REPARATIONS WON:

A CASE STUDY IN POLICE TORTURE, RACISM, AND THE MOVEMENT FOR JUSTICE IN CHICAGO

MIDDLE SCHOOL UNITED STATES HISTORY CURRICULUM

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Chicago Torture Justice Memorials

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Finally, we thank the survivors, activists and civic leaders who worked tirelessly to bring this story to light and ensure that all students in our city learn about this important moment in Chicago's history. As former President Barack Obama said at the opening of the National Museum of African American History: "The best history helps us recognize the mistakes that we've made, and the dark corners of the human spirit that we need to guard against. And yes, a clear-eyed view of history can make us uncomfortable. It will shake us out of familiar narratives. But it is precisely because of that discomfort that we learn, and grow, and harness our collective power to make this nation more perfect."

Chicago Public Schools is the third largest school district in the United States with more than 600 schools providing education to almost 400,000 children. At Chicago Public Schools, our mission is to provide a high-quality public education for every child in every neighborhood that prepares them for success in college, career, and community.

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UNIT OVERVIEW

> The torture and other abuse committed by Burge and officers under his command are a disgrace to the City and to the hard-working men and women of the Chicago Police Department. To remind the City of the injustices that occurred and to ensure that they are not repeated, the City will acknowledge and educate the public about this dark chapter in Chicago's history.
>
> "Reparations for Burge Torture Victims" Memorandum of Understanding

This eighth-grade unit is one of two educational units developed for teachers and students in Chicago Public Schools in response to the reparations package agreed to by the city of Chicago in 2015. This unit is designed to teach basic information about the torture of persons conducted under Commander Jon Burge of the Chicago Police Department and the legacy of this experience. The unit presents this scandal within the context of the role of the police in the criminal justice system: the police are tasked with maintaining public safety, investigating crime, and arresting suspects accused of crimes, and doing these tasks impartially. People arrested by the police and charged with crimes are guaranteed certain fundamental rights applied with due process of law under the Constitution. Torture is illegal because it violates both the mandate of the police and the rights of citizens.

This unit also explores the specific racial context of the scandal. Burge and almost all the officers involved were white. Almost all those who were tortured in police custody were black. Evidence and stories about these abuses, however, were ignored or discounted for many years outside the African American community. Activists in Chicago's black community worked for many years to uncover the scandal, to curtail the torture program, to seek justice for its victims, and to gain public acknowledgment of the systemic nature of these abuses, eventually winning an unprecedented series of state and local government responses.

Because this unit deals with topics that are deeply troubling and may elicit emotional responses from students—indeed, some students' families and friends may have been personally affected by the police torture scandal—Part 1 uses a Talking Circle strategy to begin building the classroom environment necessary to deal with difficult issues. Part 2 introduces students to the role of the police and the constitutional rights that serve as a protection against abuse of police power.

Part 3 presents the specific facts of the Chicago police torture scandal; using a combination of primary and secondary materials, students gain background about Jon Burge, Chicago history, and several actual cases of torture against African American men. In Part 4, students examine the responses taken by the survivors themselves, community activists, and attorneys interested in their cases. Part 5 turns to three government responses won by the survivors and their allies: the investigation and prosecution of Jon Burge; the creation of the Illinois Torture Inquiry and Relief Commission (TIRC); and the "Reparations for Burge Torture Victims" ordinance of the Chicago City Council. Using packets of primary sources, students work in small groups to create posters that explain and then debrief these government actions.

Part 6 looks to the future, asking students to think about what actions the city, particularly the police department, and members of the community can take to improve police-community relations and the safety of Chicago's neighborhoods.

The unit concludes with an assessment in which students write an op-ed providing the perspective of a youth of Chicago on a strategy to prevent future problems like the Burge torture scandal. Students must recommend an action that community members can take, as well as an action the police/city can take to build positive relations and prevent future problems. Their piece must draw on their knowledge of the scandal to justify their recommendations.

The Appendix provides extensions that teachers can use to go deeper with selected topics, as well as resources.

Essential Questions

- What is the proper role of the police?
- What factors allowed the police torture of Chicago's citizens to occur?
- How did people and organizations use the legal system and community action to seek justice for torture survivors, their families, and the community?
- What can we learn about racism by studying and discussing difficult episodes in history?

