

THE UNIVERSITY OF CHICAGO

**What Makes an Ideal Reparations Package?:
A Typological Examination of Reparations for Jon Burge Torture Survivors**

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Abstract

This paper explores the question “how effective was the Burge reparations package?” I define reparations and create a typology of reparations based on international and national case studies. I then use that, as well as interviews with torture survivors, the mothers of torture survivors, and the authors and implementers of the Burge reparations package, to judge the efficacy of the Burge reparations package and make recommendations about what work should still be done to improve the plight of torture survivors.

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I. Introduction

On May 6, 2015, in response to decades of activism, the Chicago City Council formally recognized and apologized for Chicago's history of police torture under Detective Jon Burge and his associates by passing legislation that provided reparations to the survivors of police torture in Chicago. The reparations package included a \$5.5 million fund for torture survivors. Further, a Chicago Torture Justice Center was opened in May 2017. Chicago Public Schools agreed to teach all eighth-graders and high school sophomores a curriculum about Burge's torture and brutality. The curriculum- "Reparations Won!"- was unveiled in January 2017 and is now being implemented. Additionally, the Chicago Torture Justice Memorials organization is designing a memorial for the survivors. Finally, the reparations package included a slew of services for survivors and their families (health, education, legal, etc.).¹ This legislation was *historic*: although the city of Chicago has paid settlements to survivors of police torture in the past, the city had never made reparations to survivors of police torture. At the time, no city had.

Of course, the fact that the reparations package was historic means little if the package hasn't been effective in improving the plight of torture survivors and their families. So, in this paper I investigate as much: how effective is the Burge reparations package? To answer this question, I first define reparations. I then analyze the Burge reparations package in the context of reparations packages more broadly. To do so, I establish a set of criteria by which to judge the effectiveness of reparations packages: scope, completeness, comprehensiveness, complexity, continuity, measure of moral

¹ City of Chicago, "Burge Reparations Resolution."

awakening and valuation of suffering. I then judge four case studies according to these criteria based on existing literature: America's Civil Liberties Act for Japanese Americans (1988), Florida's Rosewood Claims Bill (1994), Chile's National Commission on Political Imprisonment and Torture (2005) and Germany's Holocaust Reparations (1953-present). I choose these four case studies because I feel that they represent reparations packages that are differently focused: education focused, compensation/restoration of property focused, health focused, and multi-area focused, respectively. I create a table with my criteria on one axis and the delineations "Education Focused Reparations," "Compensation/Restoration Focused Reparations," "Health Focused Reparations," and "Octopus Reparations" on the other axis and place the case studies squarely within it.

Having explored reparations packages more broadly, I turn to the Burge reparations package. I walk through the archival history of the Burge scandal, the movement that culminated in the establishment of the reparations package, and the designers and implementers of the package itself. Then, finally, I analyze the Burge reparations package according to each criterion for effectiveness that comprises my typology and in reference to the case studies I analyzed. To do this, I use the data I gathered from in-depth interviews with torture survivors, mothers of torture survivors and the organizers of the reparations package. I also judge where the Burge reparations package fits within my typology. Finally, I make policy recommendations about what work should still be done to improve the plight of torture survivors and their families.

Ultimately, I make a multi-part argument. I contend that the reparations package is lacking in its scope. It is adequate in its completeness given the case of torture survivors

it considers but inadequate in its completeness when considering the entire universe of police torture survivors in Chicago. It is impressive in its complexity. It is comprehensive in its non-monetary aspects but incomprehensive in its monetary aspects. It has little to no valuation of suffering. It addresses abuse that is continuous. And, finally, it did not evoke a moral awakening for most populations but did for some. All told, the reparations package seems to have been an attempt at an Octopus Reparations package but fell short perhaps constituting a Five-Legged Starfish Reparations Package instead. In order to make up for what the reparations package lacks, organizers should 1) launch independent investigations of officers who have been sued for torture, 2) launch campaigns to expand funding to the CTJC and healthcare services, and 3) rethink certain aspects of the CTJC services, the memorial and the education services offered via the reparations package to make them more inclusive for all survivors and their family members.

II. Methodology

I collected data for this study in two main ways. First I did extensive research using books, official city documents, verifiable websites, newspapers and academic papers to write the introduction, literature review and historical background.

Second, I conducted comprehensive interviews with torture survivors and the mothers of torture survivors, as well as the designers and implementers of the Burge reparations package. To find the contact information of torture survivors and the mothers of torture survivors, I started by collecting a few names from my advisers at the Invisible Institute, Jamie Kalven and Alison Flowers. I then made dozens of phone calls until I was able to arrange a few interviews. From there, it was snowball sampling: the torture survivors and

the mothers of torture survivors are a well-connected community. Ultimately, I interviewed Armanda Shackleford (mother of torture survivor Gerald Reed), Jeanette Plummer (mother of torture survivor Johnny Plummer), Bertha Escamilla (mother of torture survivor Nick Escamilla), Rose Cade (mother of torture survivor Antonio Porter), Mark Clements (torture survivor), Darrell Cannon (torture survivor), Vincent Wade Robinson (torture survivor), Jaime Hauad (torture survivor), and Anabelle Perez (Jaime's mother). It is important to note here that this is not a large or entirely representative sample of survivors.

Contacting the designers and implementers of the Burge reparations package proved more difficult. I sent many emails to lawyers at the People's Law Office, staff at the Chicago Torture Justice Center, members of the Chicago Torture Justice Memorials (CTJM) organization, journalists, etc., but at first was unable to reach anyone. Then, on February 3, 2018, I attended a For the People Artists Collective event called the "Aesthetics of Abolition" featuring two CJTM leaders- Mariame Kaba and Sarah Ross- as speakers. At that event, I was able to approach Joey Mogul (People's Law Office lawyer) and Sarah Ross (CJTM organizer and School of the Art Institute of Chicago educator) and schedule interviews with them on the spot. From there, again, I was able to snowball sample to complete more interviews. In addition, a couple of individuals who I initially emailed responded to me after I persisted in following up several times. Ultimately, I interviewed Joey, Sarah, Flint Taylor (People's Law Officer lawyer), John Conroy (journalist) and Cindy Eigler (Policy Director of the Chicago Torture Justice Center). In addition, I attended a community meeting about implementation of the "Reparations Won!" CPS curriculum where I talked to the school's principal and parents.

The interviews with torture survivors and the mothers of torture survivors occurred wherever the interviewee suggested worked best for them; these tended to be in either their homes or in local cafes. Interviews with authors/implementers of the Reparations package occurred at the People's Law Office, Northwestern Law School, the *In These Times* office, and the Chicago Torture Justice Center.

The interviews lasted between 30 minutes and 210 minutes.² I began by asking participants to verbally consent³ to being interviewed. I then asked them if it was okay if I audio recorded them. All of them agreed, so I recorded the interviews using my iPhone. I also asked them if they wanted me to use a pseudonym for their names, which none did. I asked that they not provide any information about criminal activity that had not yet been prosecuted, and to be aware that while I would attempt to maintain all confidentiality, there is always a chance of subpoena. During the interviews, if it seemed that they were beginning to reveal information about themselves or others that could have been of legal importance, I reminded them that they should not reveal anything that had not yet been prosecuted. Finally, I informed them that they could stop the interview at any time for any reason.

In terms of risks and benefits for participants, there were minimal risks associated with my study. The only discomfort interviewees experienced was sadness while discussing difficult experiences, but none wished to stop the interview. For most interview subjects, the interviews seemed actually to be enjoyable and therapeutic. They enjoyed sharing their stories with a very engaged listener. Most talked to me about

² See interview questions at end of paper.

³ See verbal consent forms at end of paper.

experiences beyond the scope of my study and for amounts of time much longer than I originally anticipated my interviews would last for.

At the end of each interview, I transferred the audio recordings from my phone onto my computer and then uploaded them onto the transcription software, Trint, which transcribed the interviews for me. I then transferred the audio files into UChicago Box. Having transferred them into UChicago Box, I removed them from my phone and computer. Any handwritten notes were immediately scanned and transferred into UChicago Box and the papers were destroyed.

III. Definition of Reparations

In order to define “reparations,” one must define “human injustice.” The definition of “human injustice” can be formulated from Article 55C of the United Nations Charter, which reads, “The United Nations shall promote...universal respect for, and observance of, human rights⁴ and fundamental freedoms for all without distinction as to race, sex, language or religion.”⁵ Various multilateral and bilateral conventions, resolutions, treaties and covenants sharply define the rights of all humans and provide for their enforcement. A “human injustice,” then, is the violation or suppression of human rights or fundamental freedoms recognized by international law.

If, first, a human injustice was committed, second, it was well-documented, third, the victims are identifiable as a distinct group, fourth, the current members of the group continue to suffer harm, and fifth, such harm is causally connected to the past injustice,

⁴ Brooks, Roy L. *When Sorry Isn't Enough: The Controversy Over Apologies and Reparations for Injustice*. (New York: New York University Press, 1999).

⁵ United Nations, “Charter of the United Nations and Statute of the International Court of Justice,” Chapter IX, Article 55.

then the five prerequisites for a redress claim are in place, according to attorney and Harvard University law professor Mari Matsuda.⁶

Once redress claims are verifiable by these prerequisites, they can, according to University of San Diego law professor Roy L. Brooks, be divided into two broad categories: reparations and settlements.⁷ A *settlement* is a form of redress in which the perpetrator does not express atonement. Settlements are often used in American law: a defendant corporation will settle a dispute by signing a consent decree in which it agrees to pay the plaintiff(s) a certain sum of money, but does not concede any wrongdoing. A settlement gives the victim a monetary award and gives the perpetrator a chance to end the dispute without a finding of liability. *Reparations*, on the other hand, are a form of redress in which the government does express atonement. Usually, reparations are easily distinguishable from a settlement because a statement of apology and acknowledgement of wrongdoing accompanies them. Often this apology and acknowledgement mean more to survivors than anything else. Beyond that, however, reparations can be subdivided into monetary and nonmonetary responses. Nonmonetary responses include amnesty, affirmative action, and municipal services such as the creation of a new educational curriculum. These types of reparations can be more effective than cash in responding to victims' individual or collective current needs.⁸

⁶ Matsuda, Mari J, "Looking to the Bottom: Critical Legal Studies and Reparations" *Harvard Civil Rights - Civil Liberties Law Review*, 323 (1987).

⁷ Brooks, Roy L. *When Sorry Isn't Enough: The Controversy Over Apologies and Reparations for Injustice*. New York: New York University Press, 1999.

⁸ *ibid.*

IV. Typology of Reparations

On one axis, my typology of reparations measures criteria for judging the effectiveness of a reparations package including scope, completeness, comprehensiveness, complexity, continuity, valuation of suffering and moral awakening. On the other axis, my typology of reparations divides reparations packages into four types: “Education Focused Reparations,” “Health Focused Reparations,” “Octopus Reparations,” and “Compensation/Restoration of Property Focused Reparations.” As a whole, then, the typology judges the effectiveness of several different aspects of each of these four types of reparations packages. Below, I define terms:

Criteria for Judging the Effectiveness of a Reparations Package:

Defining Scope: Reparations can have greater or lesser scope according to the number of survivors they reach. This is simply a judgment of whether the number of survivors reached is large or small.⁹

Defining Completeness: Completeness refers to the ability of a reparations package to cover the whole universe of survivors. In other words, was every survivor who experienced the human rights abuses that the reparations package was responsive to included in the reparations package? Or were only some survivors included? There is not

⁹ De Greiff, Pablo. *The Handbook of Reparations*, UK: Oxford University Press, 2006.

an existing program that satisfies this standard fully, partly because of the difficulty associated with determining the full set of survivors.¹⁰

Defining Comprehensiveness: Comprehensiveness refers to how well the reparations package provides redress for a human rights violation. A reparations package is very comprehensive if it provides redress for as many characteristics of a human rights violation as feasible. By the same token, for a reparations package to be comprehensive, it should include both monetary and non-monetary redress.¹¹

Defining Complexity: Complexity refers to how many distinct ways a reparations package provides redress for a human rights violation. A reparations package is more complex if it includes compensation, memorials, education, health services and reintegration services than if it only includes compensation.¹²

Defining Continuity: This is a measure of whether or not the conflict or human rights violations that inspired the reparations package is continuous or not. Sometimes human rights violations can be continuous in ways not identical to, but related to the human rights violations that inspired the reparations package.

Defining Valuation of Suffering: This is a measure for which types and durations of suffering equate to greater or lesser reparations for survivors. When a reparations package has valuation of suffering, it is often perceived as unfair: all survivors suffered

¹⁰ *ibid.*

¹¹ *ibid.*

¹² *ibid.*

yet some receive more than others because their suffering was deemed more worthy of redress than others'. Some reparations packages have no valuation of suffering, and simply give every survivor the same monetary and non-monetary compensation no matter what types and durations of suffering they underwent.

Defining Moral Awakening: For a moral awakening to occur, individuals must acknowledge that human injustices were committed and must acknowledge them as wrong. Moreover, they must feel sorry enough about these wrongs being committed that they change their mindset and, consequently, their actions. Therefore, if a moral awakening has occurred, the human injustices that were committed will not be continuous. Moral awakening is almost never spread across a population fully or evenly. There will always be groups for which the reparations package evokes a moral awakening and groups for which the reparations package does not evoke a moral awakening. Moral awakening is the hardest of all the criteria for effectiveness to discern. This is because it is very hard to tell whether someone else has undergone an inner shift in consciousness. One can only analyze their words (or lack of words) and actions. Even then, discernments of moral awakening are highly subjective. Another person might disagree with what I discern as a moral awakening or what I discern as a lack of moral awakening. Therefore, I separated the row in my typology dedicated to moral awakening from the rest of the typology to indicate that this more subjective criterion is different from the other more factual criteria.

Four Types of Reparations Packages:

Defining “Education Focused Reparations”: Education focused reparations are distinguished by being especially comprehensive and complex with regards to educational programming (curriculums and projects aimed at teaching the public about the human injustices that occurred, funding for survivors’ college education, etc.). These reparations packages may or may not be comprehensive and complex with regards to other services beyond educational programming. These reparations packages evoke at least a partial moral awakening because educating the public about human injustices that have occurred evokes a moral awakening in at least some people. Scope, completeness, valuation of suffering and continuity will vary.

Defining “Health Focused Reparations”: Health focused reparations are distinguished by being especially comprehensive and complex with regard to health programming (healthcare, medication, therapy, counseling, etc.). These reparations packages may or may not be comprehensive and complex with regards to other services beyond health programming. These reparations packages may or may not evoke at least a partial moral awakening: comprehensive and complex health services do not guarantee that at least a partial moral awakening occurred. Scope, completeness, valuation of suffering and continuity will vary.

Defining “Compensation/Restoration of Property Focused Reparations”:

Compensation/ restoration of property focused reparations are distinguished by not being

especially comprehensive or complex. These reparations packages likely do not evoke at least a partial moral awakening. These reparations packages are often less effective than other types of reparations packages. Scope, completeness, valuation of suffering and continuity will vary.

Defining “Octopus Reparations”: Octopus reparations packages can be considered the most successful type of reparations packages. They are distinguished by being very comprehensive and complex: these reparations packages offer a variety of very well-developed services. These services likely evoke a significant moral awakening because of their heightened comprehensiveness. Octopus reparations packages are also more likely than other reparations packages to be nearly complete or working toward completeness and less likely than other reparations packages to respond to abuse that is continuous. Scope and valuation of suffering will vary.

Having defined the two axes of my typology, I will analyze four very different case studies that will each serve as an example for one of my four types of reparations packages. The case studies were selected to ensure diversity along a variety of measures including geographical location, the degree of socioeconomic development, the number of beneficiaries, and the type of conflict to which the programs responded. They do not serve as perfect examples of each of the four types of reparations packages, but rather loose examples. A table succinctly displays my typology of reparations in section IV(a).

Education Focused Reparations

America: Civil Liberties Act of 1988 for Japanese Americans:

Following the Japanese bombing of Pearl Harbor in 1941, President Franklin D. Roosevelt signed an executive order mandating that all Japanese-Americans evacuate the West Coast. This resulted in the relocation of approximately 120,000 people, many of whom were American citizens, to ten internment camps located across the country. The Japanese-American internment camps were often nothing more than makeshift barracks, with families and children cramped together behind barbed wires. Some Japanese-American citizens were allowed to return to the West Coast beginning in 1945, and the last camp closed in March 1946.¹³

Decades later, inspired by the civil rights movement, the Japanese American Citizens League launched a campaign for reparations led by John Tateishi.¹⁴ The campaign culminated in 1988 when President Reagan signed the Civil Liberties Act. Through the Act, Congress authorized a presidential apology, the payment of \$1.2 billion in individual reparations claims to Japanese Americans and a Civil Liberties Public Education Fund (CLPEF) Board funded with \$50 million.¹⁵ Additionally, two monuments have been created in D.C. and California.

Only American citizens or legal permanent residents could make reparations claims, meaning that the Japanese nationals that had been taken from their homes in Latin America were not covered in the reparations, regardless of whether they remained in the

¹³ “Japanese Relocation During World War II,” National Archives, last modified April 10, 2017, <https://www.archives.gov/education/lessons/japanese-relocation>.

¹⁴ Qureshi ,Bilal, “From Wrong To Right: A U.S. Apology For Japanese Internment,” All Things Considered, August 9, 2013, <https://www.npr.org/sections/codeswitch/2013/08/09/210138278/japanese-internment-redress>.

¹⁵ De Greiff, Pablo. *The Handbook of Reparations*.

United States, returned to Latin America or were deported to Japan after the war. For those the law did cover, the country paid out \$20,000 in compensation per survivor. Over eleven years, 82,250 people received reparations.¹⁶

Most noteworthy of all has been the work of the Civil Liberties Public Education Fund (CLPEF) Board. Funded to ‘sponsor research and public educational activities, and to publish and distribute the hearings, findings, and recommendations of the Commission,’ the Board has given 132 individuals grants totaling \$3.3 million, including 19 national fellowships. The grants ranged from \$2,000 to \$100,000. Seven different categories of projects were funded: curriculum, landmarks and institutions, community development, arts and media, research, national fellowships, and research resources. The projects ultimately included development of internment curriculum for elementary and high school students; oral histories of internment artists; development of materials and a book for teaching law and the internment; books and documentaries on internment camp life; psychological studies on the effects of the internment; and numerous others.¹⁷

In analyzing the reparations package, one notices that it is large in scope: it reaches 82,250 survivors. However, the scope is lacking relative to the entire universe of 120,000 survivors. Consequently, the reparations package is significantly incomplete. The reparations package is very comprehensive and complex with regard to educational projects but one could argue that this is at the cost of comprehensiveness and complexity in terms of health services or compensation. The package has no valuation of suffering: all beneficiaries of the reparations package received \$20,000. The abuse the reparations package responded to is discontinuous to some degree: the American government no

¹⁶ U.S. Congress, “H.R.442 - Civil Liberties Act of 1987,” Washington, D.C., January 6, 1987.

