

3-6-2018

Dignity Restoration and the Chicago Police Torture Reparations Ordinance

Andrew S. Baer
University of Alabama at Birmingham

Follow this and additional works at: <https://scholarship.kentlaw.iit.edu/cklawreview>



Part of the [Law Enforcement and Corrections Commons](#), [Legal Remedies Commons](#), [Property Law and Real Estate Commons](#), and the [State and Local Government Law Commons](#)

Recommended Citation

Andrew S. Baer, *Dignity Restoration and the Chicago Police Torture Reparations Ordinance*, 92 Chi.-Kent L. Rev. 769 (2018).

Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol92/iss3/6>

This Article is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact jwenger@kentlaw.iit.edu, ebarney@kentlaw.iit.edu.

DIGNITY RESTORATION AND THE CHICAGO POLICE TORTURE REPARATIONS ORDINANCE

ANDREW S. BAER*

I. INTRODUCTION

Focusing on a high-profile police torture scandal from 1970s and 1980s Chicago, this essay expands on Bernadette Atuahene's theory of dignity takings and dignity restoration by foregrounding the agency of dignity takers and dignity restorers.¹ Section II summarizes Atuahene's model and reviews how scholars have borrowed, applied, and extended her concepts. This section also reviews relevant scholarship on procedural justice and social movement theory to advance a new way of looking at dignity taking and dignity restoration in the context of police violence and accountability. Section III establishes the Chicago police torture scandal as an example of a dignity taking and suggests that the process of torturing African American criminal suspects provided white detectives self-affirmation during a moment of perceived status threat. Section IV shifts attention to dignity restorers and argues that social movement organizations offered survivors of police violence mechanisms to restore dignity in themselves and others through active participation in the regular process of pressing claims for justice. The paper's final section offers a short conclusion and calls for including survivors more directly in the implementation of state policy once judicial or legislative victories have been won.

Employing qualitative methods, this essay analyses a growing body of documentary evidence in Chicago's Jon Burge police torture scandal. Jon Burge was a police officer—later a high-ranking commander—who, from 1972 to 1991, led a group of white detectives who regularly tortured or otherwise coerced confessions from over 120 African-American criminal

* Assistant Professor of History, University of Alabama at Birmingham. The author may be reached via email at abaer@uab.edu. The author would like to thank Bernadette Atuahene for including him in this symposium and for her help with this paper.

1. See BERNADETTE ATUAHENE, *WE WANT WHAT'S OURS: LEARNING FROM SOUTH AFRICA'S LAND RESTITUTION PROGRAM* 3–4 (2014).



suspects on Chicago's majority-black South and West Sides.² According to an internal Chicago Police Department (CPD) investigation, "the type of abuse described was not limited to the usual beating, but went into such esoteric areas as psychological techniques and planned torture."³ The Burge interrogation repertoire included trickery, deception, threats, intimidation, physical beatings, sexual humiliation, mock execution, and electroshock torture.⁴ Race played a critical role in the Burge scandal.⁵ Nearly all of the dozens of detectives involved were white; virtually all of the alleged victims were black.⁶ Prosecutors, judges, and other public officials facilitated the abuse and its cover-up.⁷ Scores of defendants wound up in prison as a result of coerced confessions, including at least thirteen men sent to death row.⁸ Following public disclosure of the police torture cases in 1989,⁹ a diverse group of community activists launched a series of campaigns for justice and relief.¹⁰ Their goals included ending police torture, freeing the innocent, punishing perpetrators, and abolishing the state's death penalty. Over the course of two decades and counting, this evolving coalition experienced many victories and defeats, including the exoneration or release of dozens of survivors.¹¹ The Burge scandal continues to make

2. Andrew S. Baer, *From Law and Order to Torture: Race and Policing in De-Industrial Chicago* (forthcoming).

3. OFFICE OF PROF'L STANDARDS, CHI. POLICE DEP'T, SPECIAL PROJECT CONCLUSIONS REPORT (THE BURGE INVESTIGATION) 6 (1990), <http://54.227.199.39/foi/relevant-documents-of-interest/goldston-sanders-ops-investigative-report-on-burge> [https://perma.cc/Q7YY-L4FM].

4. John Conroy, *Tools of Torture*, CHI. READER (Feb. 3, 2005), <http://www.chicagoreader.com/chicago/tools-of-torture/Content?oid=917876> [https://perma.cc/AU6M-9WN5].

5. Andrea J. Ritchie & Joey L. Mogul, *In the Shadows of the War on Terror: Persistent Police Brutality and Abuse of People of Color in the United States*, 1 DEPAUL J. SOC. JUST., 175, 185 (2008).

6. G. Flint Taylor, *The Chicago Police Torture Scandal: A Legal and Political History*, 17 CUNY L. REV. 329, 331 (2015).

7. Memorandum in Support of Petition to Reassign Petitioners' Cases to Judges Outside the Circuit Court of Cook Cty. at 4, *In re* Appointment of Special Prosecutor, No. 2001 Misc. 4, 2002 WL 34491483 (Ill. Cir. Ct. July 24, 2002).

8. CAMPAIGN TO PROSECUTE POLICE TORTURE, THE DEATH ROW TEN + 1 IN 2002: WILL THEY FINALLY OBTAIN JUSTICE? (2002) (on file with the Univ. of Ill. At Chi, Special Collections and University Archives, Citizens Alert Records, Box 19, Folder 331).

9. See Rob Warden, Opinion, *Tough Prosecutor Daley Can Be Suspiciously Soft*, CRAIN'S CHI. BUS., Feb. 20, 1989, at 11; Mary Ann Williams, *Torture in Chicago*, CHI. LAW., Mar. 1989, at 1; John Conroy, *House of Screams*, CHI. READER (Jan. 25, 1990), <http://www.chicagoreader.com/chicago/house-of-screams/Content?oid=875107> [https://perma.cc/VXK9-MEGB].

10. See CHARLES HOUNMENO, UNIV. OF ILL. AT CHI. JANE ADDAMS CTR. FOR SOC. POLICY & RESEARCH, JUSTICE ADVOCATES: CITIZENS ALERT AND POLICE ACCOUNTABILITY 36-39 (2012).

11. G. Flint Taylor, *A Long and Winding Road: The Struggle for Justice in the Chicago Police Torture Cases*, 17 PUB. INT. L. REP. 178, 188, 192-96 (2012).

headlines¹² while costing Chicago taxpayers millions of dollars in legal fees, settlements, and civil damages.¹³

In May 2015, the Burge scandal garnered national and international attention once again when the Chicago City Council approved a municipal ordinance giving reparations to Burge torture survivors.¹⁴ Representing the holistic approach proposed by community activists, the \$5.5 million reparations package awarded each of fifty-seven claimants \$100,000 in financial payments; privileged access to psychological counseling, healthcare, and vocational training; as well as provided tuition-free enrollment in City Colleges for themselves, their children, and grandchildren.¹⁵ The ordinance also required the City offer an apology, erect a public memorial, create a community center to provide services for victims of police violence, and develop a public school curriculum to teach the Burge scandal to eighth- and tenth-grade students.¹⁶ The reparations victory presented an occasion to reflect on over twenty-five years of protest and litigation by what this essay calls the Chicago torture justice movement.¹⁷ However, attention to the concrete achievements of this fluid network of individuals and organizations, while important, helped minimize appreciation of the movement's abstract accomplishments, particularly its effort to help restore dignity among torture survivors, their families, and communities.

Research material on the Burge scandal and its aftermath consulted for this project includes archival manuscript collections;¹⁸ reports and memo-

12. For an example of a recent headline, see Steve Schmadeke, *Inmate Freed After Nearly 25 Years in Prison When DNA Clears Him in Boy's Killing*, CHI. TRIB. (Sept. 27, 2016), <http://www.chicagotribune.com/news/local/breaking/ct-child-murder-conviction-tossed-inmate-freed-met-20160927-story.html> [<https://perma.cc/TRG5-HVHC>].

13. *Chart of Fees and Costs*, PEOPLE'S LAW OFFICE, <http://peopleslawoffice.com/issues-and-cases/chicago-police-torture/> [<https://perma.cc/4Y6U-HU4Q>].

14. See Mitch Smith & Monica Davey, *Chicago to Pay \$5 Million to Victims of Police Abuse*, N.Y. TIMES (May 6, 2015), <https://www.nytimes.com/2015/05/07/us/chicago-to-pay-5-million-to-victims-of-police-abuse.html> [<https://perma.cc/XX3Q-HYEW>]; Zach Stafford et al., *Chicago Agrees to Pay \$5.5m to Victims of Police Torture in 1970s and 80s*, GUARDIAN (May 6, 2015), <https://www.theguardian.com/us-news/2015/may/06/chicago-police-torture-victims-deal> [<https://perma.cc/AW7P-F2NE>].

