silence, condemns \$5.5 million reparations fund*, CHI. SUN-TIMES (Apr. 17, 2015), <http://chicago.suntimes.com/news/disgraced-chicago-cop-jon-burge-breaks-silence-condemns-5-5-million-reparations-fund>; Hal Dardick et al., *supra* note 144.

¹⁴⁷ Fran Spielman, *City Council approves \$5.5 million in reparations for Burge torture victims*, CHI. SUN-TIMES (May 6, 2015), <http://chicago.suntimes.com/news/city-council-approves-5-5-million-in-reparations-for-burge-torture-victims/>; Hal Dardick & John Byrne, *Mayor: Approval of Burge victims fund a step toward 'removing a stain'*, CHI. TRIB. (May 6, 2015), <http://www.chicagotribune.com/ct-city-council-rauner-cupich-met-20150506-story.html>.

¹⁴⁸ See *City Council approves \$5.5 million in reparations for Burge torture victims*, *supra* note 147.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

The Council unanimously adopted the Resolution and Ordinance.¹⁵¹ The Resolution invoked a “sincere hope” that “the process of repair, renewal and reconciliation that we affirm today will help to restore the trust of all Chicagoans in the decency and fairness of their municipal and county governments, including their law enforcement agencies.”¹⁵² Further, the Resolution acknowledged respect for the work of Chicago Torture Justice Memorials, and resolved that:

[W]e, the Mayor and Members of the City Council of the City of Chicago, on behalf of all Chicagoans—

- (1) acknowledge and condemn, as evil and reprehensible, any and all acts of torture and abuse inflicted upon the Burge victims; and
- (2) apologize to the Burge victims for these horrific and inexcusable acts; and
- (3) express our most solemn regrets to the families of the Burge victims for any and all harm that they suffered as a consequence of the ordeal that their loved ones were subjected to; and
- (4) remember these past events, to ensure that this sad chapter in our City’s history is never forgotten; and
- (5) reaffirm our City’s commitment to righting the wrongs of the past, and in so doing, reassure Chicago’s residents that such wrongs will not be repeated in the future.¹⁵³

E. Implementation of the Legislation

Since the passage of the legislation, the hard work of implementation has proceeded with deliberate speed. Pursuant to the terms of the Ordinance,¹⁵⁴ CJTM lawyers presented a list of forty-eight living claimants for financial compensation to Counsel Patton for the City’s review.¹⁵⁵ After an exchange of documentation and several discussions between the attorneys, the City accepted all but six of the claims as

¹⁵¹ *Id.*

¹⁵² Burge Reparations-Resolution, http://www.cityofchicago.org/city/en/depts/dol/supp_info/burge-reparations-information/burge-reparations--ordinance.html. Any anticipated restoration of trust was dashed only a few months later, as the City’s suppression of a police video that captured a wanton police killing of a young African-American man led to mass protests, the firing of the Chicago Police Superintendent and the head of the police disciplinary agency, repeated calls for the resignation of Mayor Rahm Emanuel, the defeat of Cook County State’s Attorney Anita Alvarez in the March 2016 primary election, and a Department of Justice pattern and practice investigation of the Chicago Police Department. In response, Mayor Emanuel has repeatedly attempted to offer his role in approving reparations as a defense to these calls for his resignation. See Rahm Emanuel, *I own the Problem of police brutality, and I’ll fix it*, CHI. TRIB. (Dec. 4, 2015), <http://www.chicagotribune.com/news/ct-rahm-emanuel-laquan-mcdonald-police-perspec-20151204-story.html>.

¹⁵³ Burge Reparations-Resolution, *supra* note 152.

¹⁵⁴ *Id.*

¹⁵⁵ Fran Spielman, *Chicago pays \$5.5M in reparations to 57 Burge torture victims*, CHI. SUN-TIMES (Jan. 4, 2016), <http://chicago.suntimes.com/politics/chicago-pays-5-5m-in-reparations-to-57-burge-torture-victims/>. There were 119 men on the original list of Burge torture survivors that had been compiled by People’s Law Office lawyers over the years and was used by the CTJM lawyers as the basis for their submission. Because the deceased survivors were eliminated, some survivors chose not to pursue reparations for various reasons, ten had been officially exonerated and already received multi-million dollar settlements, and others could not be located, the final list submitted by CTJM contained forty-eight names. See *id.*

“credible.”¹⁵⁶ In response to public notice, fifty additional persons made claims to a designated independent third-party administrator, Daniel Coyne, a professor at Illinois Institute of Technology’s Kent School of Law.¹⁵⁷ Coyne evaluated those claims, and presented to the City and CTJM eleven additional claimants whom he determined to be eligible.¹⁵⁸ The City ultimately accepted seven of those claims, one of the claimants withdrew, and the City contested the other three.¹⁵⁹

As required by the Ordinance,¹⁶⁰ those cases that were not accepted as “credible” by the City were arbitrated before former U.S. District Court Judge David Coar, who was tasked with deciding whether the contested claimants were entitled to compensation based on paper submissions and oral presentations.¹⁶¹ The Ordinance further mandated that Judge Coar was to consider factors including the circumstances under which the claim was first made or reported to someone, the consistency of the claim over time, and any credible affirmative proof rebutting the claim.¹⁶² However, denials by Burge or any of his associates who had, on some other occasion, invoked the Fifth Amendment in response to questions of police torture, could not be considered as proof.¹⁶³ The City and CTJM agreed that Judge Coar should employ a flexible standard of proof, greater than probable cause but less than a preponderance of the evidence.