¹⁷ De Greiff, Pablo. *The Handbook of Reparations*.

longer abuses its Japanese American population. However, one could also argue that the abuse is continuous in that the American government still abuses other minorities: Muslim Americans, Mexican Americans, Native Americans, African Americans, etc. By the same token, it is hard to say that American government officials have undergone moral awakening since they continue to abuse minority populations. However, it is very likely that many everyday Americans experienced moral awakening as a result of the reparations package's extensive education campaign.

Compensation/Restoration of Property Focused Reparations

Florida: Rosewood Claims Bill:

In January, 1923, a white mob destroyed and/or burned every home and building of the black community of Rosewood, Florida after a fruitless search for a black man accused of assaulting a white woman. At least six black people and two white people were killed. The state did not respond at the time of the incident, and it was largely forgotten until the 1980s, when the few survivors of the 120 original residents of Rosewood (those who were children at the time of the destruction) began speaking out.¹⁸ So egregious were the claims, that Florida investigated them in a 1993 report, leading to 1994 legislation serving as an official apology for the violent race riot in 1923 that destroyed Rosewood. Specifically, the legislature passed a \$2.1 million compensation plan for the nine survivors. The law eventually compensated the nine then elderly victims \$150,000 each, created a scholarship fund, and included \$500,000 spread across

¹⁸ Glenza, Jessica, "Rosewood massacre a harrowing tale of racism and the road toward reparations," The Guardian, January 3, 2016, <https://www.theguardian.com/us-news/2016/jan/03/rosewood-florida-massacre-racial-violence-reparation>.

the descendants of people who lost property in Rosewood.¹⁹

Analyzing this reparations package, one notices that it is small in scope: just nine survivors in addition to the families of deceased victims. Further, the reparations package is semi-complete: indeed, it reaches all nine living survivors. However, it very likely does not reach the entire world of descendants of deceased victims, and even those it does reach receive little: for instance, one descendant received \$3000. Moreover, because the reparations came so long after the crime, the reparations package does not reach the other 111 now deceased victims of the mob. The complexity and comprehensiveness of the reparations package are lacking in that the reparations package only comprises a few types of compensation. Valuation of suffering exists to some degree: compensation went evenly to the nine survivors but unequally to descendants of deceased victims. The human injustices that survivors endured are discontinuous in that such race riots no longer goes unchecked in society. However, racist violence in other forms continues: for instance, racist police brutality. Partly for this reason, it is hard to believe that moral awakening occurred for state officials or for everyday Floridians. Indeed, state officials have since established or defended many racist laws, especially with regard to protecting second amendment rights. As for everyday Floridians, there was no educational program coordinated with the reparations package to evoke a moral awakening in them.

¹⁹ Bassett, C. Jeanne, "House Bill 591: Florida Compensates Rosewood Victims and Their Families for a Seventy-One-Year-Old Injury," *Florida State University Law Review*, 22:2 (Winter 1994), <https://ir.law.fsu.edu/cgi/viewcontent.cgi?article=1498&context=lr>.

Health Focused Reparations

Chile: National Commission on Political Imprisonment and Torture:

The National Commission on Political Imprisonment and Torture was a response to the Pinochet Regime in Chile. The Pinochet regime began when, in 1973, General Augusto Pinochet took over the Chilean government as commander of the armed forces. Pinochet led an intense political repression that resulted in political killings, "disappearances," the imprisonment or exile of countless Chileans, and the widespread use of torture.

The Pinochet dictatorship ended in 1989 when Pinochet lost to President Patricio Aylwin who transitioned Chile to democracy. Aylwin established Chile's first truth commission, "the Rettig Commission," in 1990, which was only allowed to investigate crimes resulting in death or disappearance. The report determined that 2,298 persons had died for political reasons between September 11, 1973 and March 11, 1990. Among them, 979 persons were classified as disappeared detainees, 1,061 as detainees who died in detention or people killed in different circumstances by security forces, 168 as victims of political violence and 90 as victims killed by civilians for political reasons (victims of the leftist groups that opposed the dictatorship). There were some 630 cases the Commission could not satisfactorily determine. Then, in 1991, it was determined that some 899 new cases qualified for reparations.²⁰

Soon after, an activist movement mounted pushing for additional efforts to acknowledge the human rights violations of the Pinochet era that did not result in death

²⁰ United States Institute of Peace, "Report of the Chilean National Commission on Truth and Reconciliation," https://www.usip.org/sites/default/files/resources/collections/truth_commissions/Chile90-Report/Chile90-Report.pdf.

such as torture and unlawful detention. In response, President Ricardo Lagos created the Valech Commission to further document abuses under the military dictatorship and make recommendations for reparations.²¹ As a result, in 2005, the Chilean government committed to providing 28,459 registered survivors of torture and imprisonment under the Pinochet regime (or their relatives) with lifelong governmental compensation of between approximately US\$2,300 and US\$2,600 for survivors. Children born in prison or detained with their parents would receive a lump-sum payment of approximately US\$6,800.²² The Chilean government also constructed dozens of memorials, including the Museo De La Memoria Y Los Derechos Humanos in Santiago.²³ Finally, survivors receive free education, housing and health care.

This health care piece is key. Indeed, Chile's Program of Reparations and Comprehensive Health Care for Victims of Human Rights Violations is the reparations program with the widest coverage throughout Chile. In one sense, therefore, the State's responsibility to provide reparations for the victims of human rights violations has largely materialized in the form of the provision of specialized health and mental health programs.²⁴ Through the specialized Program of Reparation and Integral Healthcare (PRAIS), mental health teams not only offer direct assistance to the victims and their families but also draw public attention to the psychosocial and psychological consequences of human rights violations, specifically torture and the disappearance of family members, as well as of suffering constant threats and fear. The PRAIS program even expanded beyond the universe of torture survivors: by the end of 2002, there were

²¹ *ibid.*

²² De Greiff, Pablo. *The Handbook of Reparations*.

²³ United States Institute of Peace, "Report of the Chilean National Commission on Truth and Reconciliation."

²⁴ De Greiff, Pablo. *The Handbook of Reparations*.

93,272 registered beneficiaries of PRAIS throughout the country. By June 2003, this number had risen to 132,000.²⁵ All told, it is clear that the Chilean reparations package comprises many parts but it is because the health care piece is most developed and effective that I categorized the Chilean reparations package as health care focused.

Analyzing the Chilean Reparations package, one notices that valuation of suffering is existent in that the compensation given to survivors and their family members varied. Further, one sees that the reparations package is comprehensive and complex in that it provides redress in a variety of tailored ways. Another reparations package in this category may not be as holistic, but Chile's reparations package is unique in that its health care services are simply above and beyond an assortment of solid services. In terms of scope, the Chilean reparations package is relatively large in that it serves almost 29,000 individuals (many more if you count all those PRAIS serves). However, it is very incomplete. Indeed, families had to provide extensive evidence of their abuse and many likely struggled to do so. Further, the process of receiving reparations was extremely lengthy and involved: likely many survivors did not complete the process to receive reparations.²⁶ And, most damning, it was recognized that the Valech Commission reached only a portion of the total number of people officially recognized as disappeared in Chile or killed between 1973 and 1990 (3,216 individuals) and survivors of political imprisonment and/or torture (38,254 individuals).²⁷

Regarding the continuity measure, the Pinochet regime is over. However, torture

²⁵ The International Center For Transitional Justice, "The Series of Reparations Programs in Chile," New York City: 2009, <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/docs/110331ictj.pdf>.

²⁶ United States Institute of Peace, "Report of the Chilean National Commission on Truth and Reconciliation."

²⁷ "Chile: 40 years on from Pinochet's coup, impunity must end," *Amnesty International*, last updated September 10, 2013, <https://www.amnesty.org/en/latest/news/2013/09/chile-years-pinochet-s-coup-impunity-must-end/>.

and police abuse continue. Indeed, according to the Human Rights watch, Carabineros (the Chilean national police force) continue to use excessive force, particularly against protesters, students, and indigenous communities. Some officers have allegedly sexually harassed women and girls at protests. In addition, according to the Public Ministry, complaints of torture, genocide, ill-treatment, and crimes against humanity increased 193 percent in the first nine months of 2016, compared with the same period in 2015, with most cases allegedly involving Carabineros. Therefore, the injustices of the Pinochet regime are somewhat continuous.²⁸

In terms of moral awakening, the government officials appear in their report to be genuine in their apology:

“We trust that whoever reads this report will appreciate even more the expression, "Never again!" It must be never again, for we cannot return to a situation in which Chileans will again be facing the vile absurdity of resolving political problems through murder, torture, and hatred. Such a "never again" therefore also means not doing to others what has been done to oneself. Legally and politically, that is tantamount to saying that respect for the rights of every human being must come into play as the basis for our common life.”²⁹

However, because government officials allow abuse to continue under the Carabineros, it is dubious that their moral awakening has truly occurred. Many everyday Chileans, however, may have experienced a moral awakening by way of the education programs included in the reparations package.

²⁸ “Chile: Events of 2016,” *Human Rights Watch*, last updated 2017, <https://www.hrw.org/world-report/2017/country-chapters/chile>.

²⁹ United States Institute of Peace, “Report of the Chilean National Commission on Truth and Reconciliation.”

Octopus Reparations

Germany: Holocaust Reparations:

According to the United States Holocaust Memorial Museum, the Holocaust, defined briefly,

“was the systematic, bureaucratic, state-sponsored persecution and murder of six million Jews by the Nazi regime and its collaborators. Holocaust is a word of Greek origin meaning ‘sacrifice by fire.’ The Nazis, who came to power in Germany in January 1933, believed that Germans were “racially superior” and that the Jews, deemed “inferior,” were an alien threat to the so-called German racial community...To concentrate and monitor the Jewish population as well as to facilitate later deportation of the Jews, the Germans and their collaborators created ghettos, transit camps, and forced-labor camps for Jews during the war years. The German authorities also established numerous forced-labor camps, both in the so-called Greater German Reich and in German-occupied territory, for non-Jews whose labor the Germans sought to exploit...Between 1941 and 1944, Nazi German authorities deported millions of Jews from Germany, from occupied territories, and from the countries of many of its Axis allies to ghettos and to killing centers, often called extermination camps, where they were murdered in specially developed gassing facilities.”³⁰

In 1952, when West Germany began the process of making reparations for the Holocaust, it did so under difficult conditions. Resistance was violent. Very few Germans believed that Jews were entitled to anything. Only 5 percent of West Germans surveyed reported feeling guilty about the Holocaust, and only 29 percent believed that Jews were owed restitution from the German people. Jews in Israel also did not want a reparations package, and, in fact, widely protested it. After leading a protest, Menachem Begin, the future prime minister of Israel, was quoted saying, “Today you arrested hundreds. Tomorrow you may arrest thousands. No matter, they will go, they will sit in prison. We will sit there with them. If necessary, we will be killed with them. But there will be no

³⁰ “Introduction to the Holocaust,” United States Holocaust Memorial Museum, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005143>.

‘reparations’ from Germany.” Jews did not want to forgive; they did not want to accept money as if it could make up for all they had lost; in fact, they had a taste for revenge. “My soul would be at rest if I knew there would be 6 million German dead to match the 6 million Jews,” said Meir Dworzecki, who had survived the concentration camps of Estonia.³¹

Still, in September 1952, Germany and Israel reached the Luxembourg Agreement, or, their reparations agreement, which would transform into what is commonly understood to be the most comprehensive reparations package ever. According to the Agreement, Germany was to pay Israel for the costs of "resettling so great a number of uprooted and destitute Jewish refugees" after the war, and to compensate individual Jews for their great losses, via the Conference on Jewish Material Claims Against Germany. That year, Germany paid Israel \$7 billion in today’s dollars, which tripled Israel’s GNP.³² Additionally, from 1952 until today, Germany has paid more than \$78.4 billion in reparations and compensation for survivors of Nazi persecution. Since 1952, the Claims Conference, in particular, has received more than \$70 billion, which it says it has paid to more than 800,000 Holocaust victims around the world. According to the organization, it aids more than 130,000 survivors in 47 countries through direct compensation *as well as* assistance with home care, food, medicine, health care, transportation, legal aid, and socialization.³³ In addition, Germany erected dozens of memorials to the Holocaust including the Holocaust Tower, Jewish Museum in Berlin

³¹ Coates, Ta-Nehisi, “The Case For Reparations,” *The Atlantic*, June, 2014, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

³² *ibid.*

³³ Schwartz, Yarden, “How the State of Israel Abuses Holocaust Survivors,” *Tablet Magazine*, January 25, 2017, <http://www.tabletmag.com/jewish-news-and-politics/222735/israel-abuses-holocaust-survivors>.

and the Memorial to the Murdered Jews of Europe in Berlin.

Analyzing the German reparations package, one immediately notices that the scope was extremely large: the largest scope of any reparations package, ever, in fact. It benefited the entire state of Israel as well as 800,000 Holocaust victims. Moreover, it is very comprehensive and complex in that it comprised direct compensation as well as assistance with home care, food, medicine, health care, transportation, legal aid, as well as dozens of memorials.

The reparations package's completeness is lacking, however. Indeed, Chairman of the Claims Conference Julius Berman said that there remain as many as 50,000 victims who have never received compensation in any form.³⁴ Given that the average age of an Israeli Holocaust survivor today is 87, it's been estimated that by 2025, all of the remaining survivors will have died in poverty unless the Claims Conference reaches them with haste.³⁵ It is unclear that the Claims Conference will manage to do so, however, with its history of mismanagement. Indeed, in 2006, a report released by the New York State Attorney General's Office revealed serious financial mismanagement by Rabbi Israel Singer, president of the Claims Conference at the time. And, in 2013, the U.S. Attorney's Office won a conviction against 10 Claims Conference employees for "the theft of \$57 million dollars intended to benefit victims of the Nazi genocide."³⁶

Still, it is worth emphasizing that, after paying \$89 billion in compensation mostly to Jewish victims of Nazi crimes over six decades, German government officials still meet regularly to revise and expand the guidelines for qualification. In other words,

³⁴ Eddy, Melissa, "For 60th year, Germany Honors Duty To Pay Holocaust Victims," *The New York Times*, November 17, 2012, <http://www.nytimes.com/2012/11/18/world/europe/for-60th-year-germany-honors-duty-to-pay-holocaust-victims.html>.

³⁵ Schwartz, Yardena, "How the State of Israel Abuses Holocaust Survivors," *Tablet Magazine*.

³⁶ *ibid.*

German government officials actively work to expand the completeness of its reparations package.³⁷

This is indicative of the fact that many German government officials have effectively achieved moral awakening. Indeed, asked whether over 60 years of payments to survivors was enough, Werner Gatzert, who leads the negotiations for the German, said, “We will have done enough when no more survivors remain.”³⁸ Further, everyday German citizens have been extensively educated about the wrong Germany committed through the Holocaust, and Germany is littered with remembrances of the Holocaust. However, anti-Semitism continues in Germany. Indeed, there have been a huge number of anti-Semitic incidents in Germany lately. Last year, authorities documented more than 1,400. It is part of a rising trend of anti-Semitism across Europe which has caused thousands of Jews have to leave the continent. Last year, an anti-Muslim and anti-Semitic party was elected to German Parliament. That being the case, it is clear that not all German government officials nor all German citizens have experienced a moral awakening. However, as mentioned, a full moral awakening can never occur. So, even while Germany’s moral awakening is incomplete, the fact that Germany is ever working toward making its reparations package more complete is exemplary. Ta-Nehisi Coates, in fact, upholds Germany as a country that other countries should look to as an example of moral awakening. He writes, “Reparations could not make up for the murder perpetrated by the Nazis. But they did launch Germany’s reckoning with itself, and perhaps provided a road map for how a great civilization might make itself worthy of the name.”³⁹

However, all this does not mean that Germany fairly evaluates suffering. Indeed, it

³⁷ Eddy, Melissa, “For 60th year, Germany Honors Duty To Pay Holocaust Victims.”

³⁸ *ibid.*

³⁹ Coates, Ta-Nehisi, “The Case For Reparations.”

seems survivors receive different amounts of reparations depending on what year and where the reparations package reached them. For instance, 67,000 survivors in Israel receive monthly financial aid of about \$700 per month, as well as free medical care from the Israeli governments. There are 130,000 additional survivors who do not receive monthly financial aid but do receive about \$800 a year in free medicine. And other survivors outside of Israel who were reached later receive entirely different reparations.