15. Press Release, Chicago Torture Justice Memorials, Historic Reparations Payments Begin (Jan. 4, 2016), <http://chicagotorture.org> [<https://perma.cc/X5HB-CZRR>].

16. Chi., Ill., Ordinance SO2015-2687, Establishment of "Reparations for Burge Torture Victims" Fund (May 6, 2015).

17. 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> [<https://perma.cc/FHY7-749Y>].

18. See generally Citizens Alert Records 1967–2012, Special Collections and University Archives, Univ. of Ill. at Chi (unpublished manuscripts); Illinois Coalition to Abolish the Death Penalty Records 1976–2011, Special Collections and University Archives, Univ. of Ill. at Chi. (unpublished manuscripts).

randa from several official and unofficial investigations;¹⁹ decisions of the Illinois Torture Inquiry and Relief Commission;²⁰ briefs, opinions, exhibits, and other legal documents provided by the People’s Law Office;²¹ newspaper articles from the corporate and alternative press;²² transcripts, exhibits, and decisions from public hearings of the Chicago Police Board; and trial records from the Archives Department of the Clerk of the Circuit Court of Cook County; supplemented by a limited number of in-person, Skype, telephone, and email interviews with participants and observers.²³ In accordance with Atuahene’s recommended approaches for investigating whether the infantilization or dehumanization core to dignity taking occurred, much of this material represents “bottom-up” evidence characterized by “interviews, oral histories, newspaper stories, diaries, and meeting minute transcripts” located in various archival collections.²⁴

II. LITERATURE REVIEW

According to Atuahene, dignity takings are “when a state directly or indirectly destroys property or confiscates various property rights from owners or occupiers and the intentional or unintentional outcome is dehumanization or infantilization.”²⁵ Atuahene shows how property dispossessions in South Africa “were part of a larger strategy that dehumanized and infantilized blacks.”²⁶ Conceding “there are many different ways that individuals and groups have been denied their dignity,” Atuahene originally constructed the term to apply to “property dispossession” only, leaving it

19. See, e.g., OFFICE OF PROF’L STANDARDS, *supra* note 3, at 1–2; EDWARD J. EGAN & ROBERT D. BOYLE, REPORT OF THE SPECIAL STATE’S ATTORNEY: APPOINTED AND ORDERED BY THE PRESIDING JUDGE OF THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF COOK COUNTY IN NO. 2001 MISC. 4, at 3 (2006); CHRISTINA ABRAHAM ET AL., REPORT ON THE FAILURE OF SPECIAL PROSECUTORS EDWARD J. EGAN AND ROBERT D. BOYLE TO FAIRLY INVESTIGATE SYSTEMIC POLICE TORTURE IN CHICAGO 1–2, 58–59 (2007).

20. *TIRC Decisions*, ILL. TORTURE INQUIRY & RELIEF COMM’N, <http://www.illinois.gov/tirc/Pages/TIRCDecision.aspx> [https://perma.cc/5GN6-BARP].

21. For a sampling of materials in author’s possession see POZEN FAMILY CTR. FOR HUMAN RIGHTS AT THE UNIV. OF CHI., CHICAGO TORTURE ARCHIVE, <https://chicagotorturearchive-sites.uchicago.edu> (last visited Mar. 13, 2017).

22. In addition to articles in the *Chicago Defender*, the *Chicago Tribune*, and the *Chicago Sun-Times*, this essay relies on extensive coverage of the Burge scandal in the *Chicago Reader* as well as *The New Abolitionist*, a newsletter of the Campaign to End the Death Penalty, see NEW ABOLITIONIST, http://www.nodeathpenalty.org/new_abolitionist/archive [https://perma.cc/2UB8-2WB4].

23. The author performed 15 formal interviews in person, over the phone, on Skype, and over email. In addition, he performed several informal interviews while attending public meetings, rallies, and workshops connected to the Chicago torture justice movement from 2010 to 2016.

24. Bernadette Atuahene, *Takings as a Sociolegal Concept: An Interdisciplinary Examination of Involuntary Property Loss*, 12 ANN. REV. L. & SOC. SCI. 171, 171, 179 (2016).

25. *Id.* at 178.

26. ATUAHENE, *supra* note 1, at 12.

up to “other scholars to extend the concept beyond this context.”²⁷ A later symposium in *Law & Social Inquiry* helped Atuahene refine her definitions and further “sharpen the concepts’ parameters.”²⁸ While encouraging scholars to challenge her theories, Atuahene asserts: “To qualify as a dignity taking, there must be involuntary property loss plus either dehumanization or infantilization.”²⁹ Accordingly, several of the symposium’s case studies did not meet her criteria.³⁰ Indeed, Atuahene may conclude that extending the concept of dignity taking to the Chicago police torture scandal “weakens its analytic power” by forcing torture, coerced confessions, and incarceration into her definition of dispossession.³¹ However, Atuahene also concedes “there is no one right answer” to queries on dignity takings.³² In the spirit of continued dialogue, this article, as well as another in this volume by John Acevedo,³³ acknowledges the human body as property and argues that state violence that damages or destroys the body qualifies as a dignity taking under certain conditions.

According to Acevedo, “a dignity taking occurs when the police take a person’s body through physical abuse or extra-judicial murder.”³⁴ In 1970s and 1980s Chicago, abusive detectives denied criminal suspects ownership of their bodies through physical abuse and torture, removed direct access to home and material possessions through illegal detainment, and prevented future earnings through wrongful conviction or over-conviction. In addition, survivors’ family members and communities also suffered the loss of an important interpersonal relationship, be it neighbor, co-worker, friend, lover, sibling, son, or other. Beyond the immeasurable loss of intimacy, pleasure, and comfort, the taking of an individual from a community also included the measurable loss of work, income, or other economic contribution needed for collective survival in a de-industrial urban environment.³⁵ While CPD detectives rarely seized torture victims’ material possessions

27. *Id.* at 26.

28. Bernadette Atuahene, *Dignity Takings and Dignity Restoration: Creating a New Theoretical Framework for Understanding Involuntary Property Loss and the Remedies Required*, 41 *LAW & SOC. INQUIRY* 796, 817 (2016).

29. *Id.* at 804.

30. *Id.*

31. *See id.* at 809.

32. *See id.*

33. John Felipe Acevedo, *Dignity Takings in the Criminal Law of Seventeenth-Century England and the Massachusetts Bay Colony*, 92 *CHI.-KENT L. REV.* (forthcoming 2017) (manuscript at 1).

34. John Felipe Acevedo, *Restoring Community Dignity Following Police Misconduct*, 59 *HOW. L.J.* 621, 628–29 (2016).

35. For more on the ways that mass incarceration impacts communities, see TRACI R. BURCH, *TRADING DEMOCRACY FOR JUSTICE: CRIMINAL CONVICTIONS AND THE DECLINE OF NEIGHBORHOOD POLITICAL PARTICIPATION* (2013).

outright, the “displacement,” “dispossession,” and general “deprivation” experienced by tortured suspects and their families qualified as a dignity taking under Atuahene’s model.³⁶

The history of the Burge scandal also involved dignity restoration. The 2015 reparations ordinance, for example, represented a culmination of over twenty-five years of collective struggle by torture survivors and their allies. Atuahene originally defined dignity restoration as “compensation that addresses both the economic harms and the dignity deprivations involved.”³⁷ Case studies explored in *Law & Social Inquiry* helped Atuahene refine her definition as such: “dignity restoration is a remedy that seeks to provide dispossessed individuals and communities with material compensation through processes that affirm their humanity and reinforce their agency.”³⁸ Both definitions underscore the importance of including the dispossessed in the process of restoration, not simply as the recipients of state largess. In the wake of the torture scandal in Chicago, many individuals and groups struggled to determine ways to win relief for victims. While few raised the concept of dignity restoration directly, empowering individuals and communities surfaced as a consistent theme in virtually all of the various campaigns for justice in the Burge cases. While survivors and their advocates could point to an impressive list of judicial and legislative accomplishments in the twenty-five years following Burge’s suspension in 1991, an underappreciated component of the struggle involved lifting the spirit of affected individuals, uniting local communities, and including the voices of survivors in the claims-making process. By allowing survivors an opportunity to have their voices heard, social movement organizations helped restore dignity independently of state action, or, as was often the case, in spite of state *inaction*.

