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Black People Against Police Torture: The Importance of Building a People-Centered Human Rights Movement

Vickie Casanova Willis and Standish E. Willis*

“Sometimes history takes things into its own hands.”

– Thurgood Marshall

That power concedes nothing without a demand is an oft-quoted concept¹. When Frederick Douglass made this declaration in 1857 as part of his “West India Emancipation” speech, he also foretold the Chicago Police Torture saga in stating “Who would be free, themselves must strike the blow.”² The underlying treatise of Douglass’ oratory on this occasion was the significant, yet largely overlooked, role of enslaved people and their race at large in struggle, resistance, and the ultimate rejection of their oppression.³ His point: not to diminish the efforts in the courts or in the instant case, the British Parliament, but to articulate the seemingly invisible role of collective struggle of the oppressed community in demanding justice and lasting change.⁴ As he clarified, “the combined action of one and the other wrought out the final result.”⁵

The veracity of Douglass’ understanding vis a vis the vital role of the affected community is borne out in the Chicago Police Torture cases and the struggle for full justice and reparation, which is still being pursued. Through the vision and actions of an accomplished Chicago civil and human rights lawyer, Attorney Stan Willis, of the Law Office of Standish E. Willis, known equally well for his community activism and organizing, the efforts of police

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¹ Frederick Douglass, “West India Emancipation Speech” at Canandaigua, New York (Aug. 3, 1857), *available at* <http://www.blackpast.org/1857-frederick-douglass-if-there-no-struggle-there-no-progress>.

² *Id.*

³ *Id.*

⁴ *See id.* (“Most of the address was a history of British efforts toward emancipation as well as a reminder of the crucial role of the West Indian slaves in that own freedom struggle.”).

⁵ *Id.*

torture victims who had long resisted the heinous tactics of Burge et al., were joined by a tenacious grassroots group of fellow African Americans and friends to fight this battle, which has since made history. Willis organized Black People Against Police Torture (“BPAPT”) to galvanize and lead the resistance in the African American community against police torture in Chicago.⁶ Their collective work, ideas, and strategic platform for justice in these cases has engaged and inspired many others, sparking a movement for international human rights and reparations for police torture as part of this work and legacy of BPAPT.⁷

BURGE TORTURE CASES: A SUMMARY

“An open secret for nearly three decades. . .”

– Monroe Anderson

From 1973 to 1991, Police Commander Jon Burge and officers reporting to him tortured confessions from over 115 detainees during the midnight shift at the old Area Two police station at 91st and Cottage Grove on Chicago’s South Side.⁸ A 1990 *Chicago Reader* cover story called it the “House of Screams,” as it was known to many in the surrounding community.⁹ The victimized detainees were almost all Black males, some mere teens, and nearly all of the police were white.¹⁰ The torture included burns, beatings with phone books, rubber hoses, flashlights, and also “Russian roulette,” with police put-

⁶ Delores McCain, *Group continues fight against torture*, AUSTIN WEEKLY NEWS, Mar. 28, 2007, <http://www.austinweeklynews.com/News/Articles/3-28-2007/Group-continues-fight-against-torture>.

⁷ Delores McCain, *Anti-torture group hosts awards ceremony*, AUSTIN WEEKLY NEWS, Nov. 28, 2007, http://www.austinweeklynews.com/News/Articles/11-28-2007/Anti_torture-group-hosts-awards-ceremony.

⁸ Fran Spielman, *Disgraced Chicago cop Jon Burge breaks silence condemns \$5.5 million reparations fund*, CHICAGO SUN-TIMES, Apr. 17, 2015, <http://chicago.suntimes.com/politics/disgraced-chicago-cop-jon-burge-breaks-silence-condemns-5-5-million-reparations-fund/> (reporting that “115-to-120 other African-American men who have documented proof that he and his co-conspirators tortured them”).

⁹ John Conroy, *House of Screams: Torture by Electroshock: Could it happen in a Chicago police station? Did it happen at Area 2?*, CHICAGO READER, Jan. 25, 1990, <http://www.chicagoreader.com/chicago/house-of-screams/Content?oid=875107>.

¹⁰ See Michael E. Miller, *Cop accused of brutally torturing black suspects costs Chicago \$5.5 million*, WASHINGTON POST, Apr. 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> (stating that Anthony Holmes was one of as many as 120 African-American men tortured by Burge); see also John Conroy, *The Police Torture Scandal: A Who’s Who*, CHICAGO READER, June 15, 2006, <http://www.chicagoreader.com/chicago/the-police-tor->

ting guns to arrestees' heads.¹¹ Racist language and electric shock with cattle prods and the infamous "N-box" Black Box field generator, often targeting the genitals, was a key tactic of police torture, Chicago-style.¹² In 1982 Andrew Wilson, convicted of killing a police officer, told lawyers and the examining physician that he had been burned, beaten, and shocked by Burge and detectives at Area Two.¹³

Although the examining doctor wrote a letter revealing the situation to then police superintendent Richard Brzeczek requesting an investigation, Brzeczek forwarded the letter to then-Cook County State's Attorney (later Mayor) Richard M. Daley for further direction.¹⁴ There was, apparently, no response.¹⁵ As the truth of Wilson's story emerged through his testimony during his federal lawsuit against Burge and the City of Chicago, the police board fired Burge in 1993 amid acknowledgements by the city's lawyers that Wilson had been savagely tortured.¹⁶ Chicago taxpayers paid millions of dollars for Burge's defense in several federal lawsuits filed by his victims as well as his pension of over \$3400 per month (which continues to this day, due to a contract loophole).¹⁷ The *Chicago Reporter* estimated that the cost exceeded \$64 million in payouts for those tortured under Burge's reign of terror.¹⁸ After a four-year special prosecutorial investigation, which many now feel was part of a cover-up and conspiracy to allow the statute of limitations to run, the report

ture-scandal-a-whos-who/Content?oid=1921956 (listing key figures John Byrne, Peter Dignan, and Michael Hoke).