Enduring Understandings

- The role of the police includes maintaining public safety, investigating crime, and arresting suspects accused of crimes, doing all of these tasks impartially.
- The program of torture conducted by Jon Burge and other officers of the Chicago Police Department must be understood through the racial and institutional context in which it happened.
- Actions against Jon Burge and reparations for those who suffered torture were the result of decades of struggle by a variety of groups, particularly within Chicago's Black community.
- Because difficult historic episodes often represent enduring issues or conflicts, studying and discussing them can help us understand contemporary controversies.

ISBE Standards

- ISBE.SS.IS.7.6-8: Critique the structure and credibility of arguments and explanations (self and others).
- ISBE.CV.1.6-8: Evaluate the powers and responsibilities of citizens, political parties, interest groups, and the media.
- ISBE.SS.CV.2.6-8: Analyze the power and limits of governments, public officials, and bureaucracies at different levels in the United States and other countries.
- SS.CV.5.6-8: Apply civic virtues and democratic principles in school and community settings.

Common Core Standards

- CCSS.ELA-LITERACY.RH.6-8.1: Cite specific textual evidence to support analysis of primary and secondary sources.
- CCSS.ELA-LITERACY.RH.6-8.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

- CCSS.ELA-LITERACY.SL.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 8 topics, texts, and issues, building on others' ideas and expressing their own clearly.
- CCSS.ELA-LITERACY.SL.8.2: Analyze the purpose of information presented in diverse media and formats (e.g., visually, quantitatively, orally) and evaluate the motives (e.g., social, commercial, political) behind its presentation.
- CCSS.ELA-LITERACY.SL.8.4: Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

ISBE Social Emotional Learning Standards

- 1C. Demonstrate skill related to achieving personal and academic goals
    - 3a. Set a short-term goal and make a plan for achieving it.
- 2A. Recognize the feelings and perspectives of others.
    - 3b. Analyze how one's behavior may affect others.
    - 4a. Analyze similarities and differences between one's own and others' perspectives.
    - 4b. Use conversation skills to understand others' feelings and perspectives.
- 2B. Recognize individual and group similarities and differences.
    - 4a. Analyze the origins and negative effects of stereotyping and prejudice.
    - 4b. Demonstrate respect for individuals from different social and cultural groups.
- 2C. Use communication and social skills to interact effectively.
    - 3b. Demonstrate cooperation and teamwork to promote group effectiveness.
    - 4b. Evaluate one's contribution in groups as a member and leader.
- 2D. Demonstrate an ability to prevent, manage, and resolve interpersonal conflicts in constructive ways.
    - 4a. Analyze how listening and talking accurately help in resolving conflicts.
- 3A. Consider ethical, safety, and societal factors in making decisions.
    - 3a. Evaluate how honesty, respect, fairness, and compassion enable one to take the needs of others into account when making decisions.
- 3C. Contribute to the well-being of one's school and community.
    - 3b. Evaluate one's participation in efforts to address an identified need in one's local community.
    - 4b. Plan, implement, and evaluate one's participation in a group effort to contribute to one's local community.

Part 1: Unit Launch

Introduction:

Police-community relations and contemporary or historic occasions when those relationships devolve into violence are emotionally challenging for people to discuss, no matter the race, age, or life circumstances of those involved in the conversation. This lesson is designed to set standards for classroom discussion of such events and begin building a safe environment for student discussion of the Chicago Police Department torture scandal involving Jon Burge and officers under his command. It may be helpful to have a counselor or other personnel with expertise in social-emotional learning in the classroom for this first difficult discussion.

The lesson uses the talking circles strategy, which is adapted from consensus-building traditions of some Native American nations. When used in the classroom, the talking circle is designed to provide a safe place for connection and dialogue; it is different from other classroom discussions because it does not involve persuasion or lead to a predetermined outcome but instead values personal experiences and stories and the opportunity to learn from one another.

As the teacher, your role will be twofold—(1) to facilitate the talking circle and ensure that the environment is safe for students and (2) to participate in the circle, demonstrating that your story shapes your ideas and views and that you can learn from students' stories. If you have not used the talking circles strategy before, you may want to do some reading about the technique and/or attend a Talking Circles training. An excellent and practical tool is the CPS Restorative Practice Toolkit, which features information on how to integrate restorative practices into the classroom (p. 30-34) and instructions on talking circles (pg. 63-73). Links to pdfs of these two sections can be found here. If you and your students are unfamiliar with this approach, you may find it useful to practice the talking circle with less sensitive topics so students become familiar with the routine.