Procedural justice theory offers insight into how dignity restorers helped torture survivors, their family members, and communities repair some of the damage wrought by Burge and his men. A foundational tenet of procedural justice theory contends that “the opportunity to present information relevant to a decision enhances judgments of the fairness of the decision-making procedure.”³⁹ In economics, the concept of procedural utility argues that “people not only value actual outcomes, i.e., the *what*, but also the conditions and processes that lead to these outcomes, i.e., the

36. Atuahene, *supra* note 28, at 798.

37. ATUAHENE, *supra* note 1, at 4.

38. Atuahene, *supra* note 28, at 818.

39. E. Allen Lind et al., *Voice, Control, and Procedural Justice: Instrumental and Noninstrumental Concerns in Fairness Judgments*, 59 J. PERSONALITY & SOC. PSYCHOL. 952 (1990).

*how.*⁴⁰ By including torture survivors and their loved ones in group deliberation, therefore, social movement organizations already initiated the dignity restoration process prior to the implementation of any concrete outcomes wrested from the state. Robert E. Lane argues that citizens view having their voice heard as an important “dignity good” that helps legitimize government procedure.⁴¹ When state actors ignore the voice of individuals based on racial or ethnic hostility, however, they “affix a more or less permanent label on an individual as somehow ‘worthless’” and deprive entire communities of dignity.⁴² E. Allen Lind and Tom R. Tyler offer a “group value model,” whereby group procedure that treats certain members unfairly “denies the recipient’s dignity as a full-status member of the group.”⁴³ By torturing criminal suspects and coercing confessions, abusive detectives denied black defendants due process and relegated entire communities outside the parameters of constitutional protection. In response, social movement organizations identified with torture survivors—even those responsible for violent crimes—and sought to restore affected communities to their rightful position as valued members of a protected group.

Social movement theory also suggests new ways to evaluate the process of dignity restoration. In addition to engaging in what Sidney Tarrow calls “contentious collective action,” social movements also perform a variety of other tasks, including building organizations, mobilizing constituencies, and engaging in “self-development and the construction of collective identities.”⁴⁴ While observers often evaluate the success or failure of collective action by the concrete outcomes achieved, many social movements—particularly those engaged in police accountability—often fail to achieve stated policy goals.⁴⁵ This does not mean that these movements lack efficacy or value. Rather, observers must also consider how social movements impact the lives of participants and constituents.⁴⁶ In the

40. Bruno S. Frey et al., *Introducing Procedural Utility: Not only What, but Also How Matters*, 160 J. INSTITUTIONAL & THEORETICAL ECON. 377 (2004).

41. Robert E. Lane, *Procedural Goods in a Democracy: How One is Treated Versus What One Gets*, 2 SOC. JUST. RES. 177 (1988).

42. *Id.* at 179.

43. E. ALLAN LIND & TOM R. TYLER, *THE SOCIAL PSYCHOLOGY OF PROCEDURAL JUSTICE* 237 (1988).

44. SIDNEY TARROW, *POWER IN MOVEMENT: SOCIAL MOVEMENTS AND CONTENTIOUS POLITICS* 3 (2d ed. 1998).

45. FRANCIS FOX PIVEN & RICHARD A. CLOWARD, *POOR PEOPLE’S MOVEMENTS: WHY THEY SUCCEED, HOW THEY FAIL*, at xix–xx (1979); WILLIAM A. GAMSON, *THE STRATEGY OF SOCIAL PROTEST* 29 (2d ed. 1990); Marco Giugni, *Introduction to HOW SOCIAL MOVEMENTS MATTER*, at xx–xxi (Marco Giugni et al. eds., 1999).

46. Doug McAdam, *The Biographical Impact of Activism*, in *HOW SOCIAL MOVEMENTS MATTER*, *supra* note 45, at 117–46.

language of Edwin Amenta and Michael P. Young, social movements impact constituents by improving access to “collective goods,” defined not only by material advantages, but also by “less tangible” qualities, such as self-efficacy or dignity.⁴⁷ Borrowing from procedural justice theory, social movements can have a positive impact regardless of policy outcomes when constituents are allowed to have their voices heard in the process of making collective claims. In other words, dignity restoration does not always, or even usually, occur through state action. Rather, the process of engaging in contentious collective action facilitates dignity restoration among participants. Under certain conditions, social movements enable survivors to become their own dignity restorers independent of state outcomes. This finding builds on the work of Eva Pils, who argues that “resistance can be restorative of dignity” in the context of dignity takings in China.⁴⁸

Combining procedural justice theory and social movement theory, this essay argues that social movements act as procedural justice mechanisms for victims of police violence who are otherwise unable to have their voice heard through official channels. In Chicago, survivors of police torture and their families often proved incapable of finding meaningful justice through the city’s established channels of police accountability for over two decades following disclosure of the crisis in 1989. While scattered achievements provided concrete benefits to a small subset of people affected, a larger group enjoyed relief and justice primarily through the process of participating in a sustained and fluid social movement. Participation in the decision-making and agenda-setting processes of social movements can have a restorative effect on survivors of police violence independent of the outcomes achieved through the state. Social movement leaders whose goals include restoring dignity to individuals and organizations should look to supplement legislative or judicial achievements by ensuring survivors enjoy “maximum process control” as they press claims with governmental or administrative bodies.⁴⁹

III. DIGNITY TAKERS

This section establishes that the Jon Burge police torture scandal represented a dignity taking. While Atuahene’s original definition restricted the term to the taking of physical or real property, subsequent work moved

47. Edwin Amenta & Michael P. Young, *Making an Impact: Conceptual and Methodological Implications of the Collective Goods Criterion*, in *HOW SOCIAL MOVEMENTS MATTER*, *supra* note 45, at 24.

48. Eva Pils, *Resisting Dignity Takings in China*, 41 *LAW & SOC. INQUIRY* 888 (2016).

49. John Thibaut & Laurens Walker, *A Theory of Procedure*, 66 *CAL. L. REV.* 541, 566 (1978).

the parameters outward. This section expands on the concept by further strengthening the case for police violence as a dignity taking while also arguing for the status-affirming role that the performance of domination can play for individual perpetrators.

Academic writing on dignity takings often slips from the active to the passive voice. For example, Atuahene's description of the contributions to this symposium includes the following passages: "property has been damaged and destroyed in the West Bank," "Iraqi Kurds have been subjected to multiple waves of violent, state-led displacement," and "people have been deprived of important collective property through various mechanisms."⁵⁰ In most cases, the actor performing the dignity taking is clear in context, although the perpetrator often appears as simply "war and political conflict,"⁵¹ the "military,"⁵² the "state,"⁵³ or the "government."⁵⁴ Atuahene's theoretical discussion of dignity restoration also occasionally favors a passive construction, as in Gypsies "have received nominal monetary and symbolic compensation"⁵⁵ or "dignity deprivations were addressed."⁵⁶ In both passages, the identity of the agent facilitating dignity restoration is left implicit. Atuahene may be excused for employing this verb construction out of a desire to avoid needlessly confusing the reader while laying out complicated abstract theories. Elsewhere in her substantive case study, Atuahene employs active verbs to rightfully identify perpetrators of state dispossession.⁵⁷ Contributing to the trap of the passive voice, however, both terms—*dignity taking* and *dignity restoration*—are derived from gerunds, or verbs acting as nouns. While common in academic writing, gerunds have the potential to reduce agency or obscure responsibility for concrete actions, as when Atuahene writes: "dignity restoration can occur" or "the objective of dignity restoration may evolve."⁵⁸ To help clarify agency, this essay foregrounds the individual or group perpetrators of police torture (the dignity takers) and the individual or group facilitators of dignity restoration (the dignity restorers).

While the state—in this case local government—was complicit in the torture of African-American suspects in Chicago, it was individual police

50. Atuahene, *supra* note 24, at 180–81.

51. *Id.* at 180.

52. *Id.* at 181.

53. See the description of Pils, *supra* note 48, in Atuahene, *supra* note 28, at 806–07.

54. Atuahene, *supra* note 28, 806–07.

55. *Id.* at 814.

56. *Id.* at 819.