IV. a) Table

Type of Reparations Package vs. Criteria for the effectiveness of the reparations package	Education Focused Reparations	Compensation /Restoration of Property Focused Reparations	Health Focused Reparations	Octopus Reparations
Scope	America/Japanese- Americans: Large scope- reached 82,219 Japanese Americans forced to evacuate their home and live in Internment Camps during WWII.	Rosewood: Small scope- reached 9 remaining survivors of the incident, descendants of those affected by the incident (living and dead), and those who were forced to flee the town.	Chile: Large scope- reached 28,459 registered survivors of torture and imprisonment under the Pinochet regime and descendants of over 3,000 individuals killed.	Germany: Extremely large scope- German government paid the country of Israel + 800,000 individual Jews and is to this day working to make individual reparations to all Holocaust survivors.
Completeness	America/Japanese- Americans: Incomplete- 37,781 survivors who should have received reparations did	Rosewood: Semi-complete- it reaches all 9 living survivors, however, it very likely does not reach the entire	Chile: Incomplete- 47,470 survivors who should have received reparations did	Germany: Incomplete- 50,000 survivors who should have received reparations did not receive reparations.

	not receive reparations.	world of descendants of deceased victims.	not receive reparations.	
Comprehensive-ness	America/Japanese- Americans: Comprehensive in terms of educational programs; less so in terms of provision of compensation and other services.	Rosewood: Limited in terms of comprehensive-ness.	Chile: Comprehensive with regard to all services, and especially so with regard to health services.	Germany: Very comprehensive-with regards to all services provided.
Complexity	America/Japanese- Americans: Complex in terms of educational programs; less so in terms of other services.	Rosewood: Limited in terms of complexity.	Chile: Very complex in terms of health services and also complex in terms of all other services.	Germany: Very complex-extremely wide range of services offered.
Continuity	America/Japanese- Americans: Japanese-American internment over. And human injustices against Japanese-American population are discontinuous. However, human injustices against other minority-American populations are continuous.	Rosewood: Rosewood race riots are over. But racist violence in other forms continues: for instance, racist police brutality.	Chile: Pinochet regime is over. But human injustices of regime semi-continuous given that torture and abuse by Carabineros continues.	Germany: Holocaust is over. And human injustices against Jewish population are discontinuous.
Valuation of	America/Japanese- Americans: All Japanese-Americans forced into Relocation	Rosewood: Nine survivors all received same compensation. However, the compensation	Chile: Compensation given to survivors and their family members	Germany: It seems survivors receive different amounts of reparations depending on what year and where the

Suffering	Camps received same amount in reparations.	went unequally to descendants of deceased victims.	varied.	reparations package reached them.
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Measure of Moral Awakening	<p>America/Japanese-Americans: It is hard to say that American government officials have undergone moral awakening since they continue to abuse minority populations. However, it is very likely that many everyday Americans experienced moral awakening as a result of the reparations package's extensive education campaign.</p>	<p>Rosewood: It is hard to believe that moral awakening occurred for state officials or for everyday Floridians. State officials have since established or defended many racist laws, especially with regard to protecting second amendment rights. And there was no educational program coordinated with the reparations package to evoke a moral awakening in everyday Floridians.</p>	<p>Chile: In terms of moral awakening, the government officials appear in their report to be genuine in their apology. However, because government officials allow abuse to continue under the Carabineros, it is dubious that their moral awakening has truly occurred. Many everyday Chileans, however, may have experienced a moral awakening by way of the education programs included in the reparations package.</p>	<p>Germany: It is safe to say that some German government officials have experienced moral awakening as they still actively work to expand the completeness of the reparations package, even 60 years after payments began. However, an anti-Semitic party was elected last year to German's parliament. And although most everyday German citizens have experienced moral awakening- they have been extensively educated about the wrong Germany committed through the Holocaust and Germany is littered with remembrances of the Holocaust - others still commit anti-Semitic acts.</p>
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V. Analysis Part 1: Archival History of the Burge Torture Scandal and Path to Reparations

During a period officially recognized as extending from 1972 to 1991⁴⁰, but in actuality extending longer than that⁴¹, Jon Burge, then a Chicago Police Department detective and commander, and his “midnight crew” (the other detectives associated with him), tortured more than 500⁴² (according to many interview subjects Mark, Sarah, Bertha, Cindy, Vincent) mostly African American but also Latinx men who were interrogated at various locations across the South and West Sides of Chicago (though only 120 are officially recognized⁴³). The torture comprised punching, kicking, hitting, simulating cutting off toes via box cutter, electric shock, simulated suffocation, and mock executions, often accompanied with racial epithets and attacks to the genitals, to coerce confessions that formed the basis for many wrongful convictions as well as long and unfair sentences, including death in at least ten instances.⁴⁴

The scandal came to light foremost because of the bravery and activism of the survivors and the survivors’ mothers, families and friends. In addition, journalist John Conroy did important work to publicize the narrative of the scandal via the series of *Chicago Reader* articles he published over the span of almost twenty years, from 1990 to

⁴⁰ City of Chicago, “Burge Reparations Resolution,” City Council, May 6, 2015.

⁴¹ Escamilla, Bertha. (2018, January 27). In person interview.

⁴² *ibid.*

⁴³ City of Chicago, “Burge Reparations Resolution.”

⁴⁴ Taylor, G. Flint. “The Long Path to Reparations for the Survivors of Chicago Police Torture,” *Northwestern Journal of Law & Social Policy*, Vol. 11: 3 (Spring 2016): 330-353, <http://scholarlycommons.law.northwestern.edu/njls/vol11/iss3/1>.

2009.⁴⁵ Finally, public defenders - especially, but certainly not only, those at the People's Law Office- represented the survivors in hundreds of trials which wound up costing Cook County taxpayers what is estimated at more than \$100 million in settlements, judgments and other legal costs.

The first torture survivor to come forward was Andrew Wilson, who filed a civil suit in 1983. In 1975, Andrew Wilson and his brother Jacky Wilson were driving when they were pulled over by officers O'Brien and Fahey. Andrew shot and killed the two officers. The Wilson brothers then went into hiding for five days, but Burge and his crew ultimately found them and took them to 11th and State in police Area 2 of the City.

There, Andrew Wilson was tortured for fifteen hours by as many as eleven officers until he confessed.⁴⁶ When he emerged, he was in such bad shape that the lock-up keeper refused to lock him up and sent him to Mercy Hospital for medical treatment. John Conroy calls this lock-up keeper's actions one of the miracles of the path to reparations⁴⁷ as Mercy Hospital documented his injuries, which was later crucial to the Illinois Supreme Court throwing away Andrew's conviction.

The next day Andrew told public defender Dale Coventry that he'd been burned by a radiator, suffocated with a plastic bag, kicked in the eye and beaten, shocked in the head with a hand-cranked electrical device in a black box and shocked on his genitals and back with a second device that resembled a curling iron.⁴⁸

⁴⁵ Conroy, John, "Annals of Police Torture: What Price Freedom?" *The Chicago Reader*, March 1, 2001, <https://www.chicagoreader.com/chicago/annals-of-police-torture-what-price-freedom/Content?oid=904712>.

⁴⁶ Conroy, John "The Persistence of Andrew Wilson," *The Chicago Reader*, November 29, 2007, <https://www.chicagoreader.com/chicago/the-persistence-of-andrew-wilson/Content?oid=999832>.

⁴⁷ Conroy, John. (2018, February 12). In person interview.

⁴⁸ Conroy, John "The Persistence of Andrew Wilson."

The Wilson brothers were convicted of murder and Andrew was sentenced to death. He filed a pro se 42 U.S.C. § 1983 complaint in federal court seeking damages for his torture, which he lost.⁴⁹ Ultimately, Wilson testified six times under oath about what had happened to him (each time sobbing) and endured trial after trial for thirteen years, while sitting in prison, before he finally prevailed in 1996 when the Illinois Supreme Court judged, based on the Mercy Hospital Documents, that the State had not proven that Andrew's confession was not coerced. Andrew was given the chance to go free but no money in damages. Andrew's case was crucial, first, because he won it. Second, because, critically, it led to Burge being fired from the police force in 1993 because John Conroy had begun reporting Andrew's story in the *Chicago Reader*, publicizing Burge's torture practices.⁵⁰ And, third, because the case led to the public exposure of a broad torture ring.⁵¹

Indeed, in February 1989, during the first civil trial, one of Burge's colleagues began sending anonymous letters to the People's Law Office in police department envelopes listing the names of "Burge's Asskickers" at Area 2 as well as the names of other torture survivors. The letters expressed that "the torture was not necessary," that "your client was beat after he confessed because Burge and company were showing off," that "the machines and the plastic bags" belonged to Burge, and that Burge encouraged their use. John Conroy calls these letters another miracle in the path to reparations.⁵² The tips opened a series of new investigations, including investigations into the cases of

⁴⁹ Wilson v. City of Chicago, 684 F. Supp. 982 (N.D. Ill. 1989).

⁵⁰ Conroy, John, "Annals of Police Torture: What Price Freedom?"

⁵¹ Conroy, John "The Persistence of Andrew Wilson."

⁵² Conroy, John. (2018, February 12). In person interview.

Melvin Jones and Darrel Cannon.⁵³

And, around the same time, in the mid and late 1990s, several Death Row torture survivors- Madison Hobley, Stanley Howard, Ronald Kitchen, Leroy Orange, and Aaron Patterson- banded together to try to seek justice.⁵⁴ The court battles over Jones', Cannon's and the death row prisoners' individual cases were extraordinarily hard for public defenders to win. First, many of the torture survivors had committed serious crimes and had gang affiliations. Many did not want to see them go free. Second, and most importantly, no influential city official, and no judge from the criminal courts at 26th and California or from the Illinois Supreme Court was willing to acknowledge that a torture ring operated at Area 2 (much less the broader South and West sides) even though the judges dealt with a series of cases naming the same officers, the same locations, and the same techniques. The state's highest court established three hurdles for Area 2 victims. The judges demanded that a defendant who wanted his claim of torture heard must present another man's testimony of torture by the same policemen. However, the defendant could not present another man's testimony of torture by the same policemen unless the defendant and the other man had been tortured (1) within a relatively short period of time; (2) with the same methods; and (3) with the result of demonstrable physical injury.⁵⁵

By January 1999, Ken Armstrong, Steve Mils and Maurice Possley of the

⁵³ Conroy, John, "Annals of Police Torture: What Price Freedom?"

⁵⁴ People v. Hobley, 159 Ill.2d 272 (1994); People v. Howard, 147 Ill.2d 103(1991); People v. Kitchen, 189 Ill.2d 424 (1999); People v. Orange, 121 Ill.2d 364 (1988); People v. Patterson, 154 Ill.2d 414 (1992).

⁵⁵ Conroy, John, "Annals of Police Torture: What Price Freedom?"

Chicago Tribune started a series called “Justice Derailed”⁵⁶ on the death penalty and, more specifically, torture in Chicago. In large part because of that series, Governor George Ryan decided in 2003, a few days before leaving office, and against the wishes of States Attorney Dick Devine, to order three of the inmates- Aaron Patterson, Madison Hobley and Leroy Orange- released from prison immediately. Stanley Howard was moved off Death Row but remained behind bars to complete a sentence for another crime.⁵⁷ Ronald Kitchen, unfortunately, remained on Death Row. Still, John Conroy identifies Governor Ryan’s action as a third miracle of the path to reparations.

Invigorated, activists and lawyers raised the issue of systemic Chicago police torture to the international community via a formal letter to the United Nations Convention Against Torture (UNCAT) in 2005.⁵⁸ The group’s submission pointed out the failure of both the municipal and U.S. governments to properly investigate or prosecute Burge and his associates. It also highlighted how the U.S. government had failed to comply with the Convention Against Torture. Finally, it drew attention to the systemic nature of the torture, called for financial compensation and pointed out the numerous torture survivors who were still imprisoned as a result of confessions tortured from them.⁵⁹ In response, UNCAT issued a report that included a strong affirmation of the Chicago advocates’ position.⁶⁰

⁵⁶ Ken Armstrong, Steve Mills and Maurice Possley, “The failure of the death penalty in Illinois: A Tribune investigative series on problems plaguing the capital punishment system in the state,” *The Chicago Tribune*, <http://www.chicagotribune.com/news/chi-110309death-penalty-illinois-gallery-storygallery.html>.

⁵⁷ Tribune staff reports, “Ryan pardons 4,” *The Chicago Tribune*, January 10, 2003, <http://www.chicagotribune.com/chi-030110pardons-story.html>.

⁵⁸ Taylor, G. Flint. “The Long Path to Reparations for the Survivors of Chicago Police Torture.”

⁵⁹ *ibid.*

⁶⁰ United Nations Committee Against Torture, “Concluding Observations on the Third to Fifth Periodic Reports of United States of America,” CAT/C/USA/CO/3-5, November, 20, 2014), available at <http://www.state.gov/documents/organization/234772.pdf>.

While fighting for justice internationally, activists were also fighting back home. Black People Against Police Torture (BPAPT), a grassroots organization, and the National Conference of Black Lawyers (NCBL) began to demand that Mayor Richard M. Daley and the City of Chicago formally apologize to all Chicago police torture survivors and provide financial compensation and psychological services to them.⁶¹ It was at this time that the concept of identifying the redress sought by the anti-torture movement as “reparations” was conceived. This direct linking of the racist brutality of Chicago police torture to the racist brutality of slavery through the concept of ‘reparations’ (since activists have long fought to obtain reparations for slavery) was an important step in establishing a complete narrative through which torture survivors could seek redress. BPAPT incorporated this ideology into proposed legislation: the Illinois Reparations for Police Torture Victims Act, which called for the establishment of a center for torture survivors and their families. This center would provide psychological and psychiatric treatment, vocational assistance, community education, and the appointment of an Innocence Inquiry Commission to review the claims of Burge-related torture survivors.⁶² These demands were later reasserted to the United Nations Committee on the Elimination of Racial Discrimination (CERD) in a report.⁶³

Concurrent with this work came Jon Burge’s indictment. Largely as a consequence of the testimony of Melvin Jones and Anthony Holmes⁶⁴, a federal grand jury in Chicago indicted Jon Burge in October 2008 for lying about whether he tortured

⁶¹ Taylor, G. Flint. “The Long Path to Reparations for the Survivors of Chicago Police Torture.”

⁶² Taylor, G. Flint. “The Long Path to Reparations for the Survivors of Chicago Police Torture.”

⁶³ *ibid.*

⁶⁴ U.S. v. Burge, No. 08 CR 846 (2010).

African-American suspects.⁶⁵ Ultimately, in late June 2010, Burge was convicted of perjury and obstruction of justice (*not* numerous counts of torture) and given the short sentence of four and a half years.⁶⁶

Directly after Burge's 2008 indictment, activists called on Mayor Richard M. Daley to make a public apology. Mayor Daley refused in a mocking, unfeeling way:

"I apologize to everybody [for] whatever happened to anybody in the city of Chicago . . . So, I apologize to everybody. Whatever happened to them in the city of Chicago in the past, I apologize. I didn't do it, but somebody else did it. Your editorial was bad. I apologize. Your article about the mayor, I apologize. I need an apology from you because you wrote a bad editorial. [I] was not the mayor. I was not the police chief. I did not promote [Burge]. You know that. But you've never written that, and you're afraid to. I understand."⁶⁷

Following Burge's sentencing, a group of educators, lawyers, artists, and other activists created the Chicago Torture Justice Memorials (CTJM). CTJM's mission was to imagine how to honor and bring justice to Burge related torture survivors, as well as memorialize the Burge related torture cases. According to CJTM organizer Sarah Ross, at this time CJTM started doing "charettes," or presentations, about what memorials around the world responding to state violence looked like. In addition, they sent out a call for memorial proposals.⁶⁸

The same year, Mayor Rahm Emanuel took office. Like Mayor Daley, he refused to acquiesce to the public demand for an apology. When asked, he told reporters his reason for not apologizing was that he was "focused on the future of the city, not just about the past," and that he "wanted to see this dark chapter in the city's history brought

⁶⁵ Steve Mills and Jeff Coen, "Feds catch up with Burge," *The Chicago Tribune*, October 22, 2008.

⁶⁶ CBS staff, "Ex-Chicago Cop Gets 4 1/2 Years in Torture Case," *CBS News*, January 21, 2011, <http://www.cbsnews.com/news/ex-chicago-cop-gets-4-1-2-years-in-torture-case/>.

⁶⁷ Spielman, Fran, "Daley issues sarcastic apology for torture," *The Chicago Sun Times*, October 23, 2008.

⁶⁸ Ross, Sarah (2018, February 10). In person interview.

to a close,” which he contended was being achieved, and that “lessons from this moment” should be learned “so we can build a future for the city.”⁶⁹ He was most concerned with relegating the torture saga to the past.

In any case, Chicago Torture Justice Memorials charged forward. Throughout 2012, they conducted workshops, readings, roundtables, performances, film festivals, and other educational events. And, most notably, they opened an exhibition at the School of the Art Institute entitled “Opening the Black Box, the Charge is Torture” at which they displayed seventy-five of the proposed memorials that they received via their call for submissions as a way to continue conversation.⁷⁰ Sarah recalls, “It was really special. Survivors were really moved. They showed up and their story was on the walls downtown after decades of people not believing them.”

Informed by all of this work, CJTM drafted the original Reparations Ordinance (which they decided would still be called “reparations” despite potential alienation of some politicians because their ordinance needed to underscore that racism was central⁷¹). However, CTJM only found the momentum they needed to push forward their vision of reparations after Ronald Kitchen- who had spent twelve of his twenty-one imprisoned years on death row- was exonerated in September 2013, and activists again called on the Mayor to apologize. The Mayor gave the following lack-luster statement:

“I am sorry this happened. Let us all now move on. This is a dark chapter in the history of the city of Chicago. I want to build a future for the city...But, we have to close the books on this. We have to reconcile our past... Yes, there has been a

⁶⁹ Byrne, John, “Emanuel: It's time to close chapter on Burge scandal,” *The Chicago Tribune*, July 25, 2012, http://articles.chicagotribune.com/2012-07-25/news/ct-met-city-council-roundup-0726-20120726_1_burgevictims-chicago-police-cmdr-attorney-flint-taylor.

⁷⁰ Ji, Sarah, “Opening the Black Box: The Charge is Torture,” Flickr, <https://www.flickr.com/photos/sierraromeo/sets/72157631833347318/>.

⁷¹ Somashekhar, Sandhya, “Why Chicago used the word ‘reparations’,” *The Washington Post*, May 8, 2015, <https://www.washingtonpost.com/news/post-nation/wp/2015/05/08/why-chicago-used-the-wordreparations/>.

settlement. And I do believe that this is a way of saying all of us are sorry about what happened...and closing that stain on the city's reputation...That is not who we are."⁷²

In response, Ronald Kitchen's lawyers called on Mayor Emanuel to establish a \$20,000,000 fund to compensate the survivors who had no legal recourse because of the official cover-up.⁷³ This amount was equal to that which had been paid out by the City to private lawyers to defend Burge and his co-conspirators. The City, through its Corporation Counsel, Stephen Patton, publicly rejected the demand for compensation.⁷⁴

Feeding off the angry public response to all of this, CTJM revised the Reparations Ordinance to include further input from torture survivors and their families, and they also looked to international models for reparations for inspiration included those that were adopted in Chile (discussed earlier in this paper) Argentina, and South Africa.⁷⁵

Ultimately, the Ordinance called for an official apology and a fund of at least \$20,000,000 to finance a number of types of reparations. These forms of redress included compensation to the survivors, tuition-free education at the City Colleges of Chicago for all torture survivors and their families, and a center on the South Side of Chicago that would provide psychological counseling, healthcare services, and vocational training to those who experienced Burge-related torture. Finally, it required the Chicago Public Schools to teach students about the torture cases, and that the City sponsor the

⁷² Fran Spielman and Tina Sfondeles, "Rahm: 'Sorry' For Burge Torture," *The Chicago Sun Times*, September 12, 2013.

⁷³ *ibid.*

⁷⁴ Spielman, Fran, "Rahm's Settlement Plan: Pay Now, Hope to Save Later," *The Chicago Sun Times*, September, 24, 2013.

