Trial begins against ex-Chicago police commander accused of torture

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The federal trial began last week for former Chicago police commander John Burge, who has long stood accused of the torture of hundreds of poor, black prisoners beginning in the early 1970s.

During his 22-year tenure at the police department, Burge oversaw the routine coercion and abuse of suspects leading to confessions and countless wrongful convictions, including death sentences. The case is a window to the meat-grinder of the city's criminal justice system.

Burge is facing one count of perjury and two counts of obstruction of justice pertaining to a 2003 civil suit, in which he denied knowledge of torture under his command at Area 2 on Chicago's South Side.

Because of the state's statute of limitations, Burge cannot be charged in the torture allegations. For this reason, the federal attorney for the Northern District of Illinois, Patrick Fitzgerald, charged Burge in October 2008 with perjury and obstruction of justice instead. The charges are punishable by up to 45 years in prison.

Burge, a former military police trainer at an interrogation camp in Vietnam, entered a not guilty plea and is presently free on bond, still collecting a hefty police department pension.

The expiration of the statute of limitations for the torture charges was achieved only through a united front of official stonewalling. First among those responsible for this are longtime Chicago Mayor Richard Daley, and Richard Devine, the state's attorney for Chicago's Cook County. The two repeatedly declined to investigate charges against the Area 2 police unit over the years, in no small part because of the direct role the two played in the corrupt criminal justice system in the city.

When allegations of the abuse began surfacing in the 1970s, Daley was serving as the Cook County state's attorney, and Devine was his assistant. Their folded hands during this period not only allowed the abuse to continue, their silence represented a tacit approval of Burge's methods.

Many of the prisoners subjected to Burge's interrogations were convicted in the Cook County system of crimes they did not commit, their confessions the only scrap of evidence against them. In 2003, revelations of coerced confessions by prisoners facing execution in Chicago compelled then-Governor George Ryan to commute the sentences of all death row inmates—a decision that Cook County state's attorney Devine called "outrageous and unconscionable." Cook County's system accounted for 100 of the 167 commuted death sentences.

The great majority of former death row prisoners later proven innocent had been convicted in Cook County, including four Chicagoans to whom Ryan granted full pardons because they had been tortured into their confessions by Burge.

Two of Burge's victims took the stand last week at the Dirksen federal courthouse to describe their treatment. The first to testify on Thursday was Anthony Holmes, who was arrested in 1973 for a murder he did not commit. Now 63 years old, he served 33 years in prison.

Holmes had been a member of a gang on the poor, mostly black South Side. He told the court he first encountered the Chicago Area 2 police force when Burge and other officers broke down his door and arrested him, Burge putting a gun to his head. Holmes was taken to the headquarters for interrogation.

After he denied any involvement in a murder, Holmes said Burge left the room for a moment, then returned carrying a box. "He took the box and plugged it into the wall," Holmes testified. "He put one wire on my ankle (shackles), and I assume he put the other one on my handcuffs. He said, 'Nigger, you're going to tell me what I want to know.'" Burge shocked him repeatedly and suffocated him by tying plastic bags over his head until he passed out. When Holmes fell unconscious, Burge would

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remove the bag, revive him, and repeat the torture.

The *Chicago Tribune* published excerpts of his account on May 26. “He kept doing me like that; I didn’t know if it was daytime, nighttime—I just couldn’t take it. I was in a different world. All I know is that when he took the bag off, I’d say whatever he wanted me to say.”

According to the *Tribune*, during cross-examination, Burge’s attorney, Rick Beuke, “pummeled Holmes with questions about why Holmes didn’t tell more people about the abuse while he was in jail for the murder. ‘You spent 1973 to 2004 and told no one about being tortured?’” Holmes told the court, “I told the parole board but they didn’t believe me…. This happened to me. I can’t speak about anybody else, but this man and his crew tortured me. They didn’t have to, but they did. They tried to kill me.”

In 1973, Holmes also told his court-appointed public defender, Larry Sufferdin, about his treatment. Sufferdin, now Cook County commissioner, testified Thursday that Holmes had wept about the torture and abuse during their meetings together, but that Sufferdin never attempted to raise it as an issue during Holmes’ trial, nor make a motion to strike the false confession.

Melvin Jones, the second witness to testify against Burge, took the stand on Thursday. Like Holmes, Jones was arrested as a homicide suspect. Now homeless, Jones was convicted of homicide and spent almost seven years in prison before being retried and found not guilty. He maintained his innocence throughout his ordeal. He said that for four days in 1982, he was held at the Area 2 headquarters and tortured.

The *Chicago Sun Times* quoted portions of his testimony May 27. “He said his name was Lt. Burge and asked me if I was ready to confess and if I knew him. When I said, ‘No,’ he said I would know him before I would leave here,” Jones told the court. Jones said Burge attached wires to his penis and shocked him repeatedly and handcuffed him to the radiator, causing burns to his bare skin. “I was just thinking, he’s a madman,” he testified. “I told him he can’t do me like this. He said, ‘Who’s gonna tell?’ He looked at [another detective in the room] and said, ‘Do you see anything?’ And [the detective] just looked up at the ceiling.” Jones described other abuse, including being struck with a stapler so hard he still bears a knot on his head, and Burge cocking a gun against Jones’s temple and threatening to “blow [his] black head off.”

In a telephone interview with *Chicago Defender* reporter Kathy Chaney, published May 26, death row prisoner Stanley Howard recounted his encounter with Burge in March 1983. Howard maintains his innocence, and said that he was slapped and kicked by detectives, then suffocated with a plastic bag. “I came to because one of the guys was smacking me trying to wake me up. Then another officer kept kicking me in my left shin, every chance he got,” he said. Detectives took him to the crime scene and “spoon fed” him information they wanted him to include in his confession.

“When they figured out I wasn’t going to confess when the state’s attorney came, one of the officers uncuffed me and told me to run. Then another officer pulled out the gun,” Howard told the *Defender*. “I knew then they were willing to kill me to get a confession. They took me back to the police station and I was being suffocated. It was then that I decided to sign the confession. I shouldn’t have done it.”

Howard said he thought the confession would collapse under the scrutiny of the judicial system, but his case sailed through to a death penalty conviction. “I didn’t know that no Cook County judge wasn’t willing to stand up against that guy [Burge],” he told the paper. “I was sentenced to Death Row in 1987. I don’t understand why I’m still here. I need a new trial. I need some mercy.”

Many other similar accounts make clear that torture, racism, and sadism were routine conduct for the Chicago police force. It is also clear that Burge’s coworkers and superiors were aware of the abuse; the police department suppressed an internally-prepared report for several years in the early 1990s as abuse complaints mounted.

Moreover, the state’s attorney’s office, the prosecutorial prowess of which was bolstered by the endless stream of in-the-bag guilty murder cases Burge provided, resisted the public outcry over wrongful convictions and demands for a trial. Mayor Daley, state’s attorney Devine, and others are thus implicated in the decades of abuse.

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