¹¹ *Chicago Police Torture Summary of Evidence*, UNIVERSITY OF CHICAGO, available at <http://genius.com/University-of-chicago-chicago-police-torture-summary-of-evidence-annotated> (last visited Apr. 23, 2016) [hereinafter *Summary of Evidence*]; CHICAGO AND ILLINOIS: TORTURE, AMNESTY INT'L (2014) http://www.amnestyusa.org/sites/default/files/bringinghumanrights_home_torture.pdf.

¹² *Summary of Evidence*, *supra* note 11.

¹³ Conroy, *supra* note 9.

¹⁴ John Kass, *A tortuous path to not blaming Daley*, CHICAGO TRIBUNE, July 20, 2006, http://articles.chicagotribune.com/2006-07-20/news/0607200224_1_jon-burge-mayor-richard-daley-richard-brzeczek.

¹⁵ *Id.*

¹⁶ See *Shielded from Justice: Police Brutality and Accountability in the United States*, HUMAN RIGHTS WATCH, <https://www.hrw.org/legacy/reports98/police/uspo53.htm>

¹⁷ Ryan Haggerty & Cynthia Dizikes, *Burge Keeps His Pension*, CHICAGO TRIBUNE, Jan. 27, 2011, http://articles.chicagotribune.com/2011-01-27/news/ct-met-burge-pension-0128-20110127_1_jon-burge-pension-board-police-torture.

¹⁸ Adeshina Emmanuel, *Chicago to create fund to compensate victims of Burge police torture*, THE CHICAGO REPORTER, Apr. 14, 2015, <http://chicagoreporter.com/chicago-to-create-fund-to-compensate-victims-of-burge-police-torture/>

was finally released and concluded that torture had indeed been committed in at least half of the 148 cases reviewed.¹⁹

[The] report of the Special State's Attorney was released, dashing any doubts that the rumors were unmerited. Special Prosecutor Edward Egan, who led the four-year, \$6.2 million investigation, found that in the '70s and '80s former Cmdr. Burge and his men tortured suspects into making confessions. . . . In the meantime, 24 black men who were set up by Burge and his subordinates are still doing hard time.²⁰

Unfortunately, the special prosecutor also declared that the statute of limitations had indeed expired during its lengthy review process, hence the wrongs to African American men and boys tortured into confessing to crimes could not be corrected: "regrettably we have concluded that the statute of limitations would bar any prosecution of any offenses our investigation has disclosed."²¹

Many of these victims, who must also be considered survivors of Chicago Police Torture, continued to languish in prison or, if they were eligible for release short of a life sentence, spent decades incarcerated, often for crimes they did not commit.²² For those able to exit the system after twenty or more years, they did so with little to no support, financial or otherwise, to heal their trauma²³. The fact that they had been tortured, a gross human rights violation which carried a lingering impact, went unchecked. With all legal recourse exhausted, and with numerous legal and civil society groups having protested, marched, and complained for decades about this criminal police behavior and the tolerance of the administration sustaining it, little more seemed possible but to accept that the City of Chicago was determined to tolerate, protect, and in some cases even reward, the brutal and inhumane treatment of primarily Black men and boys by its police force.²⁴ Case closed.

¹⁹ See generally Edward J. Egan & Robert D. Boyle, REPORT OF THE SPECIAL STATE'S ATTORNEY 18, <http://www.aele.org/law/2006LROCT/chicagoreport.pdf> (discussion of the issue of statute of limitations).

²⁰ Monroe Anderson, *Jon Burge, The Olympics and Torture in Chicago*, HUFFINGTON POST, Sept. 19, 2008 (updated May 25, 2001), http://www.huffingtonpost.com/monroe-anderson/jon-burge-the-olympics-an_b_120001.html.

²¹ Egan & Boyle, *supra* note 19, at 16.

²² Stan Willis et. al., *TORTURE IN CHICAGO: A supplementary report on the on-going failure of government officials to adequately deal with the scandal*, Oct. 29, 2008, available at https://www.prisonlegalnews.org/media/publications/torture_in_chicago_with_appendices_2008.pdf

²³ Willis et. al., *supra* note 22

²⁴ Jodi Rudoren, *Report on Chicago Police Torture Is Released*, NEW YORK TIMES, July 19, 2006, <http://www.nytimes.com/2006/07/19/us/19cnd-chicago.html>.