⁷⁵ G. Flint Taylor and Joey L. Mogul, "'Sorry' Not Good Enough for Chicago Torture Survivors," *In These Times*, January 6, 2014.

construction of public memorials for torture victims.⁷⁶

In pursuit of the adoption of this Reparations Ordinance, CTJM sought the support of City Council. They solicited Alderman Joe Moreno and Alderman Howard Brookins (the Chair of the City Council's Black Caucus) as co-sponsors.⁷⁷ On October 16, 2013, Moreno and Brookins introduced CTJM's Ordinance to the City Council.⁷⁸ Members of CTJM then obtained the rest of the City Council members' endorsements one by one.

Compelled by all the excitement back home, CTJM as well as We Charge Genocide traveled to Geneva, Switzerland to appear before the United Nations Committee Against Torture (UNCAT). At the time, the two groups were not officially allied: CTJM was focused on Burge torture while We Charge Genocide was focused on police violence generally. In front of UNCAT, Joey Mogul had three minutes to present the Burge torture case. She referenced and reinforced the brief CTJM had submitted to UNCAT urging the Committee to recommend that the U.S. government support reparations. UNCAT responded by formally recognizing torture under Burge and condemning the U.S. government for the limited investigation and lack of prosecution in the Burge torture cases. Joey recalls:

"You know I had three minutes to present the Burge torture cases to the UN Committee Against Torture. And I had an eight-hour flight to figure out what I was going to say. And I have to say like I really went off, you know, I mean I was very passionate in what I said. And, fortunately, the Chairman of the U.N. Committee heard me...I mean it is kind of profound. I mean for me to be there and have the U.N. committee chairman name Burge by name. You know, one of the highest human rights forums in the world. It's kind of incredible right? I think it's amazing. And it

⁷⁶"Ordinance Seeks Reparations For Chicago Police Torture Survivors," *Chicago Torture Justice Memorials*, <http://chicagotorture.org/articles/ordinance-seeks-reparations-chicago-police-torture-survivors/>.

⁷⁷ Taylor, G. Flint, "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-torturereparations>.

⁷⁸ *ibid.*

felt like these folks understood what we were talking about, while in the U.S. courts you know we were still- at that point I was litigating Aaron Patterson's case in the Northern District of Illinois. He had been pardoned and we were suing and it still felt like we were the enemy.... We would deal with this whole line of lawyers- you know, six or seven lawyers representing various officers the city and the county- and we would be battling all of them in court. I mean they were so hostile, so you know to go to the UN was a really refreshing and amazing experience. And I'm really proud of the work I did."⁷⁹

Soon after that, while the U.S. government spoke before UNCAT denying the reality of racist violence in the United States, We Charge Genocide staged a walk out and then a silent protest right in front of the UNCAT, standing up and holding hands in matching "Justice For Damo" shirts (Damo was their friend who was murdered by police).⁸⁰ Joey credits We Charge Genocide with energizing and inspiring CTJM:

"I'll say this, as proud as I am and as momentous as the moment I got to give my speech was, I think We Charge Genocide really showed us how to do it. I mean they were phenomenal. Because they were like 'look we understand what this mechanism is: it's a naming, blaming, shaming mechanism. Nothing that's said in this report is going to matter more than what we do with it'... There's no way I could have done what they did. I mean sending a delegation of youth of color over to the U.N. and having them live tweeting, live streaming and doing videos and basically bringing the communities with them to say 'you know what, there's police violence against youth of color in Chicago and we are not going to be silent about it'? Incredible. They walked out of one of the earlier hearings and then at the last hearing, while the U.S. government was speaking basically denying the racist reality that exists in the United States, they all stood up holding their hands together in a silent protest. I mean it's amazing. And then to come back and share the results with the community? I mean they inspired us all."⁸¹

Indeed, when CJTM and We Charge Genocide returned to Chicago, they held a "UN Action Teach In" that more than 200 people attended. Activist Mariame Kaba gave closing remarks emphasizing that CJTM was going to form new partnerships and get the

⁷⁹ Mogul, Joey. (2018, April 4). In person interview.

⁸⁰ "We Charge Genocide Holds Historic Protest Inside the United Nations During UNCAT Review of US Torture," We Charge Genocide, November 4, 2014, <http://wechargegenocide.org/we-charge-genocide-holdshistoric-protest-inside-the-united-nations-during-uncat-review-of-us-torture/>.

⁸¹ Mogul, Joey. (2018, April 4). In person interview.

Ordinance passed. And, indeed, immediately after that, We Charge Genocide and Project NIA joined the reparations coalition. At the same time, aldermanic sponsorship continued to grow, and, in the fall of 2014, Karen Lewis, the president of the Chicago Teachers Union publicly announced her support for the Ordinance⁸².

Then, a few weeks later, UNCAT again formally recognized Chicago police torture under Burge, and the necessity for at least compensation for the survivors.⁸³

Unfortunately, concurrent with this victory came Jon Burge's fall 2014 release. After serving just three and a half years, he transitioned to a halfway house, where he would remain for a couple months before beginning life as a free retiree, collecting pension. In response, CTJM held a press conference at which angry and hurt torture survivors, their lawyers, and other CTJM members called for the City Council's Finance Committee to finally hold a hearing on the Ordinance.⁸⁴

This hearing was postponed for months. On Valentine's Day of February 2015, things came to a head. The expanded reparations coalition organized another large, dynamic protest, this time scheduled to coincide with Burge's release from the halfway house, and following only a week after Burge refused to admit any responsibility for his actions.⁸⁵ CTJM members used the protest to drill home the message that they needed reparations *now*. They organized a light show in front of the mayor's house that spelled

⁸² Thindwa, James, "Karen Lewis Has Already Redefined Chicago Politics," *In These Times*, October, 18, 2014, http://inthesetimes.com/article/17268/how_karen_lewis_redefined_chicago_politics.

⁸³ United Nations Committee Against Torture, "Concluding Observations on the Third to Fifth Periodic Reports of United States of America," CAT/C/USA/CO/3-5, November, 20, 2014), available at <http://www.state.gov/documents/organization/234772.pdf>.

⁸⁴ Meisner, Jason, "Ex-cop Burge leaves prison, but torture victim is left seeking reparations," *The Chicago Tribune*, October, 2, 2014, <http://www.chicagotribune.com/news/ct-jon-burge-prison-release-met-20141002-story.html>.

⁸⁵ Taylor, G. Flint, "To Catch a Torturer: One Attorney's 28-Year Pursuit of Racist Chicago Police Commander Jon Burge," *In These Times*, April 8, 2015, <http://inthesetimes.com/article/17794/to-catch-atorturerone-attorneys-28-year-pursuit-of-racist-chicago-police>.

out “Reparations Now,” a sing-in at City Hall, church presentations, community teach-ins, and demonstrations throughout the city. Finally, a few days after the February rally, Corporation Counsel Steve Patton suggested a meeting with CTJM representatives at which City Council would present its plan for reparations.⁸⁶

Once in negotiations with CJTM- especially PLO lawyers and CJTM members Joey and Flint- City Council members dragged their feet for months. As mentioned, CJTM wanted \$20 million. However, the City only wanted to give \$2 million. CJTM’s bottom line for compensation per survivor was \$100,000, so they were forced to make the difficult decision to exclude deceased survivors from the reparations package so that the number of survivors that would need to be compensated would be closer to the number of survivors the City would agree to compensate. Ultimately, Joey, Flint and CJTM identified about sixty eligible survivors. Therefore, Joey and Flint requested at least \$6 million from the City.

All told, City and Joey, Flint and CJTM agreed on \$5.5 million at a City Council’s Finance Committee meeting on April 14.⁸⁷ At this point, all of the parts of the reparations package were settled but it would be another half a month before the ordinance was ratified.

Meanwhile, support for the Reparations Ordinance kept building as, in April of 2014, Amnesty International (AI) joined the reparations coalition.⁸⁸ AI took the lead in organizing a protest in downtown Chicago during its national convention. Each protestor carried a black flag designed by CTJM with the name of a Burge torture survivor and the

⁸⁶ Mills, Steve, “Burge reparations deal a product of long negotiations,” *The Chicago Tribune*, May 6, 2015, <http://www.chicagotribune.com/ct-burge-torture-reparations-lawyer-met-20150505-story.html>.

⁸⁷ *ibid.*

⁸⁸ Heiss, Jasmine, “Introducing Amnesty’s New Global Campaign Against Torture,” *Amnesty International*, May 12, 2014, <http://blog.amnestyusa.org/us/introducing-amnestys-new-global-campaign-against-torture/>.

date of their torture printed on it in white lettering. Survivors' names were read aloud at the end of the rally, and corresponding flags were displayed facing City Hall.

Finally, on May, 6, 2015, Alderman Joe Moreno presented the Resolution and Amended Ordinance to the full City Council.⁸⁹ Afterward, Mayor Emanuel took the stage and officially apologized on behalf of the City:

“This is another step but an essential step in righting a wrong, removing a stain on the reputation of this great city. Chicago finally will confront its past and come to terms with it and recognize when something wrong was done and be able to be strong enough to say something was wrong. [Turns to the torture survivors.] I want to thank you for your persistence. I want to thank you for never giving in and never giving up and allowing the city to join you on that journey to come face-to-face with the past and be honest enough and strong enough to say when we are wrong and try to make right what we've done wrong. This stain cannot be removed from the history of our city. But it can be used as a lesson of what not to do and the responsibility that all of us have.”⁹⁰

Ultimately, the reparations package included a \$5.5 million reparations fund for torture survivors.⁹¹ Chicago Public Schools agreed to teach all eighth-graders and high school sophomores about Burge's torture and brutality.⁹² The curriculum was unveiled in January 2017 and is now being implemented. The Chicago Torture Justice Center was opened in May 2017. And, finally, the reparations package included a slew of services for survivors and their families: these include, among other things, legal services, free tuition at the City Colleges of Chicago and prioritized access to applicable support services and

⁸⁹ Spielman, Fran, “City Council committee approves \$5.5 million in reparations for Burge torture victims,” *The Chicago Sun Times*, May 5, 2015, <https://chicago.suntimes.com/chicago-politics/city-council-committee-approves-5-5-million-in-reparations-for-burge-torture-victims>.; Hal Dardick and John Byrne, “Mayor: Approval of Burge victims fund a step toward 'removing a stain',” *The Chicago Tribune*, May 6, 2015, <http://www.chicagotribune.com/ct-city-councilrauner-cupich-met-20150506-story.html>.

⁹⁰ *ibid.*

⁹¹ City of Chicago, “Burge Reparations Ordinance,” City Council, May 6, 2015.

⁹² Chicago Public Schools, “Reparations Won: A Case Study in Police Torture, Racism, and the Movement for Justice in Chicago: High School United States History Curriculum,” 2017, https://www.scribd.com/document/358713213/Burge-Torture-Lesson-Plan#download&from_embed.

programs currently offered by city departments (such as health services, housing services, job services, food services and transportation services).⁹³

VI. Analysis Part 2: Measuring the Effectiveness of the Reparations Package Using the Criteria of My Typology According to Interviews

As soon as I began scheduling interviews, it quickly became clear to me that less of the Burge torture survivors were out of prison than I thought would be, and, by the same token, that less had been helped by the Burge reparations package than I thought had been. I initially thought I'd do ten interviews with torture survivors and five with reparations package organizers but half of those ten interviews wound up being with the mothers of torture survivors. The other half of the interviews were with torture survivors themselves. In order, I interviewed Armanda Schackleford (mother of Gerald Reed), then Rose Cade (mother of Antonio Porter), then Jeanette Plummer (mother of Johnny Plummer), then Mark Clements (torture survivor), then Bertha Escamilla (mother of torture survivor Nick Escamilla), then Jaime Hauad (torture survivor) and his mother Anabelle Perez, then Vincent Wade Robinson (torture survivor), and, finally, Darrell Cannon (torture survivor).

As I listened to these inspiring individuals' stories, hundreds of questions sprung into my head. The questions I puzzled over most during the first three interviews were: Why weren't Gerald and Antonio offered reparations? Why was Johnny offered reparations while Gerald and Antonio weren't? Was there valuation of suffering

⁹³ City of Chicago, "Burge Reparations Ordinance."

employed here? Armanda, Rose and Jeanette did not know the answers to these questions. What's more, they felt wronged and used.

Indeed, Rose said, "They didn't help us. They used us...I didn't get none of that. My son didn't get none of that...I mean I wasn't looking for it. But I mean we're not the ones that sitting in prison. If it should have went to anybody it should have went to them. Because they was going through a lot."⁹⁴

Jeanette had similar sentiments: "For the reparations, they just used us to get it...They used me. Had me going down there protesting and speaking and marching and going on."⁹⁵

VI. a) Scope

It was Bertha and Mark who finally informed me that there were three qualifications a torture survivor had to meet to receive reparations, related to where the torture occurred, when it occurred and by whom it was inflicted. This was recorded in the official reparations ordinance. Indeed, the ordinance reads,

SECTION 2 - DEFINITIONS.

As used in this Ordinance, the following definitions shall apply:

"Burge victim" or "victim" means any individual with a credible claim of torture or physical abuse by Jon Burge or one of the officers under his command at Area 2 or Area 3 Police Headquarters between May 1, 1972 and November 30, 1991.

"Credible claim" means a credible claim of torture or physical abuse by Jon Burge or one of the officers under his command at Area 2 or Area 3 Police Headquarters between May 1, 1972 and November 30, 1991.

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⁹⁴ Cade, Rose. (2018, January 21). In person interview.

⁹⁵ Plummer, Jeanette. (2018, January 23). In person interview.

⁹⁶ City of Chicago, "Burge Reparations Ordinance."

Ultimately, because of these qualifications, the scope of the reparations package is small especially compared to the broad universe of torture survivors that exists, which, as mentioned, is according to many interview subjects, closer to 500 people rather than the 120 recognized by the reparations package, and the 50 or 60 living survivors who actually benefited from the reparations package.

Indeed, the reparations package fails to serve the many who were tortured before 1972 or after 1991 (like Nick Escamilla who was tortured in 1993). Further, the reparations package fails to serve those who were tortured outside of Area 2 or Area 3, which is egregious since detectives tortured men all over the south and west sides. As Mark put it, “If [it happened] at a different police station, unfortunately, you were not considered as a torture survivor under this package... all of the torture survivors should have been included... Oh man this was widespread. But for money purposes the attorneys only wanted to make it appear as if it was isolated.”⁹⁷ What’s more, there were many detectives torturing men beyond Jon Burge and his subordinates at Area 2 or Area 3. For instance, Bertha has painstakingly collected the names of more than 76 individuals tortured by just Boudreau, Halloran and O’Brien (the detectives who tortured her son who were not Burge’s subordinates at Area 2 or Area 3).⁹⁸ Finally, by only serving living survivors, the reparations package fails to reach the families and descendants of torture survivors who have died.

⁹⁷ Clements, Mark. (2018, January 27). In person interview.

⁹⁸ Escamilla, Bertha. (2018, January 27). In person interview.

VI. b) Completeness

When I first realized that the reparations package was designed for only a small set within the broader universe of survivors, I thought the reparations package was incredibly incomplete. John Conroy, however, helped me to realize that the reparations package was quite complete for the specific set of torture survivors it sought to address- largely the survivors tortured most egregiously- even if it is not complete when one considers the broader universe of torture survivors. He explained,

“The package was complete for that set. I mean it didn't reach everybody in that set. But, you know, a fair number of men got something for their horrific experience. To me criticizing them for not including a different set is you know it's like criticizing the Cubs for not being the Sox or for not being both the Cubs and the Sox. To me, I would urge you to consider the idea that there was a group of torturers who were active in that period and they were you know you could identify them and then some people who were active in that period went down to Area 1 and later Area 3 and they achieved the same number and even greater numbers of false confessions without what many people would call torture. So if you look at the false confessions from the Englewood Four for instance or the false confessions from you know we represented a guy named Jerry Gillespie when I was over at DePaul legal clinic. He was slapped; he had a chair kicked out from under him; he was detained for many hours. And he signed a confession for a crime he didn't commit. He hasn't been exonerated. Now, in the U.N. definition of torture, that would be torture: getting slapped or the psychological pressure being brought to bear. But it's in some ways a different kettle of fish- and when you're trying to convince somebody about a group of people who were abused and you say electric shock, plastic bags over your head, typewriter covers, people get that. But people don't get ‘they told you to sign something and you could go home and you signed it?’ as torture. You know so it's sort of torture lite. In some ways it's much more insidious because you get away with it you know. I think that you will find when all is said and done, 20 years from now, that the people who tortured Nick Escamilla will have tortured many more people than Group 1. But nonetheless, that's not to discount what benefits were won for the victims of Group 1.”⁹⁹

When I asked John if he thought it would have been possible to expand the number of people included, John told me that he wasn't in the negotiations, but that Joey

⁹⁹ Conroy, John. (2018, February 12). In person interview.

and Flint would know. So, I asked them. They each drilled home the point that they were focused on reparations for torture by Burge and his subordinates in particular since Burge had just been convicted, so the city could not argue that torture had not occurred. They did not try to get reparations for the broader universe of torture survivors and believe they would not have been successful if they had tried. Flint Taylor explained,

“We chose Burge survivors because we were focused on Burge. We weren’t really at that point looking into torture in general. We were looking primarily at cases that fit the UN’s definition of torture. We were really focused a lot on electric shock, on the suffocation, on the mock executions, on the racist nature of the brutality. It wasn’t that we were trying to exclude other people necessarily but it would have been too difficult to try to get reparations also for Boudreau, Halloran, etc. in some circumstances. In other circumstances, though, like if a survivor was tortured while Boudreau was at area 3 that survivor got reparations. But, as a whole, the city also was focused on and responsive to Burge because Burge had been convicted by the time we were doing reparations. So there was a clear reason for the city to accept reparations by people directly victimized by Burge. I’m pretty sure they wouldn’t have accepted a broader definition.”¹⁰⁰

Joey’s response was similar, but she also emphasized that the reparations package they negotiated should be used as a model for trying to get reparations for more people:

“So we picked the Burge torture cases because there has been so much work to document and unearth the evidence that there was this racist pattern of torture. And the fact that Burge had then been convicted in June 2010 meant that there was really no way for the city to deny that folks had been tortured. So we had- post-Burge’s conviction- brought a class action in the criminal courts seeking relief; evidentiary hearings for all of the individuals who had been tortured under Burge’s command. And you know so the fact is there is a continual dispute whether someone in fact was tortured or physically abused or coerced, but there was really no dispute to claim that someone didn’t have a credible claim that they were tortured under Burge’s command... So that’s why the class of people was created. I mean honestly it’s upsetting and disappointing because there are other people who were tortured. You know I think a lot of people are upset. Like ‘what? you didn’t get reparations for everybody?’ But we never said we were trying to get reparations for everybody. What we did was establish a precedent for giving reparations for people and people should use our precedent and try to get reparations for others.”¹⁰¹

¹⁰⁰ Taylor, Flint. (2018, March 2). In person interview.