Essential Question:

- What can we learn about racism, both systemic and individual, by studying and discussing difficult episodes in history?

Enduring Understandings:

- Because difficult historic episodes often represent enduring issues or conflicts, studying and discussing them can help us understand contemporary controversies.

ISBE Social Science Standards:

- SS.CV.5.6-8: Apply civic virtues and democratic principles in school and community settings.

Common Core Standards:

- CCSS.ELA-LITERACY.SL.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 8 topics, texts, and issues, building on others' ideas and expressing their own clearly.

Social-Emotional Learning Standards:

- 2A.4a. Analyze similarities and differences between one's own and others' perspectives.
- 2A.4b. Use conversation skills to understand others' feelings and perspectives.
- 2C3b. Demonstrate cooperation and teamwork to promote group effectiveness.

Learning Outcomes:

Students will know:

- Factors that contribute to their own and others' views on the police.

Students will be able to:

- Participate in a talking circle, sharing their own stories and learning from others.

Vocabulary: *talking circle, torture*

Time: 1 class period

Materials and Preparation:

- Handout: ***Streams and Rivers: Influences on Your Views***
- ***Talking Circle Guidelines*** to project or a copy of the guidelines written on the board
- Student journals
- Arrange the classroom so that students can sit in a circle that will allow them to make eye contact with all of their classmates.
- Choose an item to serve as your talking piece. It should be small enough to easily pass from person to person—a small ball or stress-relief toy (i.e., one that is squeezable) can work.
- Clear a substantial area of the classroom wall and cover it with sheets of flip-chart paper. Divide the area in half, labeling one part "Silent Discussion" and the other "Graffiti Wall."

Procedure:

1 Tell students that they are going to be learning about a series of events in Chicago history that may be difficult to understand and to talk about. These events involve the police, racism, torture, and a process of seeking justice that took many years. As students learn about these events, they may find themselves angry, confused, sad, disbelieving . . . in short, they may experience a range of emotions. Their reactions will be shaped, in part, by the experiences and ideas they bring to the study. For students to learn about and from events such as these, everyone in the class must feel safe in discussing their reactions and must be open to hearing other people's perspectives.

2 Explain that you are going to be using a strategy called a Talking Circle. It is different from discussions or debates when you are trying to persuade people to agree with your position; its purpose is to connect with each other, share stories, and learn from one another. In a Talking Circle,

SEL Focus: *If you have never used the Talking Circle strategy with your class before, you may want to consider trying it out a few times as a class before this lesson. Students may need to strengthen skills in listening, perspective taking, and communicating their thoughts to the group. Before your first circle, explain to your students that the purpose is to get to know each other, share experiences and ideas, take care of each other, and support each other. For more ideas about what to do during a Talking Circle, see pages 30-34 and 63-73 in the CPS Restorative Practices Toolkit.*

the person who is holding the talking piece is the only one who speaks. There are different ways of using the talking piece, but your class will begin by passing the piece around the circle clockwise, giving everyone a chance to speak. Ask if students have any questions about the talking piece.

3 Draw students' attention to the ***Talking Circle Guidelines*** and go over them to make sure students understand. Allow time for students to suggest and discuss possible revisions or additional guidelines.

4 Tell students you are going to break the ice by asking them to describe something about their neighborhood that they especially like or dislike. Start by describing what you like or dislike about your own neighborhood, modeling honesty and brevity in your answer. Allow time for all students to respond as the talking piece circulates; students are free to pass if they wish to.

5 Distribute the ***Streams and Rivers: Influences on Your Views*** handout, explaining that it presents a way of graphically representing the factors that have influenced an individual's views on a particular topic. Because this unit has to do with police and the torture of citizens, students' attitudes toward the police will affect how they respond to the unit. Therefore, today they are going to use the handout to identify factors that influenced their views on the police. Go over the directions on the handout and allow time for students to work on their individual graphics.

6 Draw students' attention back to the circle and explain that each student is going to have a chance to share part of their story, the factor that has most influenced their views about the police. As students share and listen, they should remember that their goal is to connect with and learn from one another, to get a broader perspective on how people's views are shaped through different experiences. Start the circle with a different person this time, and ask students to share their story when the talking piece comes to them. Again, students should have the opportunity to pass.

SEL Focus: *During a Talking Circle, you want students to share authentically, and for all students to respect what is said even if they disagree. Model for your students by validating and acknowledging all feelings and opinions expressed in the circle, even if you don't agree with what is expressed. When a student shares something difficult, don't try to give an answer or wrap up neatly—instead, approach the student at an appropriate time after the circle and ask what they need.*

Before you begin the circle, you may want to set expectations as to what type of sharing is appropriate. A good rule of thumb is that students should not share a story that another person would consider private or would be uncomfortable sharing, whether that person is in the room or not. To manage the impulse to respond aloud after someone shares, choose a silent signal as a class that anyone can use to express support or agreement.

7 Thank students for contributing to the class understanding of how perspectives on the police are shaped and for speaking and listening from the heart. Let students know that they will have the opportunity to participate in additional Talking Circles and should feel free to request a Talking Circle when they are feeling the need to process their response to what they are learning. Point out the area of the classroom wall that you have set aside for student commentary, explaining that on the "Silent Discussion" side, they can post comments or questions that they want classmates to respond to, also in writing. Students can use the "Graffiti Wall" to more creatively process their responses, posting words, drawings, photographs, poems, etc., within the bounds of acceptable classroom language. You may decide to include an activity where you model and then allow students to interact with these areas so that they are comfortable with them moving forward.

Closure:

Distribute the student journals and explain that students will be writing in their journals throughout the unit. Give the following assignment for the first journal entry: What did you learn from taking part in the Talking Circle today? Explain one similarity and one difference you have discovered between yourself and others in the class.

Assessment:

Because this lesson is designed as preparation for discussing the Burge case, assessment should be formative, focusing on determining where students might have difficulties in learning and talking about the Burge case. To address any concerns you have, you may want to plan an additional talking circle on a specific question that you think will bring out issues that students need to reflect on at this point in the unit.

Talking Circle Guidelines

1 Only the person with the talking piece speaks. Everyone else listens actively without interrupting, arguing, or offering advice.
2 Everyone has an equal voice in the circle.
3 Everyone gets a chance to speak, but no one is forced to speak.
4 Everything said in the circle is confidential, unless what is said reveals a risk of harm to self or others.

Are there any other guidelines that would help you feel safe in this circle? Can we all agree to uphold these guidelines?

Agree as a class on how to respond respectfully if any of these guidelines is not followed.

Handout: Streams and Rivers: Influences on Your Views

Like the streams and small rivers that come together to form a larger river, your views are made up of many factors. Some may have a large influence on your thinking on a specific issue, some a small influence. You may not even be aware of all the influences.

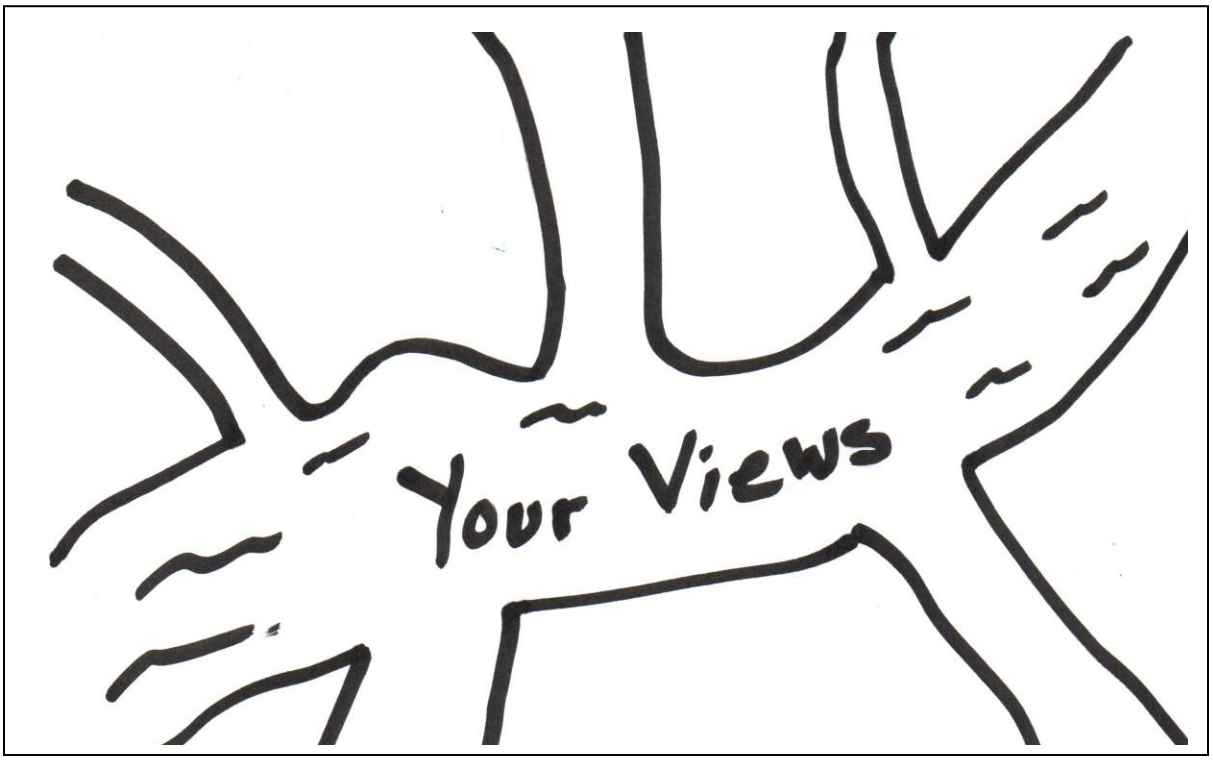
Here are some kinds of factors that may influence your views:

- Your personal experiences
- Your personal values—what you believe is right and wrong
- Your self-interest—what you think will be helpful or harmful to you
- The experiences and ideas of family, friends, and other people you respect
- The news media

You may think of other kinds of factors that have influenced you.

Think about your views on the police. What factors contribute to those views? Put the things that have the largest influence on your views in the larger "streams" running into the river. Be specific. For example, don't just write "my values," write "I believe in fairness and I do/don't think the police are fair." You can have two streams that are the same kind of factor—for example, two streams could be two different personal experiences. You can also add more streams/influences than are shown in the drawing.

Based on the drawing, what would you say influences your views on police? Did completing this graphic provide any insights into how your views have been shaped?



Part 2: The Role of the Police

Introduction:

This lesson introduces students to the role of the police and briefly explains some of their primary functions. It then draws students' attentions to how constitutional rights can serve to balance police power.

Essential Questions:

- What is the proper role of the police?

Enduring Understandings:

- The role of the police includes maintaining public safety, investigating crime, and arresting suspects accused of crimes, doing all of these tasks impartially.

ISBE Social Science Standards:

- ISBE.SS.IS.7.6-8: Critique the structure and credibility of arguments and explanations (self and others).
- ISBE.SS.CV.2.6-8: Analyze the power and limits of governments, public officials, and bureaucracies at different levels in the United States and other countries.

Common Core Standards

- CCSS.ELA-LITERACY.SL.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 8 topics, texts, and issues, building on others' ideas and expressing their own clearly.
- CCSS.ELA-LITERACY.SL.8.4: Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

ISBE Social-Emotional Learning Standards:

- 2B.4a. Analyze the origins and negative effects of stereotyping and prejudice.
- 2D.4a. Analyze how listening and talking accurately help in resolving conflicts.

Learning Outcomes

Students will know:

- The role of the police, generally and as outlined by the Chicago Police Department.
- Why impartiality in enforcing the law is important to the police and the community.
- How constitutional rights protect the people from overreach of police power.

Students will be able to:

- Write a vision statement.
- Work in small groups.
- Identify constitutional rights relevant to particular situations.

Time: 1-2 class periods

Vocabulary: *mission statement*, *impartial, constitutional rights, accused, presumption of innocence, due process, self-incrimination, double jeopardy, jury*

Materials and Preparation:

- Handout: ***Designing a Police Department***
- Handout: ***The Mission of the Police***
- Handout: ***The Rights of the Accused***
- Flip chart paper, markers, and tape

Procedure

Part I: Writing a Mission Statement for the Police

1 Tell students to imagine that they are starting a new town. All of the residents are working on figuring out different aspects of how the town will be governed. Your class has been assigned to think about the police department. Distribute ***Designing a Police Department*** and make sure students understand the questions. Tell students they will have 15 minutes to discuss the questions in small groups. Organize the students into groups of three or four to discuss the questions, providing flip chart paper and markers for groups to use in writing their mission statements.

2 When 15 minutes are up, ask students to post their mission statements. Then conduct a class discussion, using the following questions:

- Is a police department necessary in today's world? Why or why not?
- What are the most important functions of the police?
- Let's look closely at our mission statements. What similarities do you see? What words appear in several of the statements? What differences do you see? What do you think accounts for the differences?

3 Tell students they are going to have the chance to compare their mission statements with the mission statement of the Chicago Police Department. Distribute the handout ***The Mission of the Police***. Go over the mission statement with students, helping them define any unfamiliar vocabulary. Then allow time for student groups to discuss the handout questions.

4 Ask students to share the changes they would make to the CPD mission statement. Draw students' attention to the requirement that CPD administer the law impartially and ask them to consider the implications of this part of the mission statement in dealing with a diverse community.

5 Remind students that history and literature are full of examples of people misusing their power. The Constitution gives us rights to help ensure that law enforcement and the courts cannot misuse their power. In the next part of the lesson, students will be introduced to these rights.

Part II: A Balancing Act

1 Tell students that the Constitution protects a number of rights that help balance the power of the police. Understanding these rights, often called the rights of the accused, can be very important in dealing with law enforcement. Ask students to define *the accused.* (*Person or people arrested or charged with committing crimes.)*

2 Ask students: When you find out that someone has been arrested and accused of a crime, what do you think about that person? Do you say to yourself, "I think that person is guilty" or "I think that person may be innocent"? Allow time for students to share thoughts on this question. Probe for reasons for their perceptions.

3 Explain that the system of justice in the United States is based on the idea that a person is **innocent until proven guilty**. To be sure that people are treated as though they were innocent until proven guilty, the Bill of Rights includes guarantees that ensure what is called **due process** under law. Explain that *due process* means the government must use fair procedures to determine guilt. These ideas are protections against the government being able to abuse its power.

4 Ask students to imagine they were accused of doing something that they didn't do. Ask, "What rights would you want to have to make sure that you were treated fairly and got a fair trial?" Post answers on the chalkboard. Tell students they are going to examine three of these rights protected by the Bill of Rights.

5 Distribute **The Rights of the Accused** and go over the first page with the entire class, clarifying unfamiliar terms and helping students understand how each right protects people from misuse of power.

6 Have students return to their groups from the first part of the lesson and complete the second page of the handout in their groups.

7 Debrief by reviewing answers to the scenarios. The most likely answers are as follows, but students may be able to justify other answers as well.

- 1. Freedom from cruel and unusual punishment, protection from self-incrimination
- 2. Right to an attorney, protection from self-incrimination, right to be informed of charges
- 3. Protection from double jeopardy
- 4. Freedom from cruel and unusual punishment

Closure:

Ask students to write in their journals, reflecting on (1) how the views about the police that they discussed in Part 1 of the unit influenced their response to what they learned in this lesson or (2) which right they learned about in this lesson is most important in balancing the power of the police.

Assessment:

Ask each student to write a brief (four to eight sentence) letter to a city decision maker explaining two ideas from this lesson that they think prospective police officers should learn about at the police academy and why those ideas are important for police officers to understand.

Handout: Designing a Police Department

Imagine that you have been asked to make a plan for the police department in a new community. Use the following questions to guide your planning?

1 Is a police department needed in a new city? Why or why not?

If you said a police department is needed:

2 Which of the following purposes for having a police department is most important to your group? Choose three.

___ Protect the people's safety
___ Protect people's freedom
___ Protect property
___ Investigate crime
___ Gather evidence
___ Arrest suspects accused of crimes
___ Maintain order
___ Help people in times of crisis or emergency
___ Educate people, including students, about the law, law enforcement, and being safe
___ Build community involvement
___ Solve disputes among citizens

3 Using the purposes you chose in answering question 2, write a mission statement for the new police department. A mission statement is a brief written declaration—one or two sentences—that explains what an organization wants to achieve.

If you said a police department is not needed:

4 How will you achieve the purposes outlined in number 2 above? Choose three of those purposes that you think are important for a community. Then describe how you would make them happen without a police force? Would you have some other kind of organization to work on these purposes? Would you organize the community to achieve them? Be as detailed as you can.