Fast forward to June 2010, when former Chicago Police Department (CPD) Commander Jon Burge was convicted of perjury and obstruction of justice for lying under oath that he and others did not engage in acts of torture.²⁵ He was convicted, sentenced to four and a half years in prison, and released from federal prison in October 2014 after serving less than three and a half years for perjury related to his horrific treatment of fellow human beings.²⁶ In May 2015, Chicago's current mayor and city council approved an ordinance and partial reparations package designed to partially address the history of police torture in the city in an attempt to put the issue behind them during a hotly contested election period.²⁷

What happened between the 2006 Special Prosecutor's report, which was too little, too late, and the recent 2016 headlines championing Chicago as a model for police accountability and reparations? We owe this seismic shift in the legal landscape for victims of Burge et al police torture in no small part to that phenomenon elevated by Frederick Douglass: the people of the affected community have a special role to play in demanding justice for their own and fighting for it against the odds and often at great cost.²⁸ This is the spirit that drove Attorney Stan Willis of the National Conference of Black Lawyers to launch an international human rights campaign and to found Black People Against Police Torture.²⁹ Willis was a partner at the People's Law Office when the cases originally broke³⁰ and has long since founded his own firm, The Law

²⁵ Monica Davey & Emma Graves Fitzsimmons, *Officer Accused of Torture Is Guilty of Perjury*, NEW YORK TIMES, June 28, 2010, <http://www.nytimes.com/2010/06/29/us/29burge.html>.

²⁶ Annie Sweeney, *Burge given 4 1/2 years in prison*, CHICAGO TRIBUNE, Jan. 21, 2011, <http://www.chicagotribune.com/news/ct-met-burge-sentencing-0122-20110121-story.html>; Kim Bellware, *This Cop Oversaw The Torture Of More Than 100 Black Men. Now He's Out After Less Than 4 Years In Jail*, HUFFINGTON POST, Oct. 2, 2014, http://www.huffingtonpost.com/2014/10/02/jon-burge-released_n_5923784.html.

²⁷ Alice Kim & Vickie Casanova Willis, *Power in Naming: Reparations, Memorials, and Chicago Police Torture*, DISCOVER SOC'Y, Jun. 3, 2015, <http://discoversociety.org/2015/06/03/power-in-naming-reparations-memorials-and-chicago-police-torture> ("In May 2015, Chicago became the first city in the history of the United States to provide reparations for racially motivated police violence, specifically a group of African American men and women who were tortured by former Commander Jon Burge and his detectives over a span of nearly two decades, from 1972 to 1991").

²⁸ "Tough Lawyer" Standish Willis to Speak at Annual Meeting, ACLU OF ILL. CHAMPAIGN CNTY. CHAPTER 1 (2012), <http://www.aclu-cu.org/pdf/spring12.pdf> [hereinafter "Tough Lawyer"].

²⁹ *Id.*

³⁰ *Id.*

Office of Standish E. Willis, Ltd., in 1989.³¹ He was an active organizer in the Black community around issues of racism and law enforcement impunity, founding the following: African-American Defense Committee Against Police Violence (1991); The Riverdale Eight (1995) – a group of African-American women brutalized by Riverdale police officers; The African-American Committee to Free Mumia Abu Jamal (1995); and Black People Against Police Torture (BPAPT, formally established early in 2006).³² The collective work of the latter, a dedicated grassroots organization that was rooted in the affected community, infused new energy and ideas in the effort to secure justice in the Burge cases. Importantly, BPAPT brought the crucial perspective of Black thought leadership to the forefront of the Chicago Police Torture struggle after decades of many groups and individuals exhausting all traditional options.³³

INTERNATIONALIZING THE CHICAGO POLICE TORTURE CASES: FROM CIVIL RIGHTS TO HUMAN RIGHTS

“Not just an American problem, but a World problem”

– Malcolm X

“We Charge Genocide”

– 1951 UN Petition of the Civil Rights Congress

When asked, Attorney Willis freely shares his ideas and recommendations for creative lawyering, litigation, and legislative solutions to social justice challenges. He is most often found hard at work, litigating cases and interrogating the status quo, forging creative legal solutions, and pulling together coalitions of people to address various issues. As a plethora of articles and media interviews chronicle, being grounded with a broken ankle and listening to constant media reports on international torture at Guantanamo and Abu Ghraib struck the chord that Willis expanded upon to propose an international human rights strategy to escalate pressure and attention for the Chicago Police Torture cases while the Special Prosecutor’s report continued to be delayed.³⁴ He pulled a

³¹ *Stan Willis: A Biography*, CHICAGO COMMITTEE TO DEFEND THE BILL OF RIGHTS, <http://www.ccdbr.org/stan-willis-a-biography> (last visited Apr. 23, 2016).

³² *Id.*

³³ Delores McCain, *Group Continues Fight Against Torture*, AUSTIN WEEKLY NEWS, Mar. 28, 2007, <http://www.austinweeklynews.com/News/Articles/3-28-2007/Group-continues-fight-against-torture>.

³⁴ “Tough Lawyer,” *supra* note 28, at 1.

coalition together, and after convincing them he was serious about the international strategy, the rest is history.³⁵

Primary inspiration supporting this novel approach to the Burge torture travesty was informed by Willis' training as a historian, including his doctoral studies with an international focus and significant scholarship on freedom and justice movements. This knowledge included an understanding of the historic 1947 petition to the United Nations by W.E.B DuBois on behalf of the NAACP, and "We Charge Genocide" – the original 1951 action by that name, in which African descendants in America took their plight to the court of international law and opinion.³⁶

To the General Assembly of the United Nations: The responsibility of being the first in history to charge the government of the United States of America with the crime of genocide is not one your petitioners take lightly. The responsibility is particularly grave when citizens must charge their own government with mass murder of its own nationals, with institutionalized oppression and persistent slaughter of the Negro people in the United States on a basis of "race," a crime abhorred by mankind and prohibited by the conscience of the world as expressed in the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations on December 9, 1948.

It is sometimes incorrectly thought that genocide means the complete and definitive destruction of a race or people. The Genocide Convention, however, adopted by the General Assembly of the United Nations on December 9, 1948, defines genocide as any killings on the basis of race, or, in it (sic) specific words, as "killing members of the group." Any intent to destroy, in whole or in part, a national, racial, ethnic or religious group is genocide, according to the Convention. Thus, the Convention states, "causing serious bodily or mental harm to members of the group," is genocide as well as "killing members of the group." We maintain, therefore, that the oppressed Negro citizens of the United States, segregated, discriminated against and long the target of violence, suffer from genocide as the result of the consistent, conscious, unified policies of every branch of government. The Civil Rights Congress has prepared and submits this petition to the General As-

³⁵ *Id.*

³⁶ See W.E.B. DuBois, *An Appeal to the World: A Statement of Denial of Human Rights to Minorities in the Case of citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress*, NAACP, Oct. 23, 1947, available at <http://www.blackpast.org/1947-w-e-b-dubois-appeal-world-statement-denial-human-rights-minorities-case-citizens-n>; See also *We Charge Genocide: The Historic Petition to the United Nations for Relief From a Crime of The United States Government Against the Negro People*, CIVIL RIGHTS CONGRESS Dec. 17, 1951, available at <http://www.blackpast.org/we-charge-genocide-historic-petition-united-nations-relief-crime-united-states-government-against>.

sembly of the United Nations on behalf of the Negro people in the interest of peace and democracy, charging the Government of the United States of America with violation of the Charter of the United Nations and the Convention on the Prevention and Punishment of the Crime of Genocide.

Our evidence concerns the thousands of Negroes who over the years have been beaten to death on chain gangs and in the back rooms of sheriff's offices, in the cells of county jails, in precinct police stations and on city streets, who have been framed and murdered by sham legal forms and by a legal bureaucracy.³⁷

Following in the footsteps of his ancestors, who appealed to the United Nations, and recalling the urging of Malcolm X to expose the problem of Jim Crow and systemic racism internationally³⁸, Willis determined to take the issue of police torture of Black men and boys in Chicago, Illinois, to the international arena to demand justice. He began explaining the rationale in town hall community meetings.³⁹ When convincing the coalition of attorneys, activists, and lay people he convened, he often referenced a 1965 Rochester, NY speech wherein Malcolm illuminated the crucial distinction between civil rights law and human rights remedies:

For as long as you call it "civil rights" your only allies can be the people in the next community, many of whom are responsible for your grievance. But when you call it "human rights" it becomes international. And then you can take your troubles to the World Court. You can take them before the world. And anybody anywhere on this earth can become your ally. So one of the first steps that we became involved in, those of us who got into the Organization of Afro American Unity, was to come up with a program that would make our grievances international and make the world see that our problem was no longer a Negro problem or an American problem but a human problem.⁴⁰

These historical precedents convinced Attorney Willis of the merit for African descendants in the United States to escalate their legal claims to the international human rights arena.

³⁷ *Id.*

³⁸ Malcolm X, "Not just an American problem, but a world problem" Address Delivered in the Corn Hill Methodist Church, Rochester, New York: 16 (Feb. 16, 1965), *available at* <http://nationalhumanitiescenter.org/pds/maai3/community/text10/malcolmxworldproblem.pdf>.

³⁹ See *Chicago Chapter*, NAT'L CONF. OF BLACK LAWYERS, <http://www.ncbl.org/chapters/chicago-chapter> (last visited Apr. 17, 2016).

⁴⁰ Malcolm X, *supra* note 38.

BLACK PEOPLE AGAINST POLICE TORTURE

“I am no longer accepting the things I cannot change.
I am changing the things I cannot accept.”

– Angela Davis

As is widely reported, Willis, through his law practice at the Law Office of Standish E. Willis and as Chicago chapter chair of The National Conference of Black Lawyers, founded Black People Against Police Torture to center the ideas and concerns present at the grassroots level in the African-American community.⁴¹ He emphasized the essential need for the movement to demand legal recourse for torture and to reflect the faces, voices, and leadership of those victimized by the police and the system, which necessarily included the families of the survivors and the community⁴². The importance of empowerment, agency, and consistent leadership roles by Black people – including those directly and indirectly impacted – leading the decision-making and at the table from the outset is key. That is what empowers the impacted community, begins the healing, and is a crucial part of reparation. The following discussion provides highlights and key accomplishments of Willis and BPAPT with important additions to published historical accounts and timelines.

In a culture of torture where Burge was fired with a lucrative pension for “mistreating” a suspect, BPAPT and The National Conference of Black Lawyers were the first to consistently frame the brutality as torture of the nature condemned in the international arena.⁴³ Willis was the first to raise the human rights framework and led the movement to redefine Chicago Police Torture as a human rights crime transcending civil rights legal redress⁴⁴. Many more firsts continued to follow; for example, BPAPT was the first to oppose Chicago’s Olympics bid, labeling the city as the “Torture Capital” of the U.S.⁴⁵ We were

⁴¹ *Stan Willis: A Biography*, *supra* note 31.

⁴² Kim D. Chanbonpin, *Truth Stories: Credibility Determinations at the Illinois Torture Inquiry and Relief Commission*, 45 LOY. U. CHI. L.J. 1085, 1103 n.108 (Spring 2014).

⁴³ See *Reparations Won*, CHICAGO TORTURE JUSTICE MEMORIALS, May 11, 2011, <http://chicagotorture.org> (last visited Apr. 23, 2016) (“We recognize, honor and thank Standish Willis for his brilliant vision to take the Burge torture cases to international fora and to Stan and Black People Against Police Torture for the original idea and call for reparations for Chicago Police Torture survivors.”).

⁴⁴ Flint Taylor, *How Activists Won Reparations for the Survivors of Chicago Police Department Torture*, IN THESE TIMES, June 26, 2015, <http://inthesetimes.com/article/18118/jon-burge-torture-reparations>; See also BPAPT meeting documents (on file with author)

⁴⁵ Ben Joravsky, *Can Shame Stop the Games?*, CHICAGO READER, Mar. 22, 2007, <http://www.chicagoreader.com/chicago/can-shame-stop-the-games/Content?oid=924613>.

also the first to call for reparations and articulate the multiple holistic forms that those reparations should ideally take.⁴⁶ Many of those are in process today at various levels, and BPAPT members, mothers, families, and most importantly, the survivors physically, mentally, and emotionally tortured by Burge and detectives he trained have continued to work for justice in the Chicago police torture saga, which remains unresolved.

Attorney Willis first organized a coalition of attorneys, educators, activists, legislators and former victims to testify at the Organization of American States in Washington, D.C to reach beyond the local remedies and the special prosecutor who was stonewalling and letting the statute of limitations run out.⁴⁷ This international forum is located in the nations' capitol, and thus was more accessible than Geneva as a first step toward internationalizing this issue.⁴⁸ It was clear from the US Attorney's presence that the testimony of torture victim David Bates, attorneys, educators and others were getting attention.⁴⁹

Black People Against Police Torture formally emerged early in 2006, out of the significant community response for regular information and updates that Willis provided in his organizing work around the torture issue as early as 2004 and throughout 2005.⁵⁰ This work included hosting many Town Hall meetings and teach-ins throughout 2005 to inform the Black community about the torture cases, human rights versus civil rights legal remedies, the implications of the Special Prosecutors' report delays and ultimately its findings.⁵¹ In discussing the international human rights strategy, through countless media interviews and community fora, Willis taught the components and methodology of developing a stakeholder's report, participated in periodic review and testimony opportunities and processes, and supported the first report to the United Nations' Committee Against Torture ("CAT"). He was unable to be released from an appellate court commitment in order to make this first trip to Geneva

⁴⁶ *Reparations Won*, *supra* note 43.

⁴⁷ Rudoren, *supra* note 24 (briefly mentioning lawyers' discussion of an "ongoing conspiracy to obstruct justice").

⁴⁸ *Our Locations*, ORG. OF AMER. STATES, http://www.oas.org/en/about/our_locations.asp (last visited Apr. 23, 2016).

⁴⁹ *Chicago torture probe draws worldwide attention*, PEOPLE'S WORLD, June 30, 2006), <http://peoplesworld.org/chicago-torture-probe-draws-worldwide-attention/> (" 'We have officials in Chicago who could deal with it, but they don't want to deal with it,' said Bates. 'It's a shame we have to come to Washington, D.C., to get people from different countries to deal with it.' ").

⁵⁰ *Reparations for the Chicago Police Torture Survivors*, CHICAGO TORTURE JUSTICE MEMORIALS, <http://chicagotorture.org/history>; *Stan Willis: A Biography*, *supra* note 31.

⁵¹ Taylor, *supra* note 44.

himself, but did so at the next opportunity.⁵² The concluding observations reflected much of the language and call for justice envisioned by the human rights strategic work that began right here at home, in the Black community. A good start, but the work was far from done.

BPAPT co-chairs Professor Pat Hill, retired Chicago police officer and former head of the African American Police League (“Afro-American Patrolmen’s League”), Attorney (Ret.) Larry Kennon, journalist Delores McCain, Professor Dorothy Burge and her husband and daughter, Willis, Casanova-Willis and many others across all walks of life, generated ideas and actions that continue to be pursued and emulated. Most importantly their work changed the game in the Chicago Police Torture cases after decades of little substantive progress for the victims, families, and community. We brought the UN Rapporteur on Race to Chicago to investigate racism in the city’s policing and torture tactics,⁵³ and hosted the famed 1968 Olympian John Carlos here to stand with us in condemning the idea that a city that tortures should be rewarded with a contract to host the Olympics.⁵⁴ Hill delivered hundreds of thousands of names on a petition to the Olympic Committee in Utah and traveled to Geneva, Switzerland to represent Black People Against Police Torture in raising these issues.⁵⁵ The regular meetings continued, engaging the community in leading creative solutions.

In 2008, Attorney Willis authored and filed a report with the UN and traveled to Geneva, Switzerland to once again present evidence of Chicago Police Torture.⁵⁶ Willis testified in Geneva, Switzerland before the CERD Committee, the Committee to Eliminate All Forms of Racial Discrimination.⁵⁷ Burge was finally indicted a few months later.⁵⁸ Willis convened a

⁵² *Tough Lawyer*, *supra* note 28, at 1.

⁵³ *UN Official to Hold Hearings on Human Rights Violations in the City of Chicago*, UNIVERSITY OF CHICAGO NEWS, <http://news.uchicago.edu/article/2008/05/22/media-advisory-un-official-hold-hearings-human-rights-violations-city-chicago>.

⁵⁴ Araz Hachadourian, *Chicago Just Became the First U.S. City to Pay Reparations to Victims of Police Torture*, YES! MAGAZINE, May 15, 2015, <http://www.yesmagazine.org/peace-justice/chicago-is-the-first-city-to-offer-reparations-for-victims-of-police-violence-now-they-want-to-make-sure-no-one-forgets>.

⁵⁵ Joravsky, *supra* note 45.

⁵⁶ *UDHR Campaign 2015: No One Shall Be Subjected to Torture: Standish Willis and Joey Mogul*, US HUMAN RIGHTS NETWORK, <http://www.ushrnetwork.org/news-updates/udhr-campaign-2015-no-one-shall-be-subjected-torture-standish-willis-joey-mogul> (last visited Apr. 24, 2016) [hereinafter *UDHR Campaign 2015*].

⁵⁷ Terry Keleher, *Activists go to UN to Discuss Racial Discrimination in Chicago*, COLORLINES, Feb 22, 2008, <http://www.colorlines.com/articles/activists-go-un-discuss-racial-discrimination-chicago>.

group to share ideas with the Department of Justice on how Burge could in fact be prosecuted despite the statute of limitations issues, again underscoring the impact of creative lawyering to demand justice.⁵⁹ Comparing our report⁶⁰ with the recommendations of the Concluding Observations⁶¹ is very enlightening, as they clearly are informed by the direct input from the Black community, thousands of miles away in Chicago, utilizing the international human rights framework via grassroots organizing by BPAPT.

It stands to reason that the affected community, empowered to lead the ideation and action for justice in issues directly impacting them, would devise solutions that did not previously occur to others supporting, but not living in the struggle on a daily basis. This surely explains why BPAPT was also the first to articulate the need for wide-ranging repair, calling for Reparations and outlining detailed components in the first draft of a sample Reparations Ordinance shared with the community and coalitions in 2007.⁶² The proposed reparations as envisioned by BPAPT include not just funds, but holistic reparations consistent with international human rights standards. BPAPT's ideas included compensation and the following: (a) a center for therapy and other healing services to treat domestic torture survivors; (b) curriculum in the Chicago schools, in the spirit of teaching the truth about history to ensure that no one will ever forget, nor repeat such horrific circumstances; (c) services for formerly incarcerated victims and their families (education, job training, work); and importantly (d) freedom for those still incarcerated Torture victims.⁶³

⁵⁸ Delores McCain, *Willis reports on race discrimination convention*, AUSTIN WEEKLY NEWS (Mar. 26, 2008) <http://www.austinweeklynews.com/News/Articles/3-26-2008/Willis-reports-on-race-discrimination-convention/>.

⁵⁹ See Hachadourian, *supra* note 54 (“According to Willis, the State’s Attorney, Assistant U.S. Attorney, and Justice Department were approached, but would not prosecute the officers involved.”).

⁶⁰ Keleher, *supra* note 57 (citing to Shadow Report).

⁶¹ UN COMMITTEE AGAINST TORTURE, *Concluding Observations*, CAT/C/USA/CO/2, para 25, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fUSA%2fCO%2f2&Lang=en.

⁶² Delores McCain, *Lawyers for tortured victims speak out*, AUSTIN WEEKLY NEWS, Oct. 22, 2008, <http://www.austinweeklynews.com/News/Articles/10-22-2008/Lawyers-for-tortured-victims-speak-out>; See also BPAPT meeting agendas, memoranda of phone conversations with Atty Willis pre-2008 (on file with author).

⁶³ Hachadourian, *supra* note 54. BPAPT members visited the Kovler Center, which supports only victims of international torture, two or three times to take community members to research and envision our own center in the Black community.

In another precedent-setting move by the dedicated community group, we brainstormed ways to affect legislation since existing law seemed bound to punishing the innocent and protecting the criminal police actions. BPAPT proposed state legislation to create a commission with power to hear Burge et al., torture cases and to free or grant new trials to those who had no other recourse.⁶⁴ Regular meetings concerning the legislation continued at the Jacob Carruthers Center for Inner City Studies,⁶⁵ and BPAPT took busloads of community members to Springfield, Illinois to advocate for the Bill. After months of organizing, educating, meeting, and lobbying, the Illinois Torture Inquiry and Relief Act (“TIRC”) was passed in 2009 and finally signed into law by then Gov. Quinn on August 10, 2010 – the last day before it would have taken effect automatically.⁶⁶ The TIRC was conceived, written, and advocated for by a grassroots community group from the Black community, which was incensed at the treatment of their brothers and families, in solidarity with the mothers and children of those tortured, murdered, or incarcerated by a corrupt system of law enforcement that required new tactics and courageous action.⁶⁷ No other community group has done anything like this in the Police Torture cases, and several Burge et al victims have won relief as a result of the legislation.

This Torture Inquiry and Relief (TIRC) law, drafted by Attorney Stan Willis on behalf of BPAPT and sponsored by Sen. Kwame Raoul, created a Commission to review torture claims and created a process to provide new options for hearing, release, and compensation for those still-incarcerated torture victims who had no other legal recourse under current law.⁶⁸ Importantly, the TIRC Commission was specifically designed to include civilian members so as to empower the affected community in resolving and repairing the damage from Chicago Police Torture.⁶⁹ Unfortunately, the status quo seen in de-

⁶⁴ *Reparations for the Chicago Police Torture Survivors*, CHICAGO TORTURE JUSTICE MEMORIALS, <http://chicagotorture.org> [hereinafter *Reparations*].

⁶⁵ Hachadourian, *supra* note 54.

⁶⁶ Ashahed M. Muhammad, *New hope for alleged torture victims in Illinois?*, FINAL CALL, Aug. 31, 2009, http://www.finalcall.com/artman/publish/National_News_2/article_6349.shtml.

⁶⁷ *Illinois Torture Inquiry and Relief Commission, Better as a Truth Commission?*, CHICAGO JUSTICE PROJECT, Aug. 23, 2009, <http://www.chicagojustice.org/2009/08/23/illinois-torture-inquiry-relief-commission-better-truth-commission> (“According to one source this legislation gives new hope for approximately a dozen or more alleged victims that exhausted their remedies in the court system”).

⁶⁸ Illinois Torture Inquiry and Relief Commission Act, 775 ILCS 40/15 (2009).

⁶⁹ 775 ILCS 40/20(a)(5) (“There shall be members of the public who are not attorneys and who are not officers or employees of the official judicial branch.”).

acades of protecting brutal police at all costs continued in the form of consistent efforts to undermine the Torture Commission. Tactics included stalling, defunding, refusing to appoint or replace commissioners in a timely fashion, attacking the original chairperson and generally destabilizing the unique community solution, which offered the only way out of prison to dozens of Burge Torture victims.

Without question, evidence of institutionalized racism, which permeates the Chicago Police Torture saga, has been evident in the handling of the Torture Commission. That fact notwithstanding, BPAPT organized for it, fought for it, and won it, nonetheless, which speaks volumes about the vision, tenacity, collaboration and agency of community members confronted with injustice and indifference to the suffering of their own people. This specific victory is likely a unique accomplishment in U. S. legislative history. The lesson is that we did not turn a blind eye to the suffering of our brothers so abused by those hired to serve and protect. While the powers that be played with a few large settlements to a small number of mainstream law firms, the people of the community continue to volunteer their ideas and energy to devise creative solutions in the face of continuing injustice.

Where are the creative and courageous minds of BPAPT right now? We are still fighting, still working in our respective areas and consulting together, publicly when needed, on a range of issues as the Chicago police torture story continues to unfold. Two members are no longer living but made significant contributions to this struggle, and, as we see today, their work was not in vain⁷⁰. Willis and BPAPT members continue to advocate, teach, write, and work together and in coalition with others on this torture issue, as justice is not yet served. We salute the Black youth of Chicago and their contributions to the recent wave of energy around the partial reparations package noting that it borrowed much from the Black Lives Matter momentum of last summer. That recent momentum also was bolstered by the UN filing and delegation of We Charge Genocide⁷¹ youth supporting the wrongful tasing death case of Dominique Franklin, whose family is represented by The Law Office of Standish E.

⁷⁰ Delores McCain, see Terry Dean, *Delores McCain*, 68, *Austin Weekly News reporter*, OAK PARK JOURNAL, Sept. 14, 2010, <http://www.oakpark.com/News/Articles/9-14-2010/Delores-McCain,-68,-Austin-Weekly-News-reporter>; and Sam Burge (no relation).

⁷¹ Mama Sims, *Interview: Ethan Viets-Van Lear - Damo Day*, 1833.FM, May 20, 2015, <https://1833.fm/ethan-viets-vanlear-interview-damo-day-may-20-2015>; *U.N. torture watchdog urges U.S. crackdown on police brutality*, REUTERS, Nov. 28, 2014, <http://www.reuters.com/article/us-usa-un-torture-idUSKCN0JC1BC20141128>.

Willis.⁷² We continue to stand with, and elevate, the courageous torture victims/survivors and especially their mothers,⁷³ and other family members, who have been equally devastated by psychological and emotional torture at the hands of our insensitive culture of policing.

For decades, the Black community was cheated of the time, talent, presence and contributions of these young boys and men. We will not rest until every one of them is freed, true reparations are provided to make them and all those affected whole, and until the other conspirators in the Burge et al torture conspiracy have been held accountable. Not a single additional police officer in this ring has ever been charged.⁷⁴ The prosecutors and judges who failed us all have not been held accountable. As headlines and statistics confirm, the criminal legal system in Chicago and beyond is broken and has done grave harm to the African American community at large⁷⁵. One clear need is to support primary leadership roles of those directly impacted in envisioning and implementing the solutions and repair for these wrongs.

The Law Office of Standish E. Willis, Attorney Willis as a community activist, The National Conference of Black Lawyers, and members of BPAPT continue raise the issue of torture and inhumane treatment of those who remain imprisoned, as well as those who are back with us. The aforementioned continue to file additional stakeholders' reports for International Human Rights Treaties on torture and racism, and other treaties as part of delegations from U.S. citizens exercising their rights to be present and give feedback when

⁷² Salim Muwakkil, *U.S. Youth Take Police Violence Charges to the UN Committee Against Torture*, IN THESE TIMES, Dec. 11, 2014, http://inthesetimes.com/article/17422/youth_take_police_violence_to_un_committee_against_torture.

⁷³ See NAT'L CONF. OF BLACK LAWYERS (NCBL) & BLACK PEOPLE AG. POLICE TORTURE (BPAPT), *Torture in the Homeland: TORTURE IN THE HOMELAND: Failure of the United States to Implement the International Convention against Torture to protect the human rights of African-American Boys and African-American Men in Chicago, Illinois* (2014), available at http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/USA/INT_CAT_CSS_USA_18552_E.pdf [hereinafter NCBL & BPAPT] (listing names of mothers and their torture victim sons).

⁷⁴ *Jon Burge Torture Index*, CHICAGO TORTURE JUSTICE MEMORIALS, <http://chicagotorture.org/files/2012/03/16/JonBurgeTortureIndex.pdf> (last visited Apr. 23, 2016).

⁷⁵ See *Executive Summary: Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve*, POLICE ACCOUNTABILITY TASK FORCE, Apr. 14, 2016, available at https://chicagopatf.org/wp-content/uploads/2016/04/PATF_Final_Report_Executive_Summary_4_13_16-1.pdf; See also Ken Hare, *Hey Justice Department: Look, Over Here*, CHICAGO DEFENDER, July 6, 2016, <https://chicagodefender.com/2016/07/06/hey-justice-department-look-over-here/>

the US reports on its human rights record in the international arena.⁷⁶ The Willis' most recent 2014 human rights stakeholders report filed with the CAT through the US Human Rights Network, reiterated the need for full reparations, and called for a moratorium on torture in the form of solitary confinement. This reports' signatories elevated the names of nine mothers of those tortured, and dozens of Chicago police torture victims/survivors.⁷⁷ As in 2008-2009, the UN's Concluding Observations after the 2014 review again clearly reflected the urging and language of our report.⁷⁸ Empowering the affected community to ensure the centrality of our ideas, voices, and unique perspective based on lived experiences is not only correct; it is effective.

CONCLUSION

A very serious question has been posed to and among Chicagoans recently in light of the city's legacy of police torture: how do you truly repair or correct a wrong? Legal practice teaches us to "tell the truth, the whole truth, and nothing but the truth." In order to understand what has happened in Chicago, we must give full credit where credit is due. It may be hard to believe that all the aforementioned breakthrough strategies in the Chicago police torture conspiracy are directly attributable to the ideas and actions of a small, tenacious, group of Black people of all ages and backgrounds, but those are the facts. The thought, leadership, actions, and inspiration of Black People Against Police Torture and its members' continuing role in the movement for justice in the torture conspiracy and broader issues, underscores the importance of building a people-centered human rights movement. Moreover, it is part of reparation⁷⁹

⁷⁶ *UDHR Campaign 2015*, *supra* note 56 ("In February 2008, Stan presented evidence of police torture before the United Nations Committee to Eliminate Racial Discrimination 'CERD' in Geneva, Switzerland. . .In 2014, Stan and his wife Vickie Casanova-Willis coauthored a Report to the UN Committee Against Torture (CAT) critiquing the United States' Report on the Burge Torture cases. . .In 2015, Stan authored a Report to the UN Universal Periodic Review ('UPR') of the United States on the Human Rights violations suffered by African-Americans due to the massive closures of public schools and privatization of Public Schools in African-American Communities throughout the country.").

⁷⁷ NCBL & BPAPT, *supra* note 70, at 13.

⁷⁸ U.N. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT. COMM. AG. TORTURE, Dec. 19, 2014, CAT/C/USA/CO/3-5, http://www.ushrnetwork.org/sites/ushrnetwork.org/files/cat_us_concluding_observations_2014.pdf.

⁷⁹ BASIC PRINCIPLES AND GUIDELINES ON THE RIGHT TO A REMEDY AND REPARATION FOR VICTIMS OF GROSS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, G.A. Res. 60/147, U.N. Doc. A/RES/60/

to accurately teach the full reality of what helped get us all this far in the fight against Chicago police terror and torture.

Symposia and articles for the legal community are meritorious in providing critical analyses and methodology regarding expanded approaches to legal issues and complex cases. In addition, the grassroots community and people of all races, need to understand the full measure of the movement toward justice and, in this case, a measure of reparations as originally proposed and defined by the impacted community. The lesson of BPAPT for us all is that it is not only correct, prudent, and fair to respect and support the self-determination and empowerment of affected communities in leading solutions to problems impacting them—it is vitally important and ultimately wise. Why? Those who are directly impacted by circumstances, in this case the tragic crime of institutionalized racism played out by the Chicago police torture perpetrators and protectors—that is, the torture victims/survivors, families and the Black community—will inevitably devise solutions that others would never think of because they are not affected in the same way.

One example of that necessity is seen as the stories of how partial reparations were secured continue to be framed and the requisite Chicago Public School curriculum is developed to include the police torture saga and victories to date.⁸⁰ It is a moral imperative that an accurate account of the role and agency of the affected community be taught. This must include the hundreds of voices of those tortured, their families, and community response. It means accurately reflecting the leadership and still-unfolding legacy of BPAPT, which organized to support the victims and families of police torture through its successful path-breaking local, national, and international work. Whether legal professionals, educators, or lay members of society, the model Frederick Douglass and Attorney Standish E. Willis provide for our collective benefit is that to know the full history of circumstances, legal cases, strategies, and outcomes including the seminal role of the oppressed people, better prepares us – together – to defend the future.

147, Dec. 16 2005, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>.

⁸⁰ *Reparations*, *supra* note 62.