¹⁰¹ Mogul, Joey. (2018, April 4). In person interview.

All told, then, Joey and Flint intentionally designed the reparations package so that it would benefit the subset it does within the broader universe of torture survivors. For this subset, the reparations package is quite complete. It remains true, however, that when one considers the broad universe of torture survivors that the reparations package leaves out, the reparations package appears far less complete.

Unfortunately, the general public does not understand that the designers of the reparations package were addressing a specific set of torture survivors within a broader universe. Certainly, the specific qualifications for which torture survivors do and do not receive reparations have not been publicized adequately. Indeed, I analyzed reports in *The Nation*¹⁰², *DNAInfo*¹⁰³, *The Washington Post*¹⁰⁴, *The Guardian*¹⁰⁵, *NPR*¹⁰⁶, *The Chicago Tribune*¹⁰⁷, *In These Times*¹⁰⁸, *Vice*¹⁰⁹, and *The Sun Times*¹¹⁰ and, except for *The*

¹⁰² Stafford, Zach, "Chicago Is About to Offer the Nation's First Reparations Program for Victims of Police Violence," *The Nation*, April 22, 2015, <https://www.thenation.com/article/chicago-about-offer-nations-first-reparations-program-victims-police-violence/>.

¹⁰³ Cox, Ted, "Chicago Kids to Be Taught About Burge Torture as Part of Reparations Deal," *DNAInfo*, April 14, 2015, <https://www.dnainfo.com/chicago/20150414/downtown/rahm-agrees-55-million-reparations-for-burge-torture-victims/>.

¹⁰⁴ Miller, Michael E., "Cop accused of brutally torturing black suspects costs Chicago \$5.5 million," *The Washington Post*, April 15, 2015, https://www.washingtonpost.com/news/morning-mix/wp/2015/04/15/closing-the-book-on-jon-burge-chicago-cop-accused-of-brutally-torturing-african-american-suspects/?utm_term=.a57ad6411102.

¹⁰⁵ Guardian staff, "Chicago offers \$5.5m reparations package to victims of police torture," *The Guardian*, April 14, 2015, <https://www.theguardian.com/us-news/2015/apr/14/chicago-offers-reparations-victims-police-torture-jon-burge>.

¹⁰⁶ Schaper, David, "Chicago Creates Reparations Fund For Victims Of Police Torture," *NPR*, May 6, 2015, <https://www.npr.org/sections/thetwo-way/2015/05/06/404545064/chicago-set-to-create-reparation-fund-for-victims-of-police-torture>.

¹⁰⁷ Mills, Steve, "Burge reparations deal a product of long negotiations," *The Chicago Tribune*, May 6, 2015, <http://www.chicagotribune.com/ct-burge-torture-reparations-lawyer-met-20150505-story.html>.

¹⁰⁸ Taylor, G. Flint, "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-torturereparations>.

¹⁰⁹ Flowers, Alison, "As Part of a Reparations Deal, Chicago Teens Will Learn About Police Brutality in School," *Vice Magazine*, May 6, 2015, https://www.vice.com/en_us/article/4wbxv9/as-part-of-a-reparations-deal-chicago-teens-will-learn-about-police-brutality-in-school-506

Sun Times, all either misreport facts or fail to report the specific qualifications as stated in the ordinance, or the knowledge that the entire universe of young men tortured in Chicago is large, comprising over 500 people.

The Sun Times's report is the only report I found that actually thoroughly pays attention to the language of the Ordinance, explaining carefully the criteria a survivor needs to meet in order to receive reparations.

"The ordinance now on track for final approval by the full City Council on Wednesday includes a \$100,000 cap on individual awards. If the \$5.5 million fund is insufficient to pay all claims, it will be divided evenly among the victims. It defines victims as "any individual with a credible claim of torture or physical abuse by Jon Burge or one of the officers under his command at Area 2 or 3 between May 1, 1972, and Nov. 30, 1991. Criteria to be considered in determining whether a claim is credible include: "when and under what circumstances the claim of torture or physical abuse was first made or reported to someone; the consistency of the claim over time and any credible affirmative proof rebutting the claim" other than denials by Burge and cohorts who have repeatedly invoked their Fifth Amendment rights to avoid being questioned. "Using these criteria, if an individual is deemed to have a credible claim, he or she shall be entitled to financial reparations...The nature and severity of the torture or physical abuse and the claimant's guilt or innocence of the underlying crime shall not be considered when determining either eligibility for or the amount of financial reparations," the ordinance states."¹¹⁰

The other news outlets were less successful. *The Nation*, for instance, writes that "The city and the negotiating team agreed to lower that number based on an estimate that just 50 to 65 people will be eligible to apply, rather than the initial estimate of more than 100"¹¹² but does not explain what makes a survivor eligible to apply. Worse, *The Washington Post* reports that the reparations package is for "... as many as 120 African-

¹¹⁰ Spielman, Fran, "City Council committee approves \$5.5 million in reparations for Burge torture victims," *The Chicago Sun Times*, May 5, 2015, <https://chicago.suntimes.com/chicago-politics/city-council-committee-approves-5-5-million-in-reparations-for-burge-torture-victims>.

¹¹¹ Spielman, Fran, "City Council committee approves \$5.5 million in reparations for Burge torture victims," *The Chicago Sun Times*, May 5, 2015, <https://chicago.suntimes.com/chicago-politics/city-council-committee-approves-5-5-million-in-reparations-for-burge-torture-victims>.

¹¹² Stafford, Zach, "Chicago Is About to Offer the Nation's First Reparations Program for Victims of Police Violence."

American men on Chicago's South Side who were allegedly tortured by Burge between 1972 and 1991"¹¹³ neglecting the facts that the men tortured were not *just* African-American, that the reparations package did not reach as many as 120 men, that the torture did not occur only on the South Side and that the men were tortured by Burge *and* specific subordinates. Even the *In These Times* report discusses a pool of survivors without explaining how this pool of survivors was determined beyond that it excludes deceased torture survivors:

“Based on an estimated pool of 120 potential survivors, CTJM adjusted its demand to \$12 million. The city responded with an offer of \$2-3 million. Shortly before the hearing, the negotiating team re-evaluated the size of the pool, reluctantly decided to remove the deceased survivors from eligibility for financial compensation, and calculated that in all likelihood the actual compensation pool would be more in the neighborhood of 50 to 60 people, making the \$100,000 per survivor realizable at \$5-6 million.”¹¹⁴

VI. c) *Valuation of Suffering*

Resulting from the fact that the reparations package was not reported in the media comprehensively enough, many do not understand why some torture survivors received reparations and some did not, and attribute it to valuation of suffering. In other words, they think that the designers of the reparations package deemed some survivors more worthy of reparations than others. Even after extensive reading, this was my perception until deep into my interviews. More importantly, as mentioned, Armanda, Rose and Jeanette remain confused and hurt even as the mothers of torture survivors. Indeed, Armanda cried to me how Jeanette was the most deserving and how Jeanette's son should have received reparations, of everyone.

¹¹³ Miller, Michael E., “Cop accused of brutally torturing black suspects costs Chicago \$5.5 million.”

¹¹⁴ Taylor, G. Flint, “How Activists Won Reparations for the Survivors of Chicago Police Department Torture.”

In reality, as recorded in the Ordinance, the qualifications survivors had to meet in order to receive reparations were related to where their torture occurred, by whom it was inflicted and when it was inflicted; not related to how much or how little they suffered. Of course, John Conroy and Flint Taylor both mentioned that the fact that the reparations package is only for survivors tortured by Burge and his subordinates was partly because those detectives used harsher forms of torture than other detectives. So, perhaps the designers of the reparations package unofficially evaluated who suffered more, but, in the official Ordinance, the qualifications are not related to valuation of suffering.

What's more, once survivors were deemed eligible for reparations, they all received the same monetary and nonmonetary benefits. No torture survivor was deemed eligible for greater benefits than another. Every torture survivor received the same services and the same \$100,000.

SECTION 3 - REPARATIONS – SUBSTANTIVE PROVISIONS.

(a) *Fund established – Per capita amount.* The City of Chicago shall establish a Fund of \$5.5 million, which shall be known as the Reparations Fund for Burge Torture Victims. Each individual with a credible claim, which shall be determined using the criteria set forth in subsection (b), shall receive no more than \$100,000.00 in financial reparations, which shall be paid from such Fund. Provided, however, that if an individual with a credible claim has already received compensation (such as by settlement of his or her claim(s) arising out of the torture or physical abuse), such individual shall receive up to \$100,000.00 minus the amount of the prior compensation. Provided further, that if the Fund is insufficient to pay each individual with a credible claim \$100,000.00 (less any prior compensation), eligible claimants will receive a proportionate share of the Fund. Proportionate shares shall be determined by dividing the total amount in the Fund by the total number of eligible claims (with each claim that was reduced by any prior compensation counted as a fraction of a claim, the numerator of which is the amount of the reduced claim and the denominator of which is \$100,000.00). Payments from the Fund shall commence after all eligible claims have been determined.

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¹¹⁵ City of Chicago, “Burge Reparations Ordinance.”

VI. d) Comprehensiveness and Complexity

This \$100,000 amount is worth discussing. In fact, it acts as a segue into addressing the reparations package's comprehensiveness. This amount for per-torture survivor compensation is very low relative to what the torture survivors experienced. Indeed, most torture survivors served a few decades in prison and should be compensated accordingly. If a torture survivor served 27 years for a crime he did not commit, he should be compensated at least as much as he would have made if he were working for the national minimum wage (\$15,080 per year at \$7.25 per hour) for those 27 years: \$405,000 (\$15,000x27). Arguably, he deserves even more compensation than that.

However, taken in context of the per-person compensation amounts established in the case studies discussed earlier, the inadequacy of the amount for the Burge reparations package is unsurprising. In the City of Chicago, as in the country of Germany, as in the state of Florida, there are budget constraints to consider. Even so, expenditures dedicated to reparations packages seem to regularly take a back seat to other expenditures. And this seems especially true for the City of Chicago, which fought so hard with CJTM to keep the expenditures for the reparations low as possible.

Indeed, as mentioned, CJTM initially asked the City for \$20 million. The City countered by saying it would only pay \$2 million. After much negotiation, CJTM was able to get the City to raise its offering to \$5.5 million, but that's where the City drew the line. This occurred at the same time as the city was building a \$193 million basketball arena for DePaul, with over half of the costs coming from taxpayer money.

When asked about the lacking monetary benefits offered to survivors via the reparations package, Joey discussed how she and Flint consulted with as many survivors

as they could reach. All of the survivors instructed them to take the top dollar offer or said that they were uninterested in the reparations package and would instead be suing the city upon release from prison. Joey explained,

“There were a lot of things [that could have been improved], like you know obviously the amount of money that we accepted on behalf of the survivors. But that was all we were going to get. And let me say this. We- I mean Flint and I- I mean I reached out to every single Burge survivor I could find in prison. And I actually set up phone calls with them and asked them ‘Do you want us to take this deal or not?’ We tried to contact every single person. Could we get every single one? No we could not. But I think we talked to at least 20 people and they all universally said ‘Take whatever Top Dollar Offer you can get.’ And so we did... I asked every single one of them what we should do and some people were like ‘I’m not interested’ but not anyone said no. But then let me also be clear you didn’t have to take reparations. You know, John Plummer didn’t. I flew down to Menard and I went and discussed with him whether he wanted that or not. And he made his decision. This was not forced on anyone. If someone thinks that they’re entitled to more and they have a legal means for going to get it, they can, but if you took the reparations package, you were saying I’ve never going to sue the city of Chicago again....And that’s because why would the city of Chicago agree to pay all this money to people and then be able to facing a lawsuit at a later date? To be honest I thought that was a fair tenet.”¹¹⁶

The three torture survivors I spoke with who received monetary compensation- Mark, Vincent and Darrell- commonly expressed that the money was inadequate compared to how much they suffered but that it was still helpful.¹¹⁷ They also each expressed that they cared less about the money and more about the fact that there are so many other survivors still locked up.

Darrell, who was the most positive of the three in his discussion of the monetary reparations, commented that instead of focusing on the ways the work has been unsatisfactory, we should focus on the work that is yet to be done:

“The reparations we received are something that black people in the United States have never been awarded until today. If you ask me am I totally satisfied? No I am not. But I often refer to it as a glass. Once, when we started the fight, the glass was empty. The glass is now half full because of the hard work of so many people. We

¹¹⁶ Mogul, Joey. (2018, April 4). In person interview.

¹¹⁷ Reference the gallery in the appendix to learn how each spent their money.

still have another half to fill before the glass can be totally full. And that other half is getting the other men who are still in prison back with new trials and new hearings. That mission is ongoing until at least 35 men who are still in prisons receive their hearings. We still have a ways to go.”¹¹⁸

Ultimately, then, the monetary half of the reparations package was inadequate but unavoidably so. Still, while this takes an obvious bite out of the Burge reparations package’s general comprehensiveness, the broad array of provisions established via the reparations package, as mentioned earlier, help the reparations package’s overall comprehensiveness, and complexity, drastically. In fact, the comprehensiveness and complexity of the Burge reparations package rivals that of Chile or Germany. In fact, provision of this range of services seemed to be where CJTM’s focus lay. Mariame Kaba, one of the organizers of CJTM demonstrated as much when she said the following at the Aesthetics of Abolition event I attended:

“CJTM is about imagining a new way, perhaps through art. The focus of abolition is addressing needs of people most affected. We were looking for an abolitionist revival- that’s why we included all these services in the ordinance. I will go *all in* to fight for that vision. I will fight to the death for that vision. But not for prosecuting cops. I will never fight to the death for prosecuting cops. Because it is not enough. It will never be enough. Services that provide those affected what they need are where we must focus our attention.”¹¹⁹

That being the case, I chose to analyze each major service offered in the reparations package, including its composite parts, the thought that went into it, and how well it has (or will) meet the needs of survivors.

Memorial

¹¹⁸ Cannon, Darrell. (2018, April 3). Phone interview.

¹¹⁹ For the People Artists Collective, “The Aesthetics of Abolition,” event featuring Mariame Kaba and Sarah Ross, February 3, 2018.

In 2011, the Chicago Torture Justice Memorials started doing “charettes,” or presentations, about what memorials around the world responding to state violence looked like. At that time, they also sent out a call for memorial proposals. Hundreds of artists submitted and CJTM hung all of the submissions up at the School of the Art Institute and hosted a number of events around the display as a way to continue the conversation.

The memorial has not been made yet, but it is getting there. As Sarah put it, “There’s a lot of process involved. At least that’s how we’re handling it. We hope to commission five or six really good artists to come up with ideas but even then we don’t know where it will go.”¹²⁰

CJTM is conducting interviews with survivors about what they want the memorial to look like. They have communicated that having their names included in the memorial is important to them. Unfortunately, the Park District has a rule that memorials cannot have the names of living people on them. So, CJTM is figuring out where to place the memorial now that they cannot put it in a park, as was their original plan. Buying private land for the memorial is an option. As Sarah stated,

“We’ve been thinking of just buying private land and having it on private land so we can say what we want. Otherwise will be huge battle with the City or Park District or whatever. All of the memorials in the City are super whitewashed. That is not our vision. This whole thing is to try to force the city to be accountable.”¹²¹

Considering that the memorial requires buying private land, being constructed large enough that it honors all of the survivors, and commissioning talented artists, it is an expensive undertaking. CJTM received minimal money from the city, but they

¹²⁰ Ross, Sarah (2018, February 10). In person interview.

¹²¹ *ibid.*

received a large outside grant that has been helping with the process. After finishing the process, CJTM will go to City and ask for more money, and, at that point, CTJM will know exactly what to ask for from the city.

In terms of time schedule, Sarah communicated that CTJM hopes that both the land and the artwork will be identified not by this summer (2018), but by next (2019). Then, in a few more years- allowing time for further funds to be raised and for the artist to actually make the memorial- the memorial will be up.

All told, CJTM has been extremely thoughtful and intentional about working to comprehensively meet the needs of survivors in the construction of the memorial. The one concern I have is that the final memorial will be exclusive of the many torture survivors who were left out of the reparations package in a way that will be hurtful to those individuals. Indeed, Anabelle Perez- mother of Jaime Hauad- talked to me about how she was hurt that her son's name was not included in one of the art-based protests: "They were putting the names of all the ones that were Burge on the floor. And I was like my son's name should be there because my son was tortured. I don't remember but I think I put my son's name there anyway."¹²² CJTM should do intentional work to imagine ways the memorial can be inclusive of all survivors.

Chicago Torture Justice Center:

In the reparations package, the City was required to provide a free space for a Chicago Torture Justice Center. Because there were no specifications for how nice or accessible the space had to be, the City gave the CTJC several rooms in the Englewood

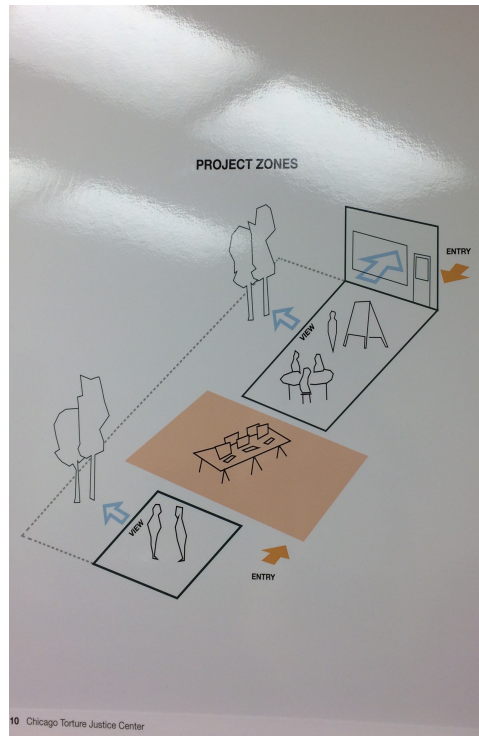
¹²² Perez, Anabelle. (2018, February 17). In person interview.

Community Center that are small, relatively unwelcoming, and have no windows. What's more, the space is hard to use: the building is only open 9-5 on weekdays, as well as one Saturday each month for limited hours. That being said, the center is close to train and bus lines, so the center is able to offer survivors transportation passes.