In late November and early December 2015, Judge Coar conducted hearings on the cases that the City contended were not credible.¹⁶⁴ CTJM lawyers presented the cases on behalf of seven of the claimants, private lawyers presented on behalf of the others, and survivors appeared in person in four of the cases.¹⁶⁵ Subsequently, Judge Coar rendered his final written decisions, accepting eight of the claims as credible.¹⁶⁶ The final total of recipients stood at fifty-seven, which, since several of the men were to receive partial shares, guaranteed each survivor a total of \$100,000 in compensation.¹⁶⁷ On January 4, 2016, the City began to issue reparations checks to the entitled survivors.¹⁶⁸

As of this writing, communications are ongoing among representatives from CTJM, the Chicago Public Schools, and the Chicago Teachers Union with the goal of establishing a mutually acceptable curriculum for teaching the history of Chicago police torture to eighth and tenth grade students in Chicago’s public schools. In furtherance of

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ “Reparations for Burge Torture Victims” Ordinance, *supra* note 143.

¹⁶¹ The author and his law partner, Joey Mogul, personally participated as lawyers for CTJM in these proceedings.

¹⁶² See “Reparations for Burge Torture Victims” Ordinance, *supra* note 143.

¹⁶³ *Id.*

¹⁶⁴ See *Chicago pays \$5.5M in reparations to 57 Burge torture victims*, *supra* note 155.

¹⁶⁵ Judge Coar graciously conducted the hearings *pro bono*. Similarly, the CTJM lawyers worked during the entire process without collecting a fee. *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ The Ordinance provided that the maximum amount that could be paid to each entitled survivor was \$100,000, and that those who had received settlements in the past would have the amount of the prior settlement subtracted from the amount of their compensation. Six of the men had previously received settlements ranging from \$3,000 to \$95,000; after their amounts were adjusted, the remaining fifty-one men each received a full \$100,000 share. See *id.* See also “Reparations for Burge Torture Victims” Ordinance, *supra* note 143.

¹⁶⁸ See *Chicago pays \$5.5M in reparations to 57 Burge torture victims*, *supra* note 155.

that goal, there is a plan to implement a pilot curriculum this year.¹⁶⁹ Plans for the counseling center and a torture memorial are also progressing, with money having been appropriated by the City for a counseling coordinator and a goal of opening the center by early 2017.¹⁷⁰

VI. CONCLUSION

Over the course of the decades-long struggle for justice in the torture cases, the movement and its lawyers have repeatedly turned to the international arena for evidence, support, examples, and models to help re-frame the police torture narrative and to seek a modicum of justice. In the pursuit of reparations, advocates for the survivors were able to utilize these important tools¹⁷¹ despite finding few successful examples here in the United States, with the notable exceptions of reparations for Japanese-Americans who were interned during World War II, for the descendants of the African-American victims of a race riot in Rosewood, Florida, and for the victims of mass sterilizations in North Carolina.¹⁷² Advocates were also inspired by the ongoing pursuit of reparations for the descendants of enslaved African-Americans,¹⁷³ the movement to fully document and memorialize southern lynchings,¹⁷⁴ the recent wave of youth-led mass actions in opposition to racially-motivated police killings, and, most importantly, by the survivors of Chicago police torture and their families.

While it was publicly noted that full compensation for the pain suffered at the hands of the torturers was not, and could not be, obtained,¹⁷⁵ and although some questioned the wisdom of calling the relief “reparations,”¹⁷⁶ the Chicago reparations package is truly extraordinary, particularly given that the survivors who sought reparations had no other remedy. Hopefully, the successful struggle for reparations will serve as a stellar example to others both in Chicago and across the country who are fighting for justice in cases of racist police violence.¹⁷⁷ In the words of Darrell Cannon, the allocation of reparations for the victims of Chicago police torture “sets a precedent

¹⁶⁹ Oral Committee Reports, Chicago Torture Justice Memorials (Dec. 2015/Jan. 2016) (submitted at CTJM meetings) (on file with author).

¹⁷⁰ *Id.* The process for City College enrollment of interested survivors and their family members is also underway.

¹⁷¹ See *supra* Part III.

¹⁷² See *id.*

¹⁷³ See *supra* note 63.

¹⁷⁴ See *Lynching in America: Confronting the Legacy of Racial Terror*, EQUAL JUSTICE INITIATIVE (2015), <http://www.eji.org/files/EJI%20Lynching%20in%20America%20SUMMARY.pdf>.

¹⁷⁵ *Editorial: A big step toward justice for police torture victims*, CHI. SUN-TIMES (Apr. 14, 2015), <http://chicago.suntimes.com/news/editorial-a-big-step-toward-justice-for-police-torture-victims/>.

¹⁷⁶ See Somashekhar, *supra* note 94.

¹⁷⁷ In May of 2016, attorneys for a police shooting victim in Little Rock, Arkansas, drawing on the Chicago reparations example, negotiated an historic settlement with the City that combined the largest financial award of its kind in Little Rock with a formal apology and a dedicated memorial. See David Koon, *Ellison family speaks on historic LRPD use-of-force settlement*, ARK. TIMES (May 7, 2016), <http://www.arktimes.com/ArkansasBlog/archives/2016/05/07/ellison-family-speaks-on-historic-lrpd-use-of-force-settlement>.

that has never been done in the history of America. Reparations given to black men tortured by some white detectives. It's historic."¹⁷⁸

¹⁷⁸ Spencer Ackerman & Zach Stafford, *Victims of Chicago police savagery hope reparations fund is 'beacon' for world*, THE GUARDIAN (May 7, 2015) <http://www.theguardian.com/us-news/2015/may/07/chicago-police-brutality-reparations>.