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## Chicago's Abu Ghraib: UN Committee Against Torture Hears Report on How Police Tortured Over 135 African-American Men Inside Chicago Jails



For nearly two decades a part of the city's jails known as Area 2 was the epicenter for what has been described as the systematic torture of dozens of African-American males by Chicago police officers. In total, more than 135 people say they were subjected to abuse including having guns forced into their mouths, bags placed over their heads, and electric shocks inflicted to their genitals. Four men have been released from death row after government investigators concluded torture led to their wrongful convictions. [includes rush transcript]

Extraordinary rendition. Overseas prisons. Abu Ghraib. Guantanamo Bay. Practices and places that have become synonymous with the abuse of detainees in US custody are getting renewed attention at the United Nations this week, where the UN Committee Against Torture is holding hearings on U.S. compliance with its international obligations. But there is one name expected to arise this week that few people in this country will have heard about—and it's the one that's closest to home.

It's called Area 2. And for nearly two decades beginning in 1971, it was the epicenter for what has been described as the systematic torture of dozens of African-American males by Chicago police officers. In total, more than 135 people say they were subjected to abuse including having guns forced into their mouths, bags placed over their heads, and electric shocks inflicted to their genitals. Four men have been released from death row after government investigators concluded torture led to their wrongful convictions.

Yet the case around Area 2 is nowhere near a resolution—to date, not one Chicago police officer has been charged with any crime.

The most prominent officer, former police commander Jon Burge, was dismissed in the early 1990s. He retired to Florida where he continues to collect a pension. Today, a special prosecutor is now in the fourth year of an investigation. Just last week, a group of Chicago police officers won a court ruling to delay the release of the prosecutor's preliminary report.

- **David Bates**, one of dozens of men to come forward with allegations of abuse at the hands of the Chicago police.
- **Flint Taylor**, an attorney with the People's Law Office in Chicago, which he helped found in the late 1960s. He has represented many of the torture victims and was directly involved in spearheading the special prosecutor's investigation.
- **John Conroy** a journalist and author who has covered the case for over a decade. He has written several articles for the Chicago Reader, and is the author of the book "Unspeakable Acts, Ordinary People: The Dynamics of Torture."

## RUSH TRANSCRIPT

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**AMY GOODMAN:** We go now to Chicago, where we're joined by three guests: David Bates, Flint Taylor and John Conroy. David Bates is one of dozens of men to come forward with allegations of abuse at the hands of the Chicago police. Flint Taylor is an attorney with the People's Law Office in Chicago, which he helped found in the late 1960s. He has represented many of the torture victims and was directly involved in spearheading the special prosecutor's investigation. And John Conroy is a journalist and author who's covered the case for over a decade. He's written several articles for the *Chicago Reader* and is the author of the book, *Unspeakable Acts, Ordinary People: The Dynamics of Torture*. We welcome you all to Democracy Now! I want to begin with Flint Taylor for an overview. You have been working on this case for years. You have represented people who said they were tortured. Give us the scope of this story.

**FLINT TAYLOR:** Well, the scope started out with one man who was tortured by electric shock and having a plastic bag put over his head and being beaten by Jon Burge and others at the Area 2 police station. He, on his own, brought a lawsuit in the mid-'80s. That lawsuit, we got involved in, and over the years we were able to uncover, with the help of journalists such as John Conroy, others such as David Bates, who had also been tortured and had told their stories in various courts, but no one had put all this evidence together.

e were able to assimilate, over many years, over 60 cases of torture, and when I say "torture," I mean electric shock, I mean suffocation with bags, I mean mock executions, I mean racial attacks, that kind of thing. And they were all coming out of the same station, and they were all headed up by this man, Jon Burge, who came out of Vietnam, started out as a detective and quickly rose in the ranks through sergeant, lieutenant and commander. This went on—the actual documentation now shows that this went on for over 20 years, from 1972 to 1992, when in fact Burge was finally, after community outrage, suspended and fired from his job.