A photo I took at the Chicago Torture Justice Center.

CTJC is working with local architect Monica Chadha, of Civic Projects, to design a future space. That space will be larger, more welcoming and more comfortable. It will remain in the South Side with easy access to transportation.



A photo I took of Monica's plans for the new Center.

CTJC offers a range of services. They prioritize individual services to Burge torture survivors and their families, and they have recently extended that offering to anybody impacted by police violence. These services include therapy and holistic casework at either the CTJC or the homes of the survivors. This casework comprises reintegration services, job training, help to find housing, help to receive health services, etc. Further, CTJC reaches incarcerated survivors with consistent letters and cards as well as therapy. Beyond individual services, CTJC offers several support groups, including one for survivors of torture, one for family members of survivors of torture and one for anybody impacted by police violence. Moreover, CTJC is working to build partnerships with other organizations in the community such as Bridge To Freedom, a halfway house and re-entry facility. CJTC plans to host support groups there and in at least three other locations in the community. These partnerships will also be useful to CTJC for the

purpose of referrals: CTJC will not be able to meet survivors' every need through their own services but they will be able to refer survivors to other community providers.¹²³

CTJC additionally established a survivor and family advisory council called RISE comprising seven survivors and family members. RISE advisory members lead and inform the majority of initiatives at the center and receive limited compensation. They are responsible for monthly community meetings (CTJC has held seven to date) and a few community events such as film screenings, talks or discussions on policing, parties and art events. Additionally, CTJC established a Speakers Bureau for its advisory council members primarily (and secondarily for the broader community) which is aimed at training them in how to tell their stories and engage in activist work in ways that take care of their mental health.¹²⁴

Cindy Eigler, CTJC Director of Policy and Strategic Initiatives summarized the CTJC work in the following way:

“Healing services are our foremost focus since not many organizations provide that. And we recognize that healing can look a lot of different ways and try to provide every venue for healing possible: therapy, restorative justice, support groups, events, political work. We believe healing work can be deeply political and political work can be deeply healing.”¹²⁵

Looking forward, CTJC faces a large shift in funding. This year, the City will stop funding CTJC since from when the reparations package was announced, the City said it would only fund CTJC for three years. What's more, even though CJTC asked for \$400,000 from the City as their operating budget, the City provided only \$287,000 (transferred from the Public Health Violence Prevention Budget). CTJC has done enough

¹²³ Eigler, Cindy. (2018, February 28). In person interview.

¹²⁴ *ibid.*

¹²⁵ *ibid.*

fundraising and grant applications that the City's money only makes up 60% of their operating budget, but the transition away from City funding will be difficult especially as CTJC is trying to get a new center off the ground. In any case, it is crucial that CTJC's work continues since its services are uniquely inclusive in that they are geared toward all survivors; even those not included in the reparations package.

My main critique of CTJC is that, despite what Cindy described to me as valiant outreach efforts, CTJC failed to recruit and serve many of the torture survivors and their family members that I spoke with. Mark, Vincent, and Darrell, who are RISE advisory council members, were the only survivors who regularly utilize the CTJC's resources. The rest of the survivors and family members of survivors that I interviewed do not utilize CTJC. While some individuals, like Armanda, have been reached by CTJC, others, like Rose, Jeanette, and Bertha, have not been, and are hurt by that reality. Jeanette emotionally conveyed the following:

"I got a tumor inside of my brain...They didn't offer me nothing. They didn't talk to me about nothing. And I didn't know they had opened up this torture center. But I know they used to take me around...I had to hear it from somebody else...I think they gave us a dirty deal. Had us marching and pushing for this and then they didn't even tell me it had opened. That's wrong."¹²⁶

In order to right these wrongs, CTJC should expand their outreach efforts and their home-visit services.

Chicago Public Schools "Reparations Won!" Curriculum:

The American Bar Foundation, Black People Against Police Torture, Chicago
Public Schools Department of Social and Emotional Learning, Chicago Public Schools

¹²⁶ Plummer, Jeanette. (2018, January 23). In person interview.

Office of Safety and Security, Chicago Teachers Union, Chicago Teachers Union Foundation, Chicago Torture Justice Center, Chicago Torture Justice Memorials, and Constitutional Rights Foundation Chicago came together to create the historic “Reparations Won!” Curriculum. Every Chicago Public School is mandated to teach the curriculum.

At 116 pages in length, the curriculum comprises six parts and a unit assessment, and is meant to span about fifteen class periods. Part 1, titled “Unit Launch,” uses Talking Circle strategy to introduce the curriculum and begin building the classroom environment necessary for discussion of difficult issues. Part 2, titled “What Is The Burge Torture Scandal?” introduces students to basic facts about the torture scandal. In Part 3, titled “How Did the Burge Torture Scandal Affect Survivors?”, students read testimonies from torture survivors including Darrell Cannon, Anthony Holmes and Mary Johnson, and use words from the testimonies to create found poetry that seeks to convey the impact of torture on the survivors and their families. In Part 4, titled “How Did This Happen?” students examine how systemic racism, individual racism, concerns about crime, the tension between the Chicago Police Department and the African American community and the role of political leaders contributed to the scandal. In Part 5, titled “How Did the Community Respond?” students turn their attention to how, not only activists and torture survivors, but lawyers, journalists and groups beyond Chicago organized to seek justice for the torture survivors. In Part 6, titled “Reparations and Reflections,” students read the reparations agreement with the City of Chicago and reflect on what they have learned and felt while studying the torture scandal. Finally, for the unit

assessment, students are asked to develop a plan for a memorial that will educate the public about the Burge scandal.¹²⁷

The curriculum is still being implemented across CPS schools, established successfully in majority African American and/or Latinx communities but largely delayed in majority white communities where parents- many of whom are police officers or have ties to police officers- are extremely resistant to the curriculum. Flint commented on as much:

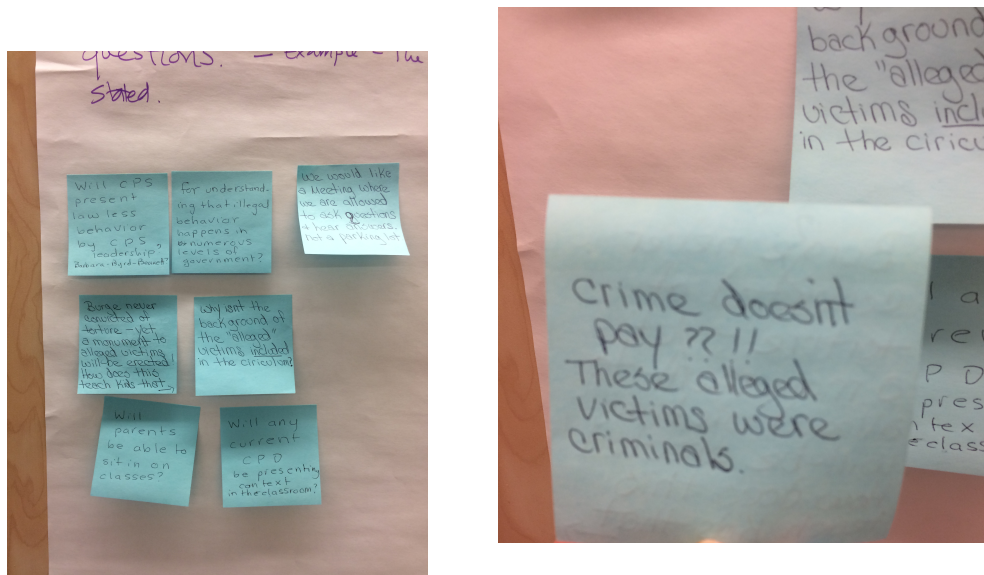
“Once it was announced you had the forces of the FOP and in particular in the Northwest and Southwest sides the parents being resistant. So you had to fight all of the internal political forces to work out the curriculum and then you had the resistance. I don’t know if it’s going down in the white communities where the parents some of them are cops but I know I went to Pilsen and I know Darrell- in the communities of color there’s a tremendous interest and acceptance and the teachers are very up for it.”¹²⁸

Case in point: at Wildwood Elementary, a 65% white school, the administration is putting much effort into holding a series of community meetings on the curriculum to try to ease extreme tension regarding the curriculum. At the community forum I attended, the school hosted a panel comprising Norman White, Chicago Commissioner on Human Relations, local police officer Commander Looney, the Chair of Wildwood’s Department of Social Studies, the Chief of Schools for the Northwest District, and Wildwood’s Principal. Each individual tried to drill home the benefits of the curriculum and the fact that the curriculum would not disrespect police officers. However, most of these individuals could not finish their sentences without audience members screaming out complaints even though the Principal made very clear that complaints were to be written

¹²⁷ Chicago Public Schools, “Reparations Won: A Case Study in Police Torture, Racism, and the Movement for Justice in Chicago: High School United States History Curriculum.”

¹²⁸ Taylor, Flint. (2018, March 2). In person interview.

down rather than spoken aloud. Parents called the curriculum “insane,” lamented that they were “hav[ing] to be here to hear this garbage,” and screamed about how the police were the real victims while the survivors were criminals “with rap sheets as long as this table.” They discussed pulling their kids from school on the days the curriculum would be taught. They wrote out statements like “Burge never convicted of torture- yet a monument to alleged victims will be erected! How does that teach kids that crime doesn’t pay??!! These alleged victims were criminals” and “Why isn’t the background of the ‘alleged’ victims included in the curriculum?” (see below).¹²⁹



Photos I took of the easel at the community forum at Wildwood Elementary.

For his part, Darrell Cannon, who teachers frequently invite into their classrooms to speak as the curriculum is being taught, is confident that white parents’ resistance will subside. Moreover, he believes that he can change such parents’ minds simply by engaging in conversation with them. He explained,

“Well eventually issues will be ironed out. I’ve been into a couple of schools where some of the students’ parents were police and they were very concerned

¹²⁹ Wildwood Elementary School, “Reparations Won Forum,” Community Fom, April 2, 2018.

about me coming in to speak about the curriculum. I have had teachers whose husbands or wives were police officers. And I taught the curriculum to them. And they came in very narrow minded and then once they heard me speak they gave me a hug and said ‘hey, this is alright here.’ So I said ‘hey, thank you’...And I have offered to come to any PTA meeting- north side, suburbs, wherever- where they have a group of parents who have police members of their family- I have offered to come to their PTA to give them a crash course in what I teach in schools and I’m willing to do that at any given time.”¹³⁰

Darrell is so committed to working to change minds about the curriculum in part because visiting schools to talk about his experiences has been incredibly rewarding and healing for him:

“As far as I’m concerned the most potent part of all of this is when we got the right to have the curriculum taught in public schools. That is something that has never been done in America...It is beautiful. I have already seen personally over 125 letters. And every one of them was positive, upbeat, the whole works. Every time I go into a school to speak to children I am honored by being able to do so because their teachers are allowing me to come in and put just a little taste of something in their minds for them to think about and review and that is an awesome responsibility that I do not take lightly at all. And every school that I have been in has been more than receptive to me. It has been fantastic. I’ve had students that ask me can they hug me? And I tell them yes. I’ve had students that ask me can I autograph their forehead; write something on their arm; write something on their book bag. I mean they have made me feel like I’m a star...I left there feeling as if I was on top of the world.”¹³¹

All told, the “Reparations Won!” curriculum is deeply impressive in its depth and comprehensiveness, and its honesty about harsh realities like torture, systemic racism, and the code of silence among police officers. Because the curriculum is mandated in every CPS school, even students whose parents do not want to teach them about these harsh realities will learn about them in their classroom and be that much more conscious. And, most importantly, survivors get the gratification of knowing that a huge population

¹³⁰ Cannon, Darrell. (2018, April 3). Phone interview.

¹³¹ *ibid.*

of young people in Chicago are learning what they went through: after decades of no one believing them, it is now mandatory that Chicagoans learn about and acknowledge their suffering. Almost all of the survivors communicated to me how miraculous, validating and healing they found the CPS Curriculum.

Higher Education Services; Health Services

In the reparations package, the City is required to provide free education via the City Colleges for all torture survivors, family members of torture survivors and descendants of torture survivors. This provision is important, but too narrow. All of the torture survivors I spoke with earned community college equivalent degrees while they were in prison. That means that upon reentering society, they are either seeking employment or seeking higher education. The City's offering of free community college education is of no use to many survivors. Vincent, for instance, left prison seeking an arts degree and, because the City does not fund or protect higher education for torture survivors, Vincent faced discriminatory rejections from several colleges, and then, when finally accepted at North Eastern Illinois University, he had to pay out of pocket.

Incredibly frustrated by the struggles he faced due to this oversight in the reparations package, Vincent expressed:

“They had a portion there talking about community college. Y’all couldn’t have thought this out? Why y’all automatically assume that none of us were taking advantage of the academic programs while we was incarcerated? We were able to get Pell Grants. They didn’t think it out. Now I’ve got to come out of pocket. So no its not helping me none.”¹³²

¹³² Robinson, Vincent. (2018, March 10). In person interview.

In addition to lacking in its provision of higher education services for torture survivors and their family members, the City lacks in its provision of health services. Indeed, the reparations package only accounts for prioritized access to health services for torture survivors and their families (i.e., authority to jump the wait list), meaning it does not cover survivors' or their family members' healthcare expenses nor does it ensure that survivors' and their family members' healthcare needs are accounted for. Rose, Armanda, Bertha and Jeanette are all sick to some degree and do not receive the health services they need from the reparations package. When I talked to Armanda, who is significantly ill herself, she started crying thinking about Jeanette's plight:

“Jeanette had a stroke...And they didn't give her no therapy...I talked to her yesterday and it was a couple of weeks ago she told me they finally approved her to get therapy at Rush because that's where they did the surgeries at...But if anybody deserves something from the reparations...They don't even call her. And they used her. It hurts. (sobbing) ...To me they could have done something toward her. Not toward me. I don't want it. I want you to help somebody who really could use the help.”¹³³

Ultimately, the tenets in the reparations package regarding provision of health and education services are some of the least comprehensive in the whole package, failing to meet survivors' and their family members' needs in major ways.

VI. e) Continuity

Having reviewed the reparation package's comprehensiveness service-by-service, we turn our attention to the question of whether Chicago police abuse is continuous. The individuals I interviewed identified much that remains wrong with Chicago, making clear that they believe that the Chicago Police Department remains abusive. Rose and Jeanette

¹³³ Schackleford, Armanda. (2018, January 19). In person interview.

are so sure of this that they have separately established that when their sons are freed, they will move out of Chicago. Rose said to me,

“Chicago police is so corrupted that they take people, they put murders on them, they put drugs on them, they put guns on them. They do what they want to do. Because they can get away with it. Code of Silence, they call it... [when my son comes home] I’m probably going to sell my house and move to another city. A city that’s not so corrupt... Torture and police misconduct is not in the past. It continues everyday. Everyday. And it’s sad. I know every city is corrupted and they do things under the rug and stuff. But I mean Chicago is just really corrupted. Really.”¹³⁴

Jeanette simply stated that, “[Johnny] probably can’t stay in Chicago. He’s gonna have to move. Because the police won’t leave him alone.”¹³⁵ And, for their part, Mark and Bertha moved to the suburbs because they felt safer there than in the city. As Mark put it, “Really I should save myself... I got to get on up out... so I wouldn’t be a statistic.”¹³⁶

It is unsurprising that the survivors and their family members share this conception about the CPD. As recently as 2017, the Department of Justice condemned the Chicago Police Department as excessively violent in a lengthy report:

“The Justice Department announced today that it has found reasonable cause to believe that the Chicago Police Department (CPD) engages in a pattern or practice of using force, including deadly force, in violation of the Fourth Amendment of the Constitution. The department found that CPD officers’ practices unnecessarily endanger themselves and result in unnecessary and avoidable uses of force. The pattern or practice results from systemic deficiencies in training and accountability, including the failure to train officers in de-escalation and the failure to conduct meaningful investigations of uses of force.”¹³⁷

¹³⁴ Cade, Rose. (2018, January 21). In person interview.

¹³⁵ Plummer, Jeanette. (2018, January 23). In person interview.

¹³⁶ Clements, Mark. (2018, January 27). In person interview.

¹³⁷ Department of Justice, “Press Release: Justice Department Announces Findings of Investigation into Chicago Police Department” Office of Public Affairs, January 13, 2017, <https://www.justice.gov/opa/pr/justice-department-announces-findings-investigation-chicago-police-department>.

Part of the reason that CPD remains excessively and discriminatorily violent is because there are not enough mechanisms by which CPD officers are held accountable, meaning that CPD officers can get away with almost anything- from shooting unarmed young people of color dead to consistently torturing young people of color- without real consequence. As such, many officers known to (have) torture(d) young people of color are still on CPD's force. Even more are in retirement collecting pension, never indicted.

One of the most horrific facets of CPD's continuing abuse is the violence that currently occurs at the warehouse known as Homan Square. While CPD claimed it uses the warehouse headquarters for the organized-crime bureau as a site for conducting non-violent interviews, the Guardian's FOIA request for extensive documentation about the detentions and interrogation practices of the warehouse revealed that officers used physical force on at least 14 men in custody there. Violence included punches, knee strikes, elbow strikes, slaps, wrist twists, baton blows, strangulation via metal cuffs and forcing vomiting. Despite this documentation, Mayor Emanuel and the police department deny excessive wrongdoing at Homan Square: Emanuel has said police "follow all the rules."¹³⁸

All told, it is hard to deny that CPD abuse is continuous. That said, perhaps there is some hope: survivors agreed that CPD abuse is less pervasive today than it was once was. Anabelle Perez, mother of Jaime Hauad, commented on how State's Attorney for Cook County Kim Foxx is doing important work, and righting the wrongs of her predecessor Anita Alvarez:

¹³⁸ Ackerman, Spencer, "I was struck with multiple blows!: inside the secret violence of Homan Square," *The Guardian*, April 11, 2016, <https://www.theguardian.com/us-news/2016/apr/11/homan-square-chicago-police-internal-documents-physical-force-prisoner-abuse>.

“I’m super grateful for Kim Foxx for what she’s doing not only for me but what she’s doing for a lot of people....in these 13 months she did more than Anita Alvarez did in 8 years. So its just a blessing to see that she’s truly looking out. She’s bringing justice. She’s trying to do the right thing. Police abuse has slowed down: we’re not exactly where we used to be. But there’s still definitely a lot of room for it to be fixed.”¹³⁹

VI.f) Moral Awakening

As highlighted in my typology, whether or not a reparations package evoked a moral awakening is highly subjective. Moreover, moral awakenings are almost never universal: at least some groups remain unchanged in their thinking.