57. See, e.g., ATUAHENE, *supra* note 1, at 7–13.

58. Atuahene, *supra* note 28, at 21.

officers who actually performed the acts of abuse, typically in tight, intimate settings. Examining the historical and institutional context of the torture crisis from the point-of-view of Jon Burge and his men helps provide a better understanding of why white detectives tortured confessions from black criminal suspects in the 1970s, 1980s, and 1990s. While motive remains an elusive subject of scholarly inquiry, historical methods and other qualitative approaches help contextualize human decisions. Many of the white detectives involved, including Burge, grew up on Chicago's South, Southwest, or Southeast Sides in the two decades following World War II.⁵⁹ As policemen in the 1970s and 1980s, institutional pressure and life experience helped shape a racist worldview allowing for the regular abuse of black criminal suspects. Burge's police career—from 1970 to 1991—overlapped with a period of rising rates of violent crime, de-industrialization, and the rise of mass incarceration. Research on the psychological impact on white Americans of a national shift toward a “majority-minority” population in the United States suggests in macrocosm what white men of Burge's age and class experienced in microcosm as South Chicago transitioned to majority-African-American in the 1970s and 1980s.⁶⁰ H. Robert Outten and co-authors conclude that whites become more angry and fearful toward non-whites and more sympathetic toward their racial in-group when confronted with imminent demographic change.⁶¹ Exposed to racist opinions of black people from an early age, Burge's cohort of white, working-class males grappled with a perceived status threat as their childhood neighborhoods changed and their standing in the community evolved.

Jon Burge was born in Chicago in December 1947.⁶² He was raised in a private housing development called Merrionette Manor in South Deering, a large, yet sparsely populated neighborhood on Chicago's Southeast

59. Other detectives linked to torture allegations who grew up in South Chicago or nearby include John “Jack” Byrne, John Yucaitis, and Patrick O'Hara, among several others. See Memorandum from John Edward Byrne to Judge Joan Lefkow (Jan. 17, 2011) (on file with the Pozen Family Center for Human Rights at the University of Chicago, Chicago Torture Archive), <https://uchicago.app.box.com/s/gzbhhezqzhwywxk1i2sv5c6psc5re1w7> (last visited Sept. 20, 2016); Transcript of Testimony by John Yucaitis at 1686–93, Charges Filed Against Burge, Nos. 1856–58 (Chi. Police Bd. Feb. 25, 1992); Transcript of Testimony by Patrick O'Hara at 1833–34, Charges Filed Against Burge, Nos. 1856–58.

60. Maureen A. Craig & Jennifer A. Richeson, *On the Precipice of a 'Majority-Minority' America: Perceived Status Threat from the Racial Demographic Shift Affects White Americans' Political Ideology*, 25 PSYCHOL. SCI. 1189 (2014).

61. H. Robert Outten et al., *Feeling Threatened About the Future: Whites' Emotional Reactions to Anticipated Ethnic Demographic Changes*, 38 PERSONALITY & SOC. PSYCHOL. BULL. 14 (2012).

62. Conroy, *supra* note 9.

Side.⁶³ His father was a World War II veteran and a blue-collar employee of the local phone company.⁶⁴ His mother was an advice columnist and public speaker who gave fashion and business advice to other mothers and working women.⁶⁵ Although the residents of Merrionette Manor included families from a variety of backgrounds, including many liberal Jews and other progressive whites, developers and homeowners aggressively guarded the neighborhood's racial boundaries.⁶⁶ Fearing expansion of the nearby Black Belt, many white people fought to keep black families out through a variety of methods, including intimidation and violence.⁶⁷ Indeed, for several years beginning in the early 1950s, South Deering exploded in mass protest and collective violence against black families attempting to move into Trumbull Park Homes,⁶⁸ a low-rise public housing complex less than a mile-and-a-half from the Burge household.⁶⁹ Involving thousands of local whites—including women and children—the violence at Trumbull Park symbolized the depth of fear and hatred greeting black families wherever they dared venture beyond the overcrowded and sometimes dilapidated confines of their segregated communities.⁷⁰

Like his older brother before him, Jon Burge went to a lily-white grade school before attending Bowen High School from 1961 to 1965.⁷¹ Throughout the early 1960s, Bowen was one of several South Side high schools that faced rising demands from black parents and community leaders seeking fair access to quality education on a desegregated basis.⁷² While Burge spent much of his time at Bowen practicing drill with the

63. Conroy, *supra* note 4; *First Homes in Project About Ready*, CHI. TRIB., Feb. 8, 1948; LOCAL COMMUNITY FACT BOOK FOR CHICAGO 210 (Philip M. Hauser & Evelyn M. Kitagawa eds., 1953).

64. JOHN CONROY, UNSPEAKABLE ACTS, ORDINARY PEOPLE: THE DYNAMICS OF TORTURE 61–62 (2000).

65. ETHEL BURGE, THIS BUSINESS OF DRESSING FOR BUSINESS 4 (1970).

66. Summary of Chicago Housing Opportunities Program After 21 Months (Jan. 25, 1954) (on file with the University of Illinois at Chicago, Special Collections and University Archives, American Friends Service Committee Records, Box 86, Folder 86-16); *Five Year Anniversary*, S. DEERING BULL., July 31, 1958, at 1.

67. Memorandum from Joseph Merrion to A. Hurford Grosman (Aug. 19, 1953) (on file with the University of Illinois at Chicago, Special Collections and University Archives, American Friends Service Committee Records, Box 86, Folder 86-16).

68. ADAM GREEN, SELLING THE RACE: CULTURE, COMMUNITY, AND BLACK CHICAGO, 1940–1955 (2007).

69. The Burge home address was 9612 S. Luella Avenue. See Conroy, *supra* note 4.

70. ARNOLD R. HIRSCH, MAKING THE SECOND GHETTO: RACE AND HOUSING IN CHICAGO, 1940–1960, at 68–99 (1983).

71. Conroy, *supra* note 4; BOWEN HIGH SCH., THE BOWENITE (1960).

72. ALAN B. ANDERSON & GEORGE W. PICKERING, CONFRONTING THE COLOR LINE: THE BROKEN PROMISE OF CIVIL RIGHTS IN CHICAGO 73–85 (1986); *Plan to Cluster Three South Side Schools*, CHI. TRIB., Jan. 27, 1965.

school's prestigious Reserve Officer Training Corps (ROTC),⁷³ he and his fellow students participated in several unpopular desegregation plans devised by the embattled Board of Education in the years during and immediately after his matriculation.⁷⁴ By 1970, South Deering and Bowen High School had begun to transition from nearly all-white to majority black.⁷⁵ Adjacent neighborhoods faced a similar experience.⁷⁶ Partially in response to the national civil rights and Black Power movements, many white people, small businesses, and large corporations chose to leave the inner city rather than stay and confront black demands for equal treatment in housing, education, employment, and criminal justice.⁷⁷ Burge's age cohort thus grew up during the height of white resistance to racial progress in Chicago and elsewhere. Many of his peer group perceived the demographic changes of the post-World War II period as a loss of racial privilege and personal security.⁷⁸

African Americans experienced these changes differently. Beginning in the early twentieth century, millions of African Americans left the Jim Crow South in search of safety and opportunity in the industrial North and Midwest.⁷⁹ Indeed, the black population of Chicago expanded from approximately two percent of the city's population to thirty-three percent

73. *Voice of the People: Cadet Medals*, CHI. TRIB., May 15, 1963; *Honors Given High School's R.O.T.C. Cadets*, CHI. TRIB., Jan. 24, 1963; *Honor R.O.T.C. Cadets at Bowen High*, CHI. TRIB., May 26, 1963; *Cadets at 2 Schools Get R.O.T.C. Medals*, CHI. TRIB., May 23, 1965.

74. AMANDA L. SELIGMAN, *BLOCK BY BLOCK: NEIGHBORHOODS AND PUBLIC POLICY ON CHICAGO'S WEST SIDE 133-138* (2005); ANDERSON & PICKERING, *supra* note 72, at 116-120; *Plan to Cluster Three South Side Schools*, *supra* note 72; Betty Washington, *Southeast Side Racial Change Brings Friction: Trouble Brewing at Bowen High School; Bias Charged*, CHI. DEFENDER, May 7, 1968.

75. In 1950, the census tract where the Burge home was located was virtually 99% white. By 1990, the census tract was 99% black. See LOCAL COMMUNITY FACT BOOK FOR CHICAGO, *supra* note 63, at 210; LOCAL COMMUNITY FACT BOOK: CHICAGO METROPOLITAN AREA, 1990 (Chi. Fact Book Consortium ed., 1995). Residents report that this transition occurred rapidly between 1966 and 1970. See Conroy, *supra* note 4. The racial demographics of the neighborhood transitioned faster than that of the high school, although Bowen would be almost entirely African American and Latino by the early 1980s. See BOWEN HIGH SCH., *THE BOWENITE* (1971); BOWEN HIGH SCH., *THE BOWENITE* (1982).

76. For example, in 1970 the community area of Burnside, where Area 2 headquarters was located, was 96% white. In 1980, the neighborhood was 89% black. See LOCAL COMMUNITY FACT BOOK CHICAGO METROPOLITAN AREA, BASED ON THE 1970 AND 1980 CENSUSES 126 (Chi. Fact Book Consortium ed., 1984).

77. KEVIN M. KRUSE, *WHITE FLIGHT: ATLANTA AND THE MAKING OF MODERN CONSERVATISM* 8 (2005); THOMAS J. SUGRUE, *THE ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT* 4-6 (1996).

78. For personal accounts of the racial transition of South Chicago, see CARYN LAZAR AMSTER, *THE PIED PIPER OF SOUTH SHORE: TOYS AND TRAGEDY IN CHICAGO* (2005); LOUIS ROSEN, *THE SOUTH SIDE: THE RACIAL TRANSFORMATION OF AN AMERICAN NEIGHBORHOOD* (1998).

79. JAMES R. GROSSMAN, *LAND OF HOPE: CHICAGO, BLACK SOUTHERNERS, AND THE GREAT MIGRATION* (1991).

between 1910 and 1970.⁸⁰ Throughout this period, white realtors, homeowners, politicians, bankers, and other bureaucrats and administrators helped funnel black people to certain neighborhoods on the city's South and West Sides.⁸¹ Local police and ordinary white residents reinforced racist policy with the threat of violence, forcing a disproportionate number of African Americans into inferior housing, slums, and inadequate public housing.⁸² As factories and plants moved out of the city in the 1960s, 1970s, and 1980s—slowly at first, and then in rapid succession⁸³—much of black Chicago struggled to maintain a decent quality of life in the face of unemployment, discrimination, and disinvestment.⁸⁴ While many individual African Americans achieved a modicum of success—financial, political, and otherwise⁸⁵—many more faced severe poverty and social isolation.⁸⁶

By the 1970s and 1980s, a large and disproportionate number of Chicago's young black men found themselves without access to quality housing, education, healthcare, and employment.⁸⁷ As a result, many turned to petty crime or joined one of a growing number of organized street gangs.⁸⁸ Others wound up in jail or prison as law enforcement officials embarked on a national project of mass incarceration during the last decades of the twentieth century.⁸⁹ Indeed, violent crime rates—particularly murder—soared to new highs during the years that Burge worked as a detective.⁹⁰ Peaks in the murder rate overlapped with the operation of the Area 2 torture regime.⁹¹ As Atuahene points out, “dignity takings occurred within a larger process

80. James Grossman, *Great Migration*, ENCYCLOPEDIA OF CHICAGO, <http://www.encyclopedia.chicagohistory.org/pages/545.html> [https://perma.cc/N9LH-ZVWC].

81. SELIGMAN, *supra* note 74.

82. HIRSCH, *supra* note 70.

83. DAVID BENSMAN & ROBERTA LYNCH, *RUSTED DREAMS: HARD TIMES IN A STEEL COMMUNITY* (1987).

84. WILLIAM JULIUS WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* (1987).

85. MARY PATTILLO-MCCOY, *BLACK PICKET FENCES: PRIVILEGE AND PERIL AMONG THE BLACK MIDDLE CLASS* (1999).

86. WILLIAM JULIUS WILSON, *WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR 14–15* (1996).

87. WILSON, *supra* note 84.

88. For a history of Chicago's black street gangs, see ANDREW J. DIAMOND, *MEAN STREETS: CHICAGO YOUTHS AND THE EVERYDAY STRUGGLE FOR EMPOWERMENT IN THE MULTIRACIAL CITY, 1908–1969*, at 261–300 (1969); Will Cooley, ‘*Stones Run It*’: *Taking Back Control of Organized Crime in Chicago, 1940–1975*, 37 *J. URB. HIST.* 911 (2011).

89. MARIE GOTTSCHALK, *THE PRISON AND THE GALLOWS: THE POLITICS OF MASS INCARCERATION IN AMERICA 1–17* (2006).

90. See *Estimated Crime in United States—Total*, FED. BUREAU OF INVESTIGATION, <https://www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm> [https://perma.cc/KP7G-7F97].

91. FRANKLIN E. ZIMRING, *THE GREAT AMERICAN CRIME DECLINE* 29 (2008).

of subjugation that included the use of death, disappearance, torture, educational disruption, political exclusion, incarceration, sexual violence, and psychological terrorism.”⁹² Unable or unwilling to appreciate the larger history of racial subjugation in America, many local white men saw black youth as inherent criminals undeserving of constitutional rights.⁹³ As the 1960s War on Poverty gave way to the 1970s War on Crime and the 1980s War on Drugs, local police officers like Jon Burge experienced less scrutiny in their daily use of illegal or unconstitutional methods.⁹⁴

Indeed, the Chicago Police Department that Jon Burge joined in 1970 had earned a long reputation for inefficiency, corruption, brutality, and racism.⁹⁵ In the 1920s and 1930s, Chicago detectives became notorious for using the so-called third degree to coerce confessions from suspects.⁹⁶ A national movement to professionalize police departments in the mid-twentieth century culminated in the implementation of widespread reform in Chicago under police superintendent O.W. Wilson from 1960 to 1967.⁹⁷ Much of Wilson’s improvements, however, simply papered over the seedy underbelly of the CPD with modern techniques of public relations and community outreach.⁹⁸ In 1972, Burge joined a group of detectives working at Police Area 2, a large jurisdiction covering much of the far South and Southeast Sides, including his childhood home.⁹⁹ His first supervisor faced allegations of abuse long before Burge arrived.¹⁰⁰ To complement the standard methods detectives relied on to make unwilling suspects talk,

92. ATUAHENE, *supra* note 1, at 4–5.

93. For the development of white attitudes toward black criminality, see KHALIL GIBRAN MUHAMMAD, *THE CONDEMNATION OF BLACKNESS: RACE, CRIME, AND THE MAKING OF MODERN URBAN AMERICA* (2011).

94. ELIZABETH HINTON, *FROM THE WAR ON POVERTY TO THE WAR ON CRIME: THE MAKING OF MASS INCARCERATION IN AMERICA* (2016).

95. RICHARD C. LINDBERG, *TO SERVE AND COLLECT: CHICAGO POLITICS AND POLICE CORRUPTION FROM THE LAGER BEER RIOT TO THE SUMMERDALE SCANDAL, 1855–1960* (1998).

96. Jeffrey S. Adler, *Less Crime, More Punishment: Violence, Race, and Criminal Justice in Early Twentieth-Century America*, 102 J. AM. HIST. 34, 43 (2015).

97. Kenneth M. Dooley, *Orlando W. Wilson and His Impact on the Chicago Police Department: 25 Years After His Superintendency* (May 2004) (unpublished M.S. Thesis, Chicago State University) (on file with the Chicago History Museum).

98. WILLIAM J. BOPP, *O.W. WILSON AND THE SEARCH FOR A POLICE PROFESSION* 135–136 (1977).

99. Transcript of Testimony by Jon Burge at 2396, Charges Filed Against Burge, Nos. 1856–58 (Chi. Police Bd. March 2, 1992).

100. Deposition of William A. Parker, *Patterson v. Burge*, No. 03 C 4433 (N.D. Ill. Sep. 27, 2010) (on file at Pozen Family Center for Human Rights at the University of Chicago, Chicago Torture Archive), <https://uchicago.app.box.com/s/gzbhhezqzhwywxk1i2sv5c6psc5re1w7> (last visited Sept. 20, 2016); *Cops Charged with Beating of Prisoner*, CHI. TRIB., Mar. 20, 1963; *2 Cops Freed in Prisoner Beating Case*, CHI. TRIB., Apr. 18, 1963; *State Cancels Action Against Accused Cops*, CHI. TRIB., May 2, 1963; *One Charge is a Demotion: Conlisk Promotes 12 to Captain, Transfers 15 Others*, CHI. TRIB., Feb. 1, 1973.

Burge brought a new innovation—electroshock torture. He likely learned this technique in the U.S. Army. From fall 1968 through late summer 1969, Burge served as a Military Policeman (MP) in Vietnam.¹⁰¹ While there is no evidence that Burge ever participated directly in an interrogation of a Vietnamese prisoner of war,¹⁰² the forward base he worked at later became associated with allegations of electroshock torture.¹⁰³ If Burge did not directly practice the art of electroshock torture in Vietnam, he easily would have caught word of the technique. Returning from Southeast Asia to Chicago's Southeast Side, Burge helped bring some of the worst characteristics of America's Cold War-era foreign policy home with him.¹⁰⁴ From white resistance to black mobility in the 1950s, to racialized war in a foreign nation in the 1960s, to policing the streets of post-industrial Chicago in the 1970s, Burge's life experiences contributed to his decision to torture black men in police custody. This illegal behavior helped Burge and his colleagues coerce confessions, close cases, earn promotions, and punish men they perceived as racially subordinate and beyond the protection of constitutional and human rights.

The abuse deployed by Burge and his men inside interrogation rooms did not include direct dispossession of property, even if later incarceration may have led to the loss of material possessions and earnings. Nevertheless, the torture scandal rises to the level of dignity taking through the officers' deliberate attempt to dehumanize black bodies and infantilize their communities. Atuahene defines dehumanization as "the failure to recognize an individual or group's humanity."¹⁰⁵ Detectives working alongside Jon Burge did not employ torture in every case they investigated. Rather, they largely reserved illegal methods for criminal suspects they believed responsible for particularly violent felonies, such as sexual assault, arson, or the murder of a police officer. In sworn testimony, Burge described some of these men as "pieces of garbage," reflecting his belief that they forfeited their claim to humanity by committing violent acts.¹⁰⁶ According to Atuahene, infantilization is "the restriction of an individual or group's autonomy based on the failure to recognize and respect their full capacity to reason."¹⁰⁷ By sidestepping local attorneys, judges, and jurors, Burge and his

101. Transcript of Testimony by Jon Burge, *supra* note 99, at 2392–95.

102. See Conroy, *supra* note 4.

103. DARIUS REJALI, *TORTURE AND DEMOCRACY* 582–83 (2007).

104. For more on American torture during the Cold War, see: ALFRED W. MCCOY, *TORTURE AND IMPUNITY: THE U.S. DOCTRINE OF COERCIVE INTERROGATION* (2012).

105. Atuahene, *supra* note 28, at 801.

106. Transcript of Testimony by Jon Burge, *supra* note 99, at 2414, 2625.

107. Atuahene, *supra* note 28, at 801.

crew meted out vigilante justice to criminal suspects independent of community norms and institutional procedure. Going outside the law to punish perceived wrongdoers, Burge's subordinates justified their tactics as a service to black communities beset by high rates of "black-on-black" crime.¹⁰⁸ Yet by performing illegal acts of torture, the officers dehumanized black suspects and—by sidestepping due process—denied local people agency in their criminal justice system. The torture regime operated as part of a larger historical project of community destruction, defined by Atuahene as "when a community of people is dehumanized or infantilized, involuntarily uprooted, and deprived of the social and emotional ties that define and sustain them."¹⁰⁹

When Jon Burge and the other white men under his command chose to torture black criminal suspects, they elected to adopt the role of dignity takers. They did so in order to close cases, punish and remove a perceived threat to the community, placate supervisors, win commendations and promotions, and adhere to a set of institutional standards guarded by their peers. In addition, the process of partaking in the torture regime also provided detectives an opportunity to affirm their own status by performing racial domination over a subordinate group. In a social and political climate defined by recent demographic transformations, some white police officers may have perceived dignity, or status, as a zero-sum game. By performing racial domination over black criminal suspects, abusive white detectives affirmed their own status by taking the dignity of a perceived adversary. In the field of social psychology, self-affirmation theory posits that individuals facing status threat "can reestablish self-integrity through affirmations of alternative domains of self-worth unrelated to the provoking threat."¹¹⁰ This affirmation effect can be twofold. On the individual level, violence may be self-affirming for the dignity takers. On a societal level, police torture also evokes Frantz Fanon and "the violence with which the supremacy of white values is affirmed."¹¹¹ This analysis begs for further study into the motivations of rank-and-file state actors engaged in dignity takings in other settings.

108. Memorandum from John Edward Byrne to Judge Joan Lefkow, *supra* note 59.

109. Atuahene, *supra* note 28, at 801.

110. Geoffrey L. Cohen & David K. Sherman, *Self-Affirmation Theory*, in *ENCYCLOPEDIA OF SOCIAL PSYCHOLOGY* 788 (Roy F. Baumeister & Kathleen D. Vohs eds., 2007).

111. FRANTZ FANON, *THE WRETCHED OF THE EARTH* 43 (1963).

IV. DIGNITY RESTORERS

The Jon Burge police torture scandal and its aftermath also included a long history of dignity restoration, including the passage of a reparations ordinance in the Chicago City Council in May 2015. The bill passed to great fanfare, in part because of the unprecedented use of the word “reparations” in the title. Indeed, getting the City to adopt its language for the bill represented a unique victory for the local police accountability movement. The term *reparations*, however, resists simple definition, particularly in light of the ongoing fight to win reparations for slavery, Jim Crow, and other manifestations of American racism.¹¹²

In Atuahene’s model, the bill may even be misnamed. According to *We Want What’s Ours*, reparations represent merely “reimbursement” for “property taken.”¹¹³ Dignity restoration, on the other hand, “is based on principles of restorative justice and thus seeks to rehabilitate the dispossessed and reintegrate them into the fabric of society through an emphasis on process.”¹¹⁴ This description applies better to the Chicago reparations bill, with its holistic emphasis on memorial, education, and mental health. Focused activity around the concept of reparations in Chicago beginning in late 2014 and early 2015 should not distract attention from the goals and methods of a local social movement with two decades of experience fighting to restore dignity to survivors of police torture.

Beginning in 1989 when news of the torture crisis at Area 2 became widely known, a coalition of torture survivors, their family members, civil rights attorneys, and activists leapt into action. Their goals included ending police torture, spreading word of the torture scandal, locating survivors, corroborating allegations, winning new hearings for victims still behind bars, freeing the innocent, abolishing the state’s death penalty, securing a special prosecutor to investigate the depth of the scandal, punishing perpetrators, winning reparations for survivors, and reforming local institutions to prevent a recurrence. Over the course of two decades and counting, the local movement contributed to many important victories, including the suspension and firing of Jon Burge, the exoneration of several high profile torture victims, the awarding of civil damages and out-of-court settlements, a moratorium on executions, the clearing of the state’s death row, the appointment of a special prosecutor, the creation of a state commission to review the cases of survivors behind bars, the abolition of the death penalty

112. Martha Biondi, *The Rise of the Reparations Movement*, RADICAL HIST. REV., Fall 2003, at 5.

113. ATUAHENE, *supra* note 1, at 4.

114. *Id.*

in Illinois, the indictment and conviction of Jon Burge for perjury and obstruction of justice, and the passage of the 2015 reparations bill, to name a few.¹¹⁵

Aside from judicial and legislative victories, however, one of the movement's greatest achievements involved shifting the local narrative about the veracity and scale of Chicago's police torture problem. Outside the local black press,¹¹⁶ in 1989, most journalists and local officials denied or justified the occurrence of abuse within CPD interrogation rooms.¹¹⁷ By 2015, however, virtually everyone connected to law enforcement and criminal justice in Cook County and elsewhere recognized the truth of the torture allegations and advocated some sort of relief—at least when speaking in public.¹¹⁸ Through hard work and dedication, a small group of activists had moved the narrative of the torture scandal from impunity to reparations. This victory underscores the connection between popular narrative and dignity restoration.

Most standard accounts of the torture scandal give credit to attorneys, journalists, and public officials for uncovering and rectifying the torture crisis.¹¹⁹ While lawyers, reporters, administrators, and legislators played an important role in realizing some semblance of justice in the Burge scandal, they operated within, alongside, or in reaction to a diverse and shifting coalition of social movement actors, including torture survivors and their families. This dynamic movement had roots in the New Left of the 1960s and 1970s.¹²⁰ For example, before representing torture survivors in court from the late 1980s through the 2010s, attorney Flint Taylor of the People's Law Office won damages for survivors of a 1969 police shooting of mem-

115. Baer, *supra* note 2.

116. See, for example, Natasha Folling, *Wilson Bros. Almost Convicted by the Slanted Journalism of the White Press*, CHI. METRO NEWS, Feb. 20, 1982, at 1.

117. See, for example, Michael Sneed, *Sneed*, CHI. SUN-TIMES, Jan. 29, 1991, at 2; David Jackson, *13 Years of Cop Torture Alleged*, CHI. TRIB., Feb. 8, 1992, at D1; Editorial, *Leads the Cops Don't Want to Follow*, CHI. TRIB., Feb. 13, 1992, at D20; Mike Royko, *Facts Don't Add Up to Police Brutality*, CHI. TRIB., Feb. 27, 1992, at N3. See also Transcript of Attorney William Kunkle's Closing Arguments at 3505–3734, Charges Filed Against Burge, Nos. 1856–58 (Chi. Police Bd. Mar. 20, 1992).

118. See, e.g., Fran Spielman, *Analysis: Emanuel Closes the Book on Burge Era in a Way Defensive Daley Couldn't Do*, CHI. SUN-TIMES (Apr. 14, 2015), <http://chicago.suntimes.com/news/analysis-emanuel-closes-the-book-on-burge-era-in-a-way-defensive-daley-couldnt/> [https://perma.cc/23ZT-NDZH].

119. See G. Flint Taylor, *supra* note 6, at 329, 380–81; John Conroy, *Deaf to the Screams*, CHI. READER (July 31, 2003), <https://www.chicagoreader.com/chicago/deaf-to-the-screams/Content?oid=912813> [https://perma.cc/5QG8-AQ6T].

120. Robert McClory, *Cop Watch*, CHI. READER, (July 16, 1992), <http://www.chicagoreader.com/chicago/cop-watch/Content?oid=880075> [https://perma.cc/UDW8-W36J]; Ted Kleine, *Still Fighting the Power*, CHI. READER, (Nov. 11, 1999), <http://www.chicagoreader.com/chicago/still-fighting-the-power/Content?oid=900751> [https://perma.cc/UP7G-4XJU].

bers of the Black Panther Party in Chicago as well as survivors of a mass shooting of Communist Workers Party members in Greensboro, North Carolina in 1979.¹²¹ Activist Mary Powers and members of Chicago's Contract Buyers League carried organizational strategies developed by activist Saul Alinsky into fights for police accountability in Chicago throughout the 1970s and 1980s.¹²² The Black Panthers and Alinsky both prioritized the voice and interests of ordinary people otherwise relegated to the margins of local politics.¹²³

When torture allegations against Jon Burge began making local headlines in 1989, this preexisting network of local community activists reached out to the people affected and organized an immediate response. For example, Mary Powers and other members of a multiracial police watchdog organization called Citizens Alert—founded in 1967—resuscitated old relationships to form a Coalition to End Police Torture and Brutality.¹²⁴ For several years after 1989, this coalition helped recruit local people, including family members of torture survivors still behind bars, to protest rallies and monthly meetings of the Chicago Police Board, an administrative body that recommended Burge's firing in 1993.¹²⁵ When the anti-torture movement merged with the anti-death penalty movement in the mid-to-late 1990s, the local Campaign to End the Death Penalty (CEDP) made it a central mission to facilitate the participation and leadership of torture survivors and their family members as well.¹²⁶ The first sustained push for reparations in Chicago came from attorney Standish Willis and other members of Black People Against Police Torture, an organization with the ex-

121. PEOPLE'S LAW OFFICE, HISTORY OF THE PEOPLE'S LAW OFFICE 2–3, 12, <http://peopleslawoffice.com/wp-content/uploads/2012/02/HISTORYOFTHEPEOPLESLOFFICE.pdf> [https://perma.cc/WR4S-AKSG].

122. Press Release, Alliance to End Repression (Apr. 23, 1975) (on file with the University of Illinois at Chicago, Special Collections and University Archives, Citizens Alert Records, Box 2, Folder 19.); Press Release, Citizens Alert, Police Superintendent Calls Brutality Complaints 'Frisivolous' and 'Garbage,' (June 7, 1982) (on file with the University of Illinois at Chicago, Special Collections and University Archives, Citizens Alert Records, Box 3, Folder 52).

123. JOSHUA BLOOM & WALDO E. MARTIN, BLACK AGAINST EMPIRE: THE HISTORY AND POLITICS OF THE BLACK PANTHER PARTY (2013); SANFORD D. HORWITT, LET THEM CALL ME REBEL: SAUL ALINSKY—HIS LIFE AND LEGACY (1989).

124. CITIZENS ALERT, HISTORY: THE FIRST 36 YEARS OF THE STRUGGLE (2003) (on file with the University of Illinois at Chicago, Special Collections and University Archives, Citizens Alert Records, Box 1, Folder 7).

125. See, e.g., Meeting Minutes from the Chi. Police Bd. (Aug. 17, 1989; Aug. 9, 1990; & Nov. 14, 1991) (on file with the Chi. Police Bd.); Findings and Decisions by the Chi. Police Bd., Charges Filed Against Burge, Nos. 1856–58 (Chi. Police Bd. Feb. 11, 1993).

126. Marlene Martin, *Notes from the National Coordinator*, NEW ABOLITIONIST (May 1998), http://www.nodeathpenalty.org/new_abolitionist/may-1998-issue-3/notes-national-coordinator [https://perma.cc/J2A3-VKZM].

PLICIT goal of allowing affected communities to play a greater role in their own movement.¹²⁷ During the reparations push of 2014 and 2015, former CEDP member Alice Kim and other veteran activists honored the tradition by foregrounding survivors' voices in the movement's social media campaign.¹²⁸

These community groups understood that evaluating the efficacy of the Chicago torture justice movement would require looking beyond its judicial and legislative accomplishments. While local activists can point to a long list of concrete victories in the wake of the Burge scandal, their lived experience more often resulted in disappointment, frustration, and defeat. Indeed, moments of excitement and celebration appeared far less frequently than setback and heartbreak. In the interim, however, much of the real work of dignity restoration occurred behind the scenes, at meetings, rallies, and workshops held by various groups connected to the local coalition. The routine work of community organizing, while lacking in drama or glory, offered activists and torture survivors an opportunity to slowly repair the psychological and emotional damage done by Burge and his men.

Restoring dignity to survivors of police torture and their families was a long-term process that unfolded in private interactions and public demonstrations alike. Activists and attorneys began by including survivors in deliberations and decision-making. Some torture survivors and their loved ones were able to share their experience and provide input on the goals of the movement. In 1989, for example, activists held mock hearings in public venues where victims of police violence could speak out even as authorities deflected calls for official hearings.¹²⁹ In a grant application written later that year, Citizens Alert explained the importance of providing a platform even to criminal suspects accused of violent felonies, asserting while "public sympathy is not in their favor . . . someone must protect their rights."¹³⁰ With so many torture survivors still in prison, the Campaign to End the Death Penalty initiated a series of "Live from Death Row" events in the late 1990s to get their voices out to supporters. "We have to show the human faces hidden behind . . . the stereotypes," wrote one CEDP volunteer,

127. G. Flint Taylor, *The Long Path to Reparations for the Survivors of Chicago Police Torture*, 11 NW. J. L. & SOC. POL'Y 330, 338 (2016).

128. Interview with Alice Kim, Former CEDP Member (Jan. 25, 2016) (transcript on file with author). For attempts to include survivors and their families in the social media campaign to win reparations in 2014 and 2015, see the #RahmRepNow feed on Twitter, <https://mobile.twitter.com/hashtag/rahmrepnow> [<https://perma.cc/E46B-QBQW>].

129. CITIZENS ALERT, OVERVIEW—1989 (1989) (on file with the University of Illinois at Chicago, Special Collections and University Archives, Citizens Alert Records, Box 3, Folder 43).

130. Citizens Alert, Grant Application (Sept. 12, 1989) (on file with the University of Illinois at Chicago, Special Collections and University Archives, Citizens Alert Records, Box 3, Folder 47).

“We need to make connections with family members of prisoners on death row. And we need to give a voice to those behind bars.”¹³¹ Torture survivor Stanley Howard appreciated their determination to include prisoners’ voices. “We cannot do this ourselves,” he explained. “Without all of you, we only have half a chance. It’s really up to the people out here. You’ve taken the time to rally on our behalf.”¹³² In cooperation with activists on the outside, Howard emerged as a leader of a group of men known as the Death Row 10, condemned prisoners with a shared experience of torture at Chicago police Area 2 or Area 3.¹³³

When speaking about their experience in various forums, many of the torture survivors described their experience as emasculating, infantilizing, or humiliating. According to torture survivor David Bates: “It was a total embarrassment. Here I am, supposed to be one of the young tough guys from the streets, being forced to sign a confession, to sign away my life. I had to keep that with me for so long. We blamed ourselves for signing statements. We thought we weren’t tough. We called ourselves cowards.”¹³⁴ Darrell Cannon complained that his abusers “did not give me the chance to fight back or anything.”¹³⁵ He admitted to being afraid and willing to tell detectives whatever they wanted to hear, concluding: “That’s how they can break you down.”¹³⁶ Indeed, many of the torture survivors suffered symptoms akin to post-traumatic stress disorder.¹³⁷ Years after winning his release from prison, for example, Bates was reminded of his abuse whenever he saw police officers out in public.¹³⁸ During a sentencing hearing in Burge’s perjury trial in 2011, Anthony Holmes testified to the long-term psychological effects of his ordeal, saying that it “help[ed] to

131. Marlene Martin, *Notes from the National Coordinator*, NEW ABOLITIONIST (Aug. 1998), http://www.nodeathpenalty.org/new_abolitionist/august-1998-issue-4/notes-national-coordinator [<https://perma.cc/Q9M6-VVX3>].

132. Joan Parkin, *Meet the Death Row Ten: Stanley Howard*, NEW ABOLITIONIST (Feb. 2000), http://www.nodeathpenalty.org/new_abolitionist/february-2000-issue-14/meet-death-row-ten-stanley-howard [<https://perma.cc/UC2S-M4EW>].

133. JOAN PARKIN ET AL., JUSTICE FOR THE DEATH ROW 10: VICTIMS OF POLICE TORTURE (2001).

134. *Meet the Death Row Ten: A Burge Torture Victim Speaks Out*, NEW ABOLITIONIST (July 2001), http://www.nodeathpenalty.org/new_abolitionist/july-2001-issue-20/meet-death-row-ten-burge-torture-victim-speaks-out [<https://perma.cc/KWD3-MJQA>].

135. Darrell Cannon, *Surviving Police Torture*, in REPARATIONS NOW / REPARATIONS WON 18 (Chi. Torture Justice Mem’ls ed. 2016).

136. *Id.*

137. *Id.*

138. *What the Campaign Convention Meant to Me*, NEW ABOLITIONIST (Dec. 2001), http://www.nodeathpenalty.org/new_abolitionist/december-2001-issue-22/what-campaign-convention-meant-me [<https://perma.cc/9R8L-GEXT>].

talk about it” now that people actually believed his allegations.¹³⁹ But, he added, “the hardest part of being convicted and doing all the time was the effect it had on my family.”¹⁴⁰ While attorneys and activists helped these men win their release from prison, the work of dignity restoration continued on the outside.

In addition to winning their freedom and, in some cases, financial awards or settlements, survivors often described the benefit of social movement activism in terms of restoring their sense of dignity. Veteran activist Alice Kim explained how the Chicago Torture Justice Memorials Project reached out to torture survivors before launching a public art exhibit commemorating the Burge cases in 2012. According to Kim, it was important to include survivors at early stages of deliberation and creation. “I have a deep respect for process,” Kim recalled, “and that’s how you figure out just how this collective is going to relate to each other, and ultimately it’s that process that helps you get to a different place.”¹⁴¹ Torture survivor Marvin Reeves asserted that participation in the movement helped restore his sense of belonging to a community. In prison, Reeves felt pressure to adhere to the norms of a criminal culture. “We all know for a fact that we’re not animals,” he explained, “but if they put you in the woods and you have to live like an animal, then you will become one.”¹⁴² After returning home, Reeves joined a network of activists who “[laid] hands on us and let us know, ‘Hey, it’s going to be alright. You’re not there, man; you’re here, and that’s out there.’”¹⁴³ While the financial payments doled out in the wake of the reparations ordinance improved the material conditions of dozens of torture survivors, the restoration of dignity cannot be measured in dollars and cents.

The mothers, sisters, and romantic partners of torture survivors also participated directly in the movement as volunteers, speakers, and leaders. Many of these women described their experience with social movement activism as restoring their sense of dignity as well. Jo Anne Patterson, mother of torture survivor Aaron Patterson, told the CEDP, “For the first

139. Anthony Holmes, *Violent Victim Impact Statement*, CHI. TORTURE JUSTICE MEM’LS, http://chicagotorture.org/files/2012/03/17/Holmes_sentencing_statement.pdf [https://perma.cc/JEC7-EWUS].

140. *Id.*

141. Rebecca Zorach, *Justice, Radically Imagined: Interview with CTJM Members*, in REPARATIONS NOW / REPARATIONS WON, *supra* note 135, at 37.

142. *Id.* at 42.

143. *Id.*

five or six years he was on death row, I was just living in the closet.”¹⁴⁴ Elaborating on the experience, she added: “It’s something you don’t talk about socially or in general, casual conversation.”¹⁴⁵ When her son told her about Citizens Alert and the Coalition to End Police Torture and Brutality, she reached out to activists, “and they listened.”¹⁴⁶ “It gives you the strength to get out and talk about the case,” she concluded, “you don’t feel as though you’re in it by yourself.”¹⁴⁷ Looking back on the achievements of the movement following passage of the reparations ordinance, a member of Black People Against Police Torture concluded that their efforts to bring the mothers of incarcerated men before a public audience remained “one of the most impactful parts of this project.”¹⁴⁸ She elaborated: “For them to be able to talk to these men (the Burge survivors) about their life, their survival, was to me something that was very, very important.”¹⁴⁹ For many of the people touched by the Burge scandal, participating in the decades-long movement for justice in the torture cases helped them restore dignity to themselves and others.

V. CONCLUSION

The evaluation of the Chicago torture justice movement presented in this paper risks appearing too positive. Indeed, some of the movement’s rhetorical commitment to offering a voice to survivors and their families has proven more aspirational than real. Many of the Burge torture victims remain unknown. Others have had no meaningful interaction with the movement that works on their behalf. Still more have engaged in social movement activity, but may not have experienced a meaningful restoration of dignity. Some are critical of movement leadership.¹⁵⁰ Others may have found private ways to restore dignity independent of social movement activism or state action. Where social movement activity has resulted in a degree of dignity restoration, it remains important to provide other services as well, including access to mental health care and other substantive educational, vocational, and supportive programs. Social movements can facili-

144. *Jo Anne Patterson Talks About Having a Son on Death Row*, NEW ABOLITIONIST (Feb. 1999), http://www.nodeathpenalty.org/new_abolitionist/february-1999-issue-1/jo-anne-patterson-talks-about-having-son-death-row [https://perma.cc/A3RF-YWM8].

145. *Id.*

146. *Id.*

147. *Id.*

148. Zorach, *supra* note 141, at 38.

149. *Id.*

150. David Bates, FACEBOOK (July 22, 2015), <https://www.facebook.com/bettergov/posts/10153462926288486> [https://perma.cc/ZM3P-Z8W5].



tate dignity restoration, but these efforts work best in tandem with other provisions. Hence, the holistic model offered by the 2015 reparations ordinance.

Yet the reparations ordinance itself was no panacea. Indeed, some people affected by the torture scandal raised reservations from the beginning. During a public hearing prior to its passage, for example, the mother of a torture survivor objected that the limited scope of the ordinance disqualified men, like her son, who were tortured under circumstances beyond the narrow parameters of the bill's language.¹⁵¹ Some of the survivors complained that the amount of the financial payments, \$100,000, let the city off on the cheap, as recent settlements in civil suits netted plaintiffs upwards of \$10 million each.¹⁵² Implementing the other provisions of the ordinance also proved challenging, as public officials, activists, and administrators struggled to launch the community center, the public memorial, and the school curriculum in a timely fashion.¹⁵³ At least one survivor turned to social media to criticize the bill's shortcomings and attack prominent attorneys who spearheaded the reparations push.¹⁵⁴ Anger and frustration over the nature, scope, and pace of the state's provisions reinforces the need to include survivors as the implementation fight proceeds. In other words, the reparations package alone did not restore dignity in one fell swoop. Rather, the vital restoration of dignity comes through meaningful participation in the process, not just the process of setting an agenda and making claims on the state, but also in the process of implementing the legislative results.

151. This was Bertha Escamilla, the mother of Nick Escamilla. See Jasmine M. Heiss (@JasminitaMH), TWITTER (Apr. 14, 2015, 10:35 AM), <https://twitter.com/JasminitaMH/status/588032777091710977> [<https://perma.cc/DM4M-DYP9>].

152. Mark Clements, *The Kind of Apology We Really Need*, in REPARATIONS NOW / REPARATIONS WON, *supra* note 135, at 29.

153. As of fall 2016, many of the bill's provisions had yet to launch, some sixteen months after passage of the ordinance. See Joey Mogul, *Reparations Implementation*, CHI. TORTURE JUSTICE MEM'LS (June 7, 2016), <http://chicagotorture.org/articles/Reparations-Implementation-6-7-16/> [<https://perma.cc/GT68-39CX>].

154. Bates, *supra* note 150.