As you said, he has never been prosecuted. The State's Attorney of Cook County at the time this evidence first came to light in the mid-'80s was none other than the now mayor Richard Daley. The Superintendent of Police at that time contacted him with the evidence of torture and said, "Are you going to prosecute this?" Daley did not intervene or prosecute at that time. Later on, his first assistant, Richard Devine, became State's Attorney of Cook County. Remarkably, Devine, while he was in private practice, had been Burge's lawyer, defending many of these civil cases. He then became prosecutor in 1997. Of course, he did nothing either, because his clients were the ones that needed to be investigated. So for 20, 25, 30 years, no one in the prosecutor's office, the current mayor or the current state's attorney, no one else did any investigation.

Finally, the community outrage was so strong with regard to all of that that a special prosecutor was appointed. That was four years ago, as you said. Four years of investigation has led to his publicly saying that he now has 192 cases of torture and abuse at Area 2 and later at the Area 3 station, where Burge was transferred to later on. He now is talking about releasing a report. He still is not talking about indicting anybody. The rumor has it that, because it is so long, that we're going to have a

catch-22 situation, and we're going to have the statute of limitations invoked by the special prosecutor, who's going to release a report but say it's too late to indict anybody.

Of course, we all say that that's ridiculous, that there are ongoing conspiracy allegations and evidence that there's an obstruction of justice going on in the various courts. There's perjury going on. So, no one's going to be satisfied if, in fact, all that happens is a report, no matter how damning the report may be. So the struggle here in Chicago continues and will continue, as long as people are still in jail because of the confessions that were tortured from them, and as long as Burge and others sit in Florida and other places and collect hundreds of thousands and even millions of dollars in police pensions, rather than to face criminal charges, whether they be state charges, federal charges or charges before the International Court of Justice.

**AMY GOODMAN:** We are also joined by David Bates. Can you tell us what happened to you? When did it happen? Tell us the whole course of events.

**DAVID BATES:** Well, I believe it was October the 28th or 29th of 1983, when a few officers knocked on my mom's door and announced that they were police officers and let my mom know that I'll be taken away and that I'll be coming home shortly. There were supposed to be some questions regarding a case. Of course, I got to the police station. I was questioned. I let the officers or detectives know that I had nothing to do with the case. I knew nothing. This went on for two days.

At that time, it was five sessions of torture, starting with two with slaps and kicks and threats. It was two particular sessions of torture that was very devastating, in which a plastic bag was placed over my head. I was punched and kicked. And I'll tell you, when you talk about torture, you're talking about individuals who, most part, were young, had a few brushes with the law, but never in a million years thought that they would have a plastic bag placed over their head.

More importantly, the torture has never been resolved. No one has ever owned up to the torture. So we have hundreds of individuals who have psychologically been warped, been destroyed. There's never been any clinical resolution to the torture. No one has owned up to it.

And I tell you, the fact that this attorney and this journalist have spent years trying to uncover the truth and community organizations and individuals—we're talking about a city. We're talking about a state. We're talking about legislators, who have not looked into the issue of torture, and I say it's a shame. And I would like to commend these gentlemen for working hard to bring the issue of torture out. But I say it's time for the legislators and mayor and individuals who had firsthand knowledge of it to come clean with it and bring these individuals to justice.

**AMY GOODMAN:** Flint Taylor, I remember years ago with a especially active group of mothers, mothers in Chicago of men on death row, who kept raising the issue of this police commander, Burge, and saying that their sons had been tortured, that one had engraved in a metal bench in the police station, "I am tortured, I'm forced to confess," something like that. What about this? What about death row cases, where men ended up on death row?

**FLINT TAYLOR:** That's been a major, major piece of this whole struggle against police torture. In the early and mid-'90s, the movement against police torture and for human rights came together with the anti-death penalty movement here in Chicago and raised a very strong set of voices, some of whom you've just

mentioned. For people, there were at least ten to twelve people on death row here in Illinois who alleged and had evidence to show that Burge and his men had tortured them into giving confessions, one of whom was Aaron Patterson, whom you just mentioned, who during a break in one of his torture sessions etched in a bench that he had been suffocated with a bag and was being tortured. That later came out.

Ultimately, due to the combination of the factors, and articles that John wrote, and speaking out by David and others in the community, and the work of various lawyers, Governor Ryan looked at all of these cases, and as you know, he not only commuted the sentence of all of those on death row, some 160-odd people, but he looked specifically at four cases of torture by Burge and others and found that those individuals were innocent, that they had been tortured into giving false confession, and he gave full innocence pardons to those four individuals. That's Aaron Patterson, Stanley Howard, Madison Hobley and Leroy Orange.

Those four men are now "fortunate" enough—and I put that with quotes around it—to be able to, because they've been exonerated, bring lawsuits in federal courts. So there is not only the special prosecutor, but there are these lawsuits by the individuals who have been pardoned in federal court, where we are fighting the issues of torture and bringing out evidence in that forum, as well.

And there's an obstruction of justice going on in that courtroom, as well as against the special prosecutor, as the city has paid over \$5 million to a set of private lawyers to represent the police officers, including Burge, in all these cases. Burge now and his men—and there's now over 50 detectives that are named in one or more of these 192 cases—they are all getting free lawyers, and they're getting the advice from the city-paid lawyers to take the Fifth Amendment. So you now have the spectacle of, in these federal cases and in front of the special prosecutor, that former and present law enforcement officers, rather than to answer questions about whether they tortured and abused people like David Bates and the men on death row, they have all lined up and taken the Fifth Amendment as to each and every allegation of police torture.

**AMY GOODMAN:** John Conroy, you're a journalist and author. You've covered the torture case for over a decade for the *Chicago Reader*, and you wrote the book, *Unspeakable Acts, Ordinary People: The Dynamics of Torture*. How has this taken so long to come out, though it has come out in parts over the years and in certain communities well-known? And now the question of whether, in fact, it will be released, this report that among other people calling for this, four black aldermen are calling for the public release of this report.

**JOHN CONROY:** Well, it hasn't taken that long to be out. It was out in 1990, when we did the story in the *Chicago Reader*, the first story, and we've done more than 100,000 words since. And I think that what's dragged on—the reason why it's dragged on—I differ with the estimable Mr. Taylor here on this—is that there is no community outrage. People don't care. As in every society in which people are tortured, there's a torture book class in Chicago. It's African American men, most of them with criminal records. And they're just beyond the pale of our compassion. We just don't care.

And that's why it's taken 15 years for you probably to do this program and many others now interested in this report, when the information has been out there for a very long time. The *New York Times*, I think, it's covered this twice: once, when the men were pardoned; and once, when there was a float in the St. Patrick's Day parade that was going to honor four of the officers who had been accused, and the float never came to be in the parade, but there was a controversy about it. So, that shows you, I think, the level of concern in the United States about this issue.

**AMY GOODMAN:** We are talking to John Conroy, author of *Unspeakable Acts, Ordinary People: The Dynamics of Torture*. We're also joined by David Bates, a torture victim, and Flint Taylor, an attorney who has worked on this case for decades.

[break]

**AMY GOODMAN:** Our guests in the Chicago studio are John Conroy, who is a journalist and author, covered the torture case for over a decade for the *Chicago Reader*, author of *Unspeakable Acts, Ordinary People: The Dynamics of Torture*; David Bates is also with us, as is Flint Taylor, attorney with the People's Law Office in Chicago. David Bates, are you going to sue the police department?

**DAVID BATES:** Well, I have to consult with my attorneys regarding that. I'll just have to say that in conjunction with what Flint said and John, this has been going on for so long, and there hasn't been the outrage needed to bring attention to the torture in order to get those convictions. But, again, I just want to commend individuals who have been tirelessly working to keep this issue of torture in the news. We have to look at this from a human perspective. These are individuals who were tortured and beaten at the hands of people who basically are supposed to serve and protect them. And imagine keeping this thing and not being able to talk to people about this. A lot of these gentlemen went to prison and served long stints of time incarcerated. There was no one to talk to about the torture. Even contact with public officials or community leaders, it was no one to talk to about it. And, again, I just want to commend everybody for coming on board with this issue. But there's a lot need to be done.

**AMY GOODMAN:** David Bates, did you hear about this happening to other people at the time that this happened to you?

**DAVID BATES:** Well, see, the problem comes in, is that when you're in prison and you're in an environment like that, you do not want to let anyone know that you made a confession, whether you were tortured, whatever—however you made the confession, it was not in your best interest to expose that while you were in prison. You would be considered weak. So, imagine these individuals in prison not able to even seek legal help and advice. I liken it to being raped, honestly. Individuals not able to be—go for help. Then, when you did go for help, when you had the opportunity to go for help, people said it didn't happen. So, I tell you, when you get rid of all—when you get down to the human aspect of this problem, you're going to deal with a lot of sick men, a lot of sick men that need clinical—some type of clinical help to deal with the torture.

**AMY GOODMAN:** David Bates, when you saw the pictures at Abu Ghraib, what were your thoughts?

**DAVID BATES:** Well, the pictures, I'll say this. My thoughts on the whole process was: how the hell did they get hearings, and torture from anywhere is wrong. But as we've spoke on, this torture has taken place for over two to three decades in America, on the Southside of Chicago. Why didn't we have public hearings? Why didn't the state legislators come in and do investigations? We actually had to go outside the country to an international court to deal with police torture. On October the 14th, the People's Law Office and other attorneys met in front of the Organization of American States to bring attention to the issue of torture, and we're looking for delegation of individuals to come in and to ask Mayor Daley questions that he hasn't been able to answer to the public since this Jon Burge stuff has been going on. And I tell you, it's going to be an embarrassment to a lot of people, but like my good friend Conroy said, they've been knowing about it.

**AMY GOODMAN:** Let me ask about the knowledge to the very top. Some are saying—and I want to put this question to Flint Taylor, attorney with the People's Law Office in Chicago—that the report could well implicate, as you were talking about, the State's Attorney, Richard Daley, his assistant Richard Devine, who now holds the top job. Can you talk more about how they knew, the whole issue of them being told early on?

**FLINT TAYLOR:** Well, as I said, Richard Daley was previously the State's Attorney of Cook County. In 1982, when one of the major—the first major case broke with regard to police torture, the Andrew Wilson case, the superintendent of police was informed by the head of the hospital, the prison hospital where Andrew Wilson was being held, that there was serious evidence of torture, that Andrew Wilson not only said, but had physical evidence that supported the conclusion that he had been tortured by electric shock, by beating, and he had 15 injuries all over him, burns and everything like that. And the head of the hospital was so shocked, he brought it straight to the superintendent of police.

The superintendent of police then brought it straight to Richard Daley. He knew that Andrew Wilson had been charged with very serious offenses, shooting two police officers and killing them. So Daley decided that rather than to investigate the criminal activities of Jon Burge in torturing Andrew Wilson, that that would, in fact, undercut and undermine, he thought, the prosecution of Wilson, so he did nothing. He did no prosecution at that time.

He then presided over the next eight years over the State's Attorney's office, which was complicit in taking over 55 confessions from 55 different victims of Burge and police torture. In all of those or many of those cases in the individual courts, there was testimony from those victims that they had been tortured. However, Daley defended all those cases, put all those people behind bars, many of them on death row, and in no instance did he investigate the continuing allegations that were coming out of Burge's police headquarters that people were tortured. Daley then went on to be the mayor of the City of Chicago.

There was—and John and I disagree in the sense that there had been at times public outrage. The public outrage reaches certain proportions at different times. We're at one those key points again today. We had been in the early '90s. And one the reasons for that was this Andrew Wilson trial that brought out all this evidence and put together all these different allegations of torture. Because of all of that, the police department was forced to reinvestigate. This was in the early 1990s.

They put an honest investigator in charge of the investigation, and lo and behold, he came to an obvious conclusion. He said there was systematic torture at Area 2. He said he had looked at 50 cases, and there was systematic torture. Well, what did the superintendent of police do? He suppressed that report. He then met with the mayor of the City of Chicago, after we had gotten that report released by a judge, and he and the mayor, who is now Richard Daley, instead of saying, "Now we have the evidence to prosecute. Now we should proceed. Now we should lock Burge up," what did they do? They not only attempted to suppress the report, but then they went publicly and discredited it. Daley stepped forward and said, "These are only rumors and innuendo." So, at every point, as I've mentioned, Daley, rather than taking his responsibility as chief law enforcement officer and chief executive officer of the City of Chicago, moved to suppress and to do nothing.

**AMY GOODMAN:** Legally—let me ask you, Flint Taylor. Legally, if crimes are known about, and they are covered up, is Mayor Daley criminally liable?

**FLINT TAYLOR:** Well, at this point, is he criminally liable? I suppose you could see

him a co-conspirator, in that it was certain obstruction of justice over the years, certainly. But I think at this point what we're looking is if a special prosecutor comes out with a report and says, "I can't indict, because it's too late," then the people of the city of Chicago have to look in two directions. They have to look backwards to Daley and Devine and say, "Well, the special prosecutor was hamstrung by the fact that Daley and Devine didn't act when they should have," and then we have to look forward and say, "That's not sufficient. That's not right."

There are continuing criminal violations here, and if the special prosecutor won't do anything about them, then Fitzgerald, who is the U.S. Attorney here and who, of course, has made his name in the Valerie Plame case and has already indicted Daley's people in a wide-ranging truck scandal, he has to open his investigation into federal RICO or racketeering charges, as well as obstruction of justice and perjury. And as David has mentioned, it has been taken to the international forum, not only last fall to the Inter-American Commission on Human Rights, which is the Organization of American States, who is still looking into this issue, but this past week and right now, it's been presented to the Committee Against Torture of the United Nations in Geneva, and one of our people has spoken with and presented evidence to the Committee Against Torture, and that committee has ordered the government to respond and to speak to the issues of torture here in this country. And in its concluding remarks, it put with Abu Ghraib and put with Guantanamo the situation of Chicago.

And so, perhaps there's not enough public outrage here, but the international community is looking at it in a very strong way, and to hear Chicago put in the same breath with Guantanamo and Abu Ghraib is something that—if that doesn't wake up the powers that be here in the City of Chicago and that doesn't wake up the U.S. Attorney's office and that doesn't, in fact, put on the carpet the State's Attorney of Cook County and the Mayor of the City of Chicago, I don't know what will.

**AMY GOODMAN:** John Conroy, the Midwest Coalition for Human Rights will present a report that includes the Chicago torture allegations to the U.N. Human Rights Commission. How significant is this? And, finally, why do you call your book "*Unspeakable Acts, Ordinary People*"?

**JOHN CONROY:** Well, let me take the second question first. I call the book "*Unspeakable Acts, Ordinary People*," because torture is always done by—we want our torturers to be monsters, but it turns out that they're just ordinary people like you and me. And I can go back and cite you all kinds of psychological experiments in which they have found that people will do extraordinary things, inflicting pain on other people, if they are simply ordered to do so, simply following orders someone else is taking responsibility. And it doesn't require any sort of a twisted mind to do this. We are all—most of us are given to obedience. And so, I've interviewed torturers from around the world, former torturers, and they all struck me as very ordinary men.

How significant the international attention will be remains to be seen. It's a unique turn, and it's somewhat thrilling, I think, for those of us who have been watching this for a long time to see it finally raise to the level of being mentioned in a phrase with Abu Ghraib and Guantanamo. But whether this will just be one of those media—you know, where the media comes in for a day or two and then leaves remains to be seen.

**AMY GOODMAN:** And what's the timetable on this?

**JOHN CONROY:** The special prosecutor is supposed to—I'm sorry. The judge who oversees the prosecutor is supposed to rule, I believe, on the 12th of May, as to

whether the report will be released or not.

**AMY GOODMAN:** That will be Friday, and we will certainly follow it up. I want to thank you all for being with us: David Bates, torture victim himself, telling his own story; Flint Taylor, attorney with the People's Law Office in Chicago, who has represented many of the victims; and John Conroy, who has written about this for years for the *Chicago Reader*, author of *Unspeakable Acts, Ordinary People: The Dynamics of Torture*.

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