In the case of the Burge reparations package, I believe it is fair to say that progressive Chicagoans and young Chicagoans experienced a moral awakening because of the media publicity around the Burge reparations package and because of the Chicago Public Schools curriculum. Indeed, for the first time, they learned about and acknowledged as wrong this horrible part of Chicago’s history.

Unfortunately, I believe less progressive Chicagoans (congregated in majority white neighborhoods) did not experience this same moral awakening, as evidenced by the parents I interacted with at Wildwood Elementary. They still either do not believe torture occurred, think that the torture survivors deserved to be tortured because some were ‘criminals,’ or are so eager to venerate CPD that they turn a blind eye to CPD’s transgressions. John expressed similar sentiments: “I don’t know that if you went to different neighborhoods if you would find that there was any kind of moral

¹³⁹ Perez, Anabelle. (2018, February 17). In person interview.

awakening...well if you went to Beverly or the far northwest side where a lot of cops live I don't know that there'd be a great moral awakening.”¹⁴⁰

On a similar note, I do not believe CPD as a whole has experienced a moral awakening. Certainly, some officers within CPD are good officers who operate nonviolently, acknowledge CPD's past and present abuse and try to change CPD from the inside. However, as discussed, it is clear that CPD has systemic issues with excessive, racist violence, and lack of accountability, and it is safe to say that a vast number of CPD officers contribute to these issues.

City officials also contribute to these issues. Indeed, as we know, historically city officials refused to acknowledge or apologize for or put a stop to the Burge torture scandal for decades. It took until 2015, when the reparations package was announced, for city officials- most notably, Mayor Rahm Emanuel- to offer an adequate and sincere apology. According to Sarah, the apology “felt really genuine”; “people felt really moved.”¹⁴¹ Similarly, John Conroy commented that there was “a moral awakening among members of the Emanuel administration.” Flint offered the most nuanced argument that city officials had experienced moral awakening, explaining how city officials increasingly got on the side of reparations over the decades, and that although some of it may have been opportunist maneuvering, he believes many city officials really did experience a change of consciousness:

“I think there was a change of mind...I think it was a gradual thing. And you know we were able to get a certain progressive alderpeople on our side back in the early 2000s and even back in the late 80s...we had certain people within city council that supported us... And it reached a critical mass around the time just before Burge was indicted and then more people accepted it... I think you could see incrementally more politicians became either believers that the torture

¹⁴⁰ Conroy, John. (2018, February 12). In person interview.

¹⁴¹ Ross, Sarah (2018, February 10). In person interview.

happened and that these men were victimized by torture that it was a racist operation, but you know politicians are opportunists as well. And as it became more and more obvious and the media became more and more on our side so to speak although that's a little bit strong you know but it became an issue that the media was interested in; was editorializing about; putting on the front pages; you know things like that. And it became more comfortable for politicians to be on the side of the tortured rather than on the side of the torturers. So yeah that's a progression so that when something happens now- and you could look at the articles...the headlines are notorious torturer Jon Burge. And I think you know I think the fact that we've now reached a point that at least lip service but more than that for a lot of politicians that they really do believe that these men were tortured and that it was wrong and that they deserve to be recognized and compensated. So that's kind of a seismic shift from back in the 80s when we started to get involved.”¹⁴²

Personally, political maneuvering is more obvious to me in the city officials' behavior than anything else. The facts of the torture scandal did not change: why was Mayor Emanuel suddenly sorry about it in 2015 when he was not sorry on all the prior occasions when activists begged him to apologize? It appears to me that Mayor Emanuel apologized at the time he did, in the most seemingly genuine way he could muster, because the activist movement had at that point reached a head and it would be deeply unpopular for Mayor Emanuel not to apologize. Moreover, he saw an opportunity to relegate CPD abuse to the past by “closing this dark chapter in the history of the City of Chicago.” However, a month prior to giving this apology, the Mayor authorized the City to give a settlement to Laquan McDonald's family of the same size as the monetary compensation of the Burge reparations package.¹⁴³ Just before that, the Mayor turned a blind eye to the torture at Homan Square when questioned, saying the police “followed

¹⁴² Taylor, Flint. (2018, March 2). In person interview.

¹⁴³ Husain, Nausheen, “Laquan McDonald timeline: The shooting, the video and the fallout,” *The Chicago Tribune*, October 20, 2017, <http://www.chicagotribune.com/news/laquanmcdonald/ct-graphics-laquan-mcdonald-officers-fired-timeline-htmlstory.html>.

all the rules.” And, to top it off, the Mayor allowed the City to fight the reparations organizers tooth and nail so that the City could give them as little as possible.

I am not convinced that Mayor Emanuel and other city officials truly experienced a moral awakening. More importantly, almost all of the torture survivors and their family members expressed the same. With words I believe most all the torture survivors and their family members would agree with, Bertha, mother of Nick Escamilla, communicated how, after all this time, city officials’ apologies are worthless to her; instead, she wants action:

“Everybody knows about these police officers and nobody did anything. The states attorney didn’t do anything. The mayor didn’t do anything...In my opinion, I wouldn’t want your apology. You know what I want? Put those cops in jail. That would make me feel better. I don’t want your apology.”¹⁴⁴

VII. Conclusions/ Policy Recommendations

The question that began my research was simple: “how effective is the Burge reparations package?” After extensive data collection and complex analysis, I made a multi-part argument. I contended that the reparations package is lacking in its scope. It is adequate in its completeness given the case of torture survivors it considers but inadequate in its completeness when considering the entire universe of police torture survivors in Chicago. It is impressive in its complexity. It is comprehensive in its non-monetary aspects but incomprehensive in its monetary aspects. It has little to no valuation of suffering. It addresses abuse that is continuous. And, finally, it did not evoke a moral awakening for most populations but did for some.

¹⁴⁴ Escamilla, Bertha. (2018, January 27). In person interview.

All this being the case, which category of the typology does the Burge reparations package fall into? Does it constitute an Octopus Reparations package? Is it a Healthcare Focused Reparations package? Is it an Education Focused Reparations package? I believe the Burge reparations package was an attempt at an Octopus Reparations package, but was not entirely successful. Comparatively, a successful Octopus Reparations package is complete or still working toward completeness, the abuse it responds to is not continuous, and it evokes an extremely widespread moral awakening. None of this is true for the Burge reparations package. The Burge reparations package could be considered a mix of the Healthcare Focused Reparations Package and Education Focused Reparations package. However, its healthcare services are not as comprehensive and complex as those of a reparations package that is distinctly healthcare focused, like Chile's for the Pinochet Regime, and its education services are not as comprehensive and complex as those of a reparations package that is distinctly education focused, like America's for Japanese Internment. So, maybe the Burge reparations package warrants its own subcategory. Maybe, in keeping with the deep sea theme of the Octopus Reparations Package, we should call the Burge reparations package a Five-Legged Starfish Reparations Package: not quite effective enough to be equated to an eight-legged sea creature but effective enough to be equated to a five-legged sea creature.

That being the case, is it possible for organizers to make up for these metaphorical missing legs; these areas where the reparations package lacks? I asked every survivor what recommendations they had for improving the plight of torture survivors and their families, and, based on their responses, I compiled the following recommendations: organizers should 1) launch independent investigations of officers who have been sued

for torture, 2) launch campaigns to expand funding to the CTJC and healthcare services, 3) rethink certain aspects of the CTJC services, the memorial and the education services offered via the reparations package to make them more inclusive for all survivors and their family members.

Organizers should launch independent investigations of officers who have been sued for torture

This recommendation offers a feasible way to remove abusive police officers from the CPD force and get survivors exonerated. Most of the survivors who remain in prison were tortured by detectives who have not yet been officially recognized as torturers. Detectives Boudreau, Halloran and O'Brien, for instance, have each been sued numerous times for torturing many young people of color but are now retired with pension as it has never been proven that they forced false confessions via torture. A number of other detectives who were formerly Burge's subordinates have also been sued for torturing young people of color but also remain on the force as they also have never been proven to have forced false confessions via torture.

The city should establish an independent review committee of civil rights lawyers to investigate any detective who has been sued for torture. If the investigation finds that even one of the survivors who sued a detective is innocent of the crime that he confessed to (perhaps such a finding would come via DNA testing) then it is safe to say he was tortured into a confession and the detective who coerced him should immediately be removed from the force. Then, all of the other suits against that detective should be seriously investigated to see if other survivors who sued that detective are innocent too.

What's more, as soon as the detective is fired, CPD should send out a bulletin to every CPD officer informing them that the detective was fired for torture and that if any officer engages in similar conduct he too will be fired. These type of actions set up a culture and practice of supervision and discipline.

Importantly, when a detective is removed from CPD because he has been found guilty of torturing young men into confessions, it is easy to get that detective's victims exonerated. However, if a detective has not been found guilty of torturing young men into confessions, and it is only speculated that he tortured young men into confessions, then it is much harder to get the detective's victims exonerated. Thus, while right now Kim Foxx will not exonerate torture survivors en masse, she likely would if Boudreau, for instance, was definitively found guilty of torture. In that case, she could release all of Boudreau's victims. Thus, conducting these kinds of investigations would be instrumental to getting survivors released.

It is worth noting that, according to Joey, it is wiser to seek such removal from the CPD force for these detectives than it is to seek indictments for these detectives. Indeed, it is so rare for detectives to be indicted for any wrongdoings (even Burge was not indicted for his torture but rather for his cover up) that fighting for a detective's indictment is often an exhausting, frustrating losing battle. Moreover, it is extremely hard to indict any of these detectives because the statute of limitations has expired for almost all of these cases. Of course, to this end, working to get legislation passed that does away with the statute of limitations is an option. However, Joey has tried to pass such legislation herself and has been unsuccessful and is not convinced that such work will be successful especially during this day and age:

“A long time ago I drafted or helped draft legislation seeking a new federal crime of torture with no statute of limitations. I can send you a draft of that but I mean it really hasn't gone anywhere. I think that's an unpopular bill right now particularly in terms of... there's no way that's going to pass through a Jeff Sessions DOJ or under the Trump administration and where you have blue lives matter bills out there. I think that's unlikely. I think the same with the state legislation. But I also have to say that I'm not quite clear I think prosecutions of police officer are really effective means and I think personally more time and energy has been thrown into trying to prosecute police officers and often with no results whatsoever ... in the last four or five years which cops have been successfully prosecuted let alone indicted?... I think we should be asking for their removals before their prosecutions. Like the campaign right now should be why aren't we demanding that Boudreau and Halloran be removed from the CPD?”¹⁴⁵

Organizers should launch campaigns to expand funding to the CTJC and healthcare services

This recommendation stems from the fact that the CTJC is severely lacking in funding and the fact that the healthcare services mentioned in the reparations package had no funding tied to them from the beginning.

Regarding the CTJC, as discussed, the City is no longer providing funds to the CTJC after this year. CTJC has raised its own funds but, in order to maintain its services, and especially as it works to establish a new center designed by Monica Chadha, it needs all the funds it can get. *Organizers should hold the City accountable to continuing funding the CTJC.*

Regarding healthcare services, the reparations package only guarantees survivors and their family members prioritized access to healthcare services (basically, they can jump the line) instead of guaranteeing and funding the services themselves. This has left survivors and survivors' family members, like Jeanette, in desperate need of healthcare services but unable to receive them. *Organizers should advocate for funds from the city*

¹⁴⁵ Mogul, Joey. (2018, April 4). In person interview.

devoted to guaranteeing torture survivors and their family members the same basic healthcare services that city employees receive.

Organizers should rethink certain aspects of the CTJC services, the memorial and the education services offered via the reparations package to make them more inclusive for all survivors and their family members

This recommendation stems from the fact that survivors and their family members identified certain aspects of the CTJC services, the memorial and the education services offered via the reparations package that were unhelpful or hurtful to them.

Regarding the CTJC services, all the survivors and family members of survivors that I spoke with apart from Vincent, Mark and Darrell who sit on CTJC's RISE advisory committee, said that CTJC's services do not reach them. For some of them, this is because CTJC never reached out to them and for some of them, this is because they are not in good enough health to make it to the CTJC or the CTJC is too far away from their home. *Consequently, CTJC should make more home visits and improve its outreach efforts.*

Regarding the education services established via the reparations package, Vincent lamented the fact that the reparations package only funds community college via Chicago's city colleges for survivors and their family members, and not colleges and universities that provide higher education. *Therefore, if a torture survivor or a family member of a torture survivor chooses to pursue education outside of City Colleges, the*

City should give them a subsidy equal to the entire City College tuition funds the torture survivor would have received.

Regarding the memorial, several survivors and family members of survivors who are not covered by the Burge Reparations package lamented that they have not been represented in CJTM's exhibition works to date and worry that they will not be represented in the official memorial once it is created. *Just as the CTJC extended its services to all survivors, CJTM should do intentional work to imagine ways the memorial can be inclusive of all survivors.*

VIII. Appendices

VIII. a) Verbal Recruitment Forms

**UNIVERSITY OF CHICAGO
VERBAL RECRUITMENT AND CONSENT FORM FOR RESEARCH
PARTICIPATION
(NON-TORTURE SURVIVOR)**

Study Title: Jon Burge Torture Survivors Reparations (IRB17-1714)

Principle Investigator:

I am a student at the University of Chicago, in the Department of Public Policy Studies. I am planning to conduct a research study, which I invite you to take part in. This form has important information about the reason for doing this study, what I will ask you to do if you decide to be in this study, and the way I would like to use information about you if you choose to be in this study.

Why are you doing this study?

The purpose of this study is to understand your opinions about and experiences in designing the Jon Burge Reparations package. I especially want to study how you perceive the reparations package to be unsatisfactory or satisfactory.

What will you do if you choose to be in this study?

If you choose to be in this study, we will begin with an interview. You don't have to answer any questions you don't want to.

Study time: Interviews will last between 30 and 90 minutes.

Study location: All study procedures will take place at a location of your choice. I would like to take an audio recording of this interview* so as to make sure that I remember all the information you provide. I will keep these audio records, my notes regarding the interview and my transcriptions of the interviews on a thumb drive that will only be used by me and will normally be stored in a locked safe box.

*If audio recording this interview makes you uncomfortable, I can take hand-written notes.

What are the possible risks or discomforts?

The only risk I anticipate is your possible discomfort in discussing difficult experiences you may have had.

What are the possible benefits for you or others?

You are not likely to have much of a direct benefit from being in this research study. Ultimately, the study results are to be used to help other people in the future via propelling the creation of more effective reparations packages.

How will I protect the information I collect about you, and how will that information be shared?

Results of the study may be used in publications and presentations. Your study data will be handled as confidentially as possible.

Again, if you give me permission, I will record the interviews using my iPhone and then transcribe the interview using Trint on my laptop. If not given permission, I will take notes using Word on my laptop. I will then transfer the audio and Word files into UChicago Box. Having transferred them UChicago Box, I will remove them from my phone and computer. Any handwritten notes will be immediately scanned and transferred into UChicago Box and the papers will be destroyed.

When I correspond by email or by phone with you, I will encrypt the emails and phone conversations.

Finally, you will decide if you would like me to use a pseudonym for your name or not. If you would like to me to use a pseudonym, I will use a pseudonym for your name even as I am originally recording and transcribing the interviews. The key revealing your true name will be stored in UChicago Box (in a separate password protected document from the data).

I ask that you not provide any information about criminal activity that has not yet been prosecuted, and to be aware that while I will attempt to maintain all confidentiality, there is always a chance of subpoena. During the interview, if it seems that you are beginning to reveal information about yourself or others that could have legal importance, I will remind you that you should not reveal anything that has not yet been prosecuted.

Please let me know now if you would like me to use a pseudonym for your name or not.

Financial Information

Participation in this study will involve no cost to you. If you want us to conduct the interview at a café or restaurant, I will offer to buy you a meal up to \$20 in cost.

What are your rights as a research participant?

Participation in this study is voluntary. If, at any time, and for any reason, you would prefer not to participate in this study, please feel free not to. We can take a break, continue at a later date, or stop altogether. You may withdraw from this study at any time, and you will not be penalized in any way for deciding to stop participation. If you decide to withdraw from this study, I will ask you if the information already collected from you can be used.

Who can you contact if you have questions or concerns about this research study?

If you have questions, you are free to ask them now. If you have questions later, you may contact me at (312) 206 8715, email me at madelinea@uchicago.edu, or write me at 5328 S Kimbark Ave Chicago IL 60615.

If you have any questions about your rights as a participant in this research, you can contact the following office at the University of Chicago:

Social and Behavioral Sciences Institutional Review Board
University of Chicago
1155 E. 60th St, Room 414
Chicago, IL 60637
Phone: (773) 834-7835
Email: sbs-irb@uchicago.edu

If you agree to participate, please say so.

UNIVERSITY OF CHICAGO
VERBAL RECRUITMENT AND CONSENT FORM FOR RESEARCH
PARTICIPATION (TORTURE SURVIVOR)

Study Title: Jon Burge Torture Survivors Reparations (IRB17-1714)

Principle Investigator:

I am a student at the University of Chicago, in the Department of Public Policy Studies. I am planning to conduct a research study, which I invite you to take part in. This form has important information about the reason for doing this study, what I will ask you to do if you decide to be in this study, and the way I would like to use information about you if you choose to be in this study.

Why are you doing this study?

The purpose of this study is to understand your opinions about and experiences as a beneficiary of the Burge Reparations package. I especially want to study how you perceive the reparations package to have directly benefited you, and the ways you've experienced the reparations package to be unsatisfactory or satisfactory.

What will you do if you choose to be in this study?

If you choose to be in this study, we will begin with an interview. You don't have to answer any questions you don't want to.

Study time: Interviews will last between 30 and 90 minutes.

Study location: All study procedures will take place at a location of your choice. I would like to take an audio recording of this interview* so as to make sure that I remember all the information you provide. I will keep these audio records, my notes regarding the interview and my transcriptions of the interviews on a thumb drive that will only be used by me and will normally be stored in a locked safe box.

*If audio recording this interview makes you uncomfortable, I can take hand-written notes.

What are the possible risks or discomforts?

The only risk I anticipate is your possible discomfort in discussing traumatic experiences.

What are the possible benefits for you or others?

You are not likely to have much of a direct benefit from being in this research study. However, you may find talking about your difficult experiences to an engaged listener therapeutic, and you may relish having your story spread to the broader public. Still,

ultimately, the study results are to be used to help other people in the future via propelling the creation of more effective reparations packages.

How will I protect the information I collect about you, and how will that information be shared?

Results of the study may be used in publications and presentations. Your study data will be handled as confidentially as possible.

Again, if you give me permission, I will record the interviews using my iPhone and then transcribe the interview using Trint on my laptop. If not given permission, I will take notes using Word on my laptop. I will then transfer the audio and Word files into UChicago Box. Having transferred them UChicago Box, I will remove them from my phone and computer. Any handwritten notes will be immediately scanned and transferred into UChicago Box and the papers will be destroyed.

When I correspond by email or by phone with you, I will encrypt the emails and phone conversations.

Finally, you will decide if you would like me to use a pseudonym for your name or not. If you would like to me to use a pseudonym, I will use a pseudonym for your name even as I am originally recording and transcribing the interviews. The key revealing your true name will be stored in UChicago Box (in a separate password protected document from the data).

I ask that you not provide any information about criminal activity that has not yet been prosecuted, and to be aware that while I will attempt to maintain all confidentiality, there is always a chance of subpoena. During the interview, if it seems that you are beginning to reveal information about yourself or others that could have legal importance, I will remind you that you should not reveal anything that has not yet been prosecuted.

Please let me know now if you would like me to use a pseudonym for your name or not.

Financial Information

Participation in this study will involve no cost to you. If you want us to conduct the interview at a café or restaurant, I will offer to buy you a meal up to \$20 in cost.

What are your rights as a research participant?

Participation in this study is voluntary. If, at any time, and for any reason, you would prefer not to participate in this study, please feel free not to. We can take a break, continue at a later date, or stop altogether. You may withdraw from this study at any time, and you will not be penalized in any way for deciding to stop participation. If you

decide to withdraw from this study, I will ask you if the information already collected from you can be used.

Who can you contact if you have questions or concerns about this research study?

If you have questions, you are free to ask them now. If you have questions later, you may contact me at (312) 206 8715, email me at madelinea@uchicago.edu, or write me at 5328 S Kimbark Ave Chicago IL 60615.

If you have any questions about your rights as a participant in this research, you can contact the following office at the University of Chicago:

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1155 E. 60th St, Room 414
Chicago, IL 60637
Phone: (773) 834-7835
Email: sbs-irb@uchicago.edu

If you agree to participate, please say so.

VIII. b) Interview Questions

For torture survivors:

How long were you in prison for and when did your sentence begin?

Sharing as much or as little as you feel comfortable sharing, what happened that led you to be in prison for that period of time?

Sharing as much or as little as you feel comfortable sharing, what did you feel like you lost as a result of these experiences?

What have you personally received as a result of the reparations package?

Do you feel that the reparations package made up for much of what you lost through your experiences?

For authors/implementers of the reparations package:

In what ways were you involved in authoring or implementing the 2015 reparations package for survivors of torture by Jon Burge? Can you tell me some stories from these experiences?

Why did you get involved in authoring or implementing the reparations package? Why was it an important project for you?

For both:

How satisfied are you with how the Burge reparations package turned out? Tell me about particular moments when you felt satisfied with the process.

In your estimation, how complete is the reparations package in terms of scope? In other words, do you feel that the reparations package reached *all* who were deserving of reparations? Please give me some examples.

In your opinion, how comprehensive and complex is the reparations package? In other words, do you feel like the reparations package provided as many different types of redress as it should have and that those types of redress were satisfactory (i.e., was compensation that was offered enough)? Please give me some examples.

In your estimation, did the reparations package take into account valuation of suffering? In other words, did torture survivors who underwent certain types and durations of

suffering receive more reparations? Please give me some examples.

In your opinion, did the City of Chicago and all of its actors, truly feel sorry for the Burge torture era and did they truly wrestle with their past in a way that resulted in a moral reckoning and consequent change of ways? Please give me some examples.

On a similar note, in your estimation, are practices of police brutality and torture over within the Chicago Police Department? Is the Burge torture era entirely a chapter in our city's past? Please give me some examples.

VIII. c) Photo and Story Collection of Torture Survivors and Mothers of Torture Survivors

Armanda Shackelford, mother of torture survivor Gerald Reed



Armanda's son, Gerald, has been in prison for 27 years after being charged with two counts of murder in October of 1990 when he was 27. A man's body was found in the bathroom of a third floor apartment on 68th and Perry, and, around the corner, a woman's nude body was found under a viaduct. Gerald and another man, David Turner, were separately, and seemingly randomly, arrested for the crime. When Gerald was arrested, he was presented a typed confession that Detective Kill and Detective Bresca wanted him to sign. Gerald refused, so they tortured him three nights in a row until he ultimately confessed. The first night, they beat him. The second night, they drove him far away from the station, released him from the car and told to run. Knowing he would be

killed if he ran, Gerald stayed in the car. The detectives held a gun to his head and threatened him to confess. The third night, they handcuffed him to a chair and beat him until the rod in his leg from a prior injury broke, giving him permanent hip problems. At the same time, the detectives threatened Gerald that they would kill his mother, Armanda. Finally, he falsely confessed. Since then, Gerald has sat in prison. Gerald has received nothing from the reparations package. But, Armanda and her lawyers have been working hard to get him out: they have attained two affidavits proving Gerald's innocence and they hope he will finally be released in the spring of 2018.¹⁴⁶

¹⁴⁶ Schackleford, Armanda. (2018, January 19). In person interview.

Rose Cade, mother of torture survivor Antonio Porter



Rose's son, Antonio Porter, has been in prison for 17 years after being charged with murder in 2001 when he was 26. Police officers tracked him down and arrested him for a traffic violation. They then took him to 111th, where they told him they had charged him for a murder that had been committed on 74th and Dorchester that he knew nothing about. They kept him there for 72 hours and cursed him out, threatened him and blocked him from reaching his mother until he falsely confessed. He was represented poorly in court and then shipped off to Menard Correctional Facilities, seven hours away. Eventually, by appealing to a string of individuals including, ultimately, State Representative Robert Reed, Rose was able to get Antonio transferred to Statesville Correctional Facilities (significantly closer to Chicago) and he has been there since. Antonio has received nothing from the reparations package. Still, after a series of inadequate lawyers, Rose was eventually able to get Attorney Kathleen Zellner to take on

Antonio's case pro bono. Zellner cleared Antonio using DNA testing and submitted a request for Antonio's exoneration to the Integrity Unit and Cook County State's Attorney Kim Foxx. Rose is hopeful that her son will be freed in the spring of 2018.¹⁴⁷

¹⁴⁷ Cade, Rose. (2018, January 21). In person interview.

Jeanette Plummer, mother of torture survivor Johnny Plummer



Jeanette's son, Johnny, has been in prison for 27 years after being charged with a murder in 1991 when he was just 15. At that time, Johnny was brought into Area 3 to be questioned about a murder he knew nothing about. In fact, Jeanette says he was already serving time at that point- evidencing the fact that he did not commit the murder- and was taken out of prison to be questioned. At Area 3, Detective Kill and Detective Boudreau asked him to sign a statement incriminating himself and he refused. As a result, he was beaten naked with a flashlight in the face, stomach, side and back until he confessed. He went to court, was convicted, and was shipped off to Menard, where he remains to this day. Jeanette has not been able to get him transferred closer even though she suffered a brain tumor three years ago and is wheelchair bound and therefore could not possibly make the trek to Menard to visit him. However, unlike Gerald and Antonio, Johnny was offered \$100,000 in reparations, as well as legal services from the People's Law Office

(PLO). Johnny rejected the money because he felt it was not enough and because it came with the caveat that if he were to accept it, he could not sue upon leaving prison. Still, he has accepted the legal help of Joey and Flint. Jeanette and Johnny hope that Johnny will be home soon.¹⁴⁸

¹⁴⁸ Plummer, Jeanette. (2018, January 23). In person interview.

Bertha Escamilla, mother of torture survivor Nick Escamilla



Bertha's son, Nick, was in prison for 14-and-a-half years after being charged with a murder in 1993 when he was just 20 years old. Detectives Boudreau, O'Brien and Halloran rounded up three men- Tyrone Reyna, Miguel Morales and Nick- for the murder of Hector Olague. In Nick's case, the detectives broke into his apartment out of nowhere and dragged him out in handcuffs. The detectives separately interrogated each man, told each man to falsely confess to the murder, and beat up each man when he refused. Nick finally confessed when the detectives threatened that they would take his baby girl. In court, the three men were poorly represented and were sentenced to long terms in prison. Over the course of the 14-and-a-half years Nick was in prison (he was transferred between several facilities), Bertha worked hard with lawyers to try to produce enough evidence to free her son. Ultimately, he was released in 2008 before she was able: indeed, he had served half of the 29 years he had originally been charged (at that time, one only

had to serve half of the time they had been assigned). Nick never received any reparations. What's more, he remains so scarred by his experience that he cannot talk about it. Still, Bertha continues to fight. She is working to get detectives Boudreau, Halloran and O'Brien indicted so that she and her son can file, and hopefully win, a lawsuit and receive settlement money.¹⁴⁹

¹⁴⁹ Escamilla, Bertha. (2018, January 27). In person interview.

Mark Clements, torture survivor



Mark Clements was in prison for 28 years after being charged with setting an apartment building fire that killed four people in 1981 when he was just 16. The apartment building owners put up a \$10,000 award and so Ramona- the foster child Mark's Aunt took in- finger printed Mark and several other young men in the neighborhood in an effort to collect the award. She then set up the men - James Robinson, Kenneth Miner, and Mark- so that Officers Virgil Jones and Aaron Gibson could round them up. Ramona framed Mark at a local gas station where she asked him to buy her cigarettes only so that the officers could arrest him. Mark was then brought to 39th and California in Area 3 where detectives Daniel McQueenie, James Higgins and John Mcann, who were openly drinking, spent over an hour kicking and punching Mark, hitting him with telephones and squeezing his genitals. Finally, Mark- who was

functionally illiterate- signed the confession the detectives presented to him. Ultimately, both Robinson and Miner passed lie detector tests and were not charged with anything even though Clements' forced false confession implicated them. Even though the only evidence against Mark was the false confession and even though Mark testified to the torture he had experienced, he was found guilty of the murders because the jury believed the officers' word over Mark's word. Mark received four life sentences without the possibility of parole. While in prison, Mark learned to read, got his high school and college degree, and learned the law, all while waiting for the representation that he needed to get out. It finally came when, in 2007, Professor Bernadine Dohrn of Northwestern University interviewed Mark for a paper she was writing and became convinced of his innocence. She got Skadden Arps, a high powered law firm in New York, to take on Mark's case pro bono and, in August 2009, Mark was released after 28 years in prison. He accepted a plea agreement in which the state cleared his convictions if he pleaded guilty to one count of murder for a sentence of time served. He wanted to be completely exonerated but, faced with remaining in prison to litigate the case with an uncertain outcome, he entered the plea, making sure that part of the deal was that he did not have to state expressly that he committed any offense and is allowed to maintain his innocence. Mark was offered, and accepted, \$100,000 from the reparations package. He now works as an activist fighting against police torture, as well as to limit the length of prison terms courts can impose upon juveniles.¹⁵⁰ He is also on the RISE advisory committee for the Chicago Torture Justice Center.

¹⁵⁰ Clements, Mark. (2018, January 27). In person interview.

Vincent Robinson, torture survivor



Vincent Robinson was in prison for 31 years after being given four natural life sentences for armed robbery, home invasions and murder in 1984 when he was just 21. Vincent was involved with a gang as a young man and when fellow gang members committed robbery, home invasion and murder, one of Burge's subordinates collected Vincent by association because they couldn't find the guys who really did it since they were on the run. The subordinate brought Vincent to Area 1 and tortured a false confession out of him, breaking his nose in the process. In court, Vincent was found guilty despite his lawyers' efforts, and he was sent off to prison. There, he made the most of his time, learning and working as an artist in every available medium, sharpening his skills for the day he would walk free. Initially honing his skills from fellow inmates and

Mr. Mark Merritt of the Pace Art Program in the Cook County Jail, Vincent was so talented that inmates regularly commissioned him for his work, and he started a business making greeting cards and paintings. The profits from his business kept him afloat financially. At the same time, Vincent got a degree in culinary arts. He also taught himself the law and how to write legal documents. He ultimately sued the prisons he was held in a number of times. Vincent was finally released in August, 2015 after the reparations package was announced and he was identified as one of its beneficiaries. Vincent received \$100,000, which he used in part to buy tattoo artist equipment. He works as part of the RISE advisory committee at the Chicago Torture Justice Center. He is currently a student at North Eastern Illinois University where he is an arts and science major. He was able to start as a sophomore because of credits from his time in prison, but only after encountering significant discrimination trying to get into an arts school because of his ex-convict status. Plus, he has to pay out of pocket since the reparations package doesn't cover education costs for schools outside of the city colleges. Vincent's dream is to go to Nevada and open a tattoo parlor and restaurant and art gallery/shop all in one.¹⁵¹

¹⁵¹ Robinson, Vincent. (2018, March 10). In person interview.

Jaime Hauad and Anabelle Perez, torture survivor and mother of torture survivor



Jaime Hauad was in prison for 21 years after being charged with a double murder in 1997 when he was 17. Jaime was involved in a gang when he was young. Two gangs had it out for each other and two people were murdered in a bar. Of course, Jaime could not have been in the bar since he was underage. Nevertheless, detectives pinned Jaime with the murders because they couldn't find the guys who committed it and because, according to Jaime, at least one of them had it out for him. This officer harassed Jaime at his house for years and told him repeatedly that he would lock Jaime up when Jaime turned 17. Jaime was tortured at Area 5 where police cut off the tips of his sneakers with a paper cutter and said they would cut off his toes if he didn't confess. Still, Jaime did not confess. A little while after the torture, Jaime gave the damaged sneakers to a friend who was being released to give to Jaime's mom. The two of them switched shoes. However,

when the friend brought Jaime's shoes to his mom, Anabelle, and Anabelle handed them to Jaime's lawyer, the lawyer didn't use them as evidence. He also didn't call any witnesses and didn't get video from the bar where it happened to show that Jaime wasn't there. In fact, Jaime and Anabelle are suing for ineffective representation. Consequently, Jaime was sent to prison. There, Jaime tried to make the most of a bad situation. He completed a degree and got married. He converted to Islam. And he maintained a strong relationship with his mom and his babies back home. He also was able to FOIA lineup photos, which show that during one lineup he was wearing shoes in tact and during another on the same day, he was wearing a different pair of shoes and another man was wearing Jaime's damaged shoes. Jaime handed these over to Northwestern where lawyers were working on his case for 10 years. They got the Illinois Torture Justice Commission to examine his claim of torture. The Illinois Torture Justice Commission ruled that Jaime had been tortured based on the lineup photos, which they deemed sufficient evidence of abuse. Influenced by their ruling and the fact that Jaime was an adolescent when tortured and arrested, State's Attorney Kim Foxx decided to reduce Jaime's sentence to time served, granting him immediate release in January 2018. Jaime was not recognized by the reparations package. He is now making up for lost time with his family and trying to find a job.¹⁵²

¹⁵² Anabelle Perez and Jaime Hauad. (2018, February 17). In person interview.

Darrell Cannon, torture survivor



(Image not mine; found on internet. This interview was done by phone.)

Darrell Cannon was in prison for 24 years after being charged with a murder in 1983 when he was 33. Darrell was a longtime gang member of the Blackstone Rangers. When he was 15 years old, he shot and wounded two rival gang members and went to juvenile detention. Soon after getting out of detention, he was sent to prison in 1971, when he was 20. At that time, he was convicted of shooting and killing a storeowner. He stayed in prison for more than a decade until being released on parole in 1983. When he got out of prison, Darrell moved into an apartment building that his gang owned. On November 2nd, 1983, just before dawn, Darrell woke up to police detectives banging on the door of this apartment. The detectives- Burge subordinates- were there to arrest Darrell for a murder he did not commit. The body of a drug dealer who'd been shot in the head had been found a week before. Someone in Darrell's gang had said Darrell was involved even though he wasn't. Darrell hid but a detective found him in a closet and

pointed a gun at Darrell, yelled at him using racist language, and told him to lay on the floor. The detectives then handcuffed him, took him to an isolated area on the South Side of Chicago in Area 2 and tortured him. They beat him with a police flashlight. They put a plastic bag over his head and nearly suffocated him. They repeatedly pressed an electric cattle prod to his testicles. They put the cattle prod in his mouth. They allowed him to believe they had loaded a shotgun, rammed it into his mouth, and pulled the trigger, repeating this mock execution three times. They tried to lift him off the ground by the handcuffs that secured his hands behind his back. Eventually, Cannon succumbed and falsely confessed to participating in the murder. Three days later, a lawyer came and had Darrell draw pictures of the torture site. The lawyer showed the pictures in court as evidence of Darrell's torture and argued that Darrell's coerced confession shouldn't be used against him. It was used anyway since the judge was biased toward the police and Darrell was sent to prison. Still, Darrell resolved to fight. Early on, he submitted a handwritten complaint to the city of Chicago. The city gave him a small settlement of \$3000 but didn't admit to any wrongdoing. Darrell stayed locked up. Meanwhile, other torture claims popped up. While looking into these claims, an investigator with the Chicago Police's Office of Professional Standards re-opened Darrell's case. She drove around the South Side until she found the site that matched Darrell's pictures. She worked his case through the system and, in 2007, after one of many new hearings, Darrell was released from prison. When he got out of prison, Darrell went to work for Ceasefire, an organization that teaches gang members alternatives to violence. He also worked as an activist. His activism and his case itself were instrumental to the establishment of the reparations package. Moreover, Darrell turned down a multimillion settlement with the

city because they wanted Darrell to be quiet and he didn't want to be. He said,

“I refused it because it's a matter of principle. I have to look at me everyday in the mirror and I don't ever want to see a man who allows money to silence him from speaking about the ugly chapter involving black people. Therefore I made the decision right away not to accept the money because I had people in prison- other black men- depending on me to remain strong and help them get another hearing in front of the judge.”

Because Darrell refused so much money to have a voice, the organizers of the reparations package valued Darrell's voice really highly in the design process for the package. And, when it was established, Darrell chose to sit on the advisory board of the Chicago Torture Justice Center. Meanwhile, he used the \$100,000 he received to buy a car for himself and for his wife, sent his daughters some money, bought his wife a ring, and, when his brother died in 2016, he bought him a nice plot on a hill. Today, he visits dozens of CPS schools as they teach students the “Reparations Won!” curriculum.¹⁵³

¹⁵³ Cannon, Darrell. (2018, April 3). Phone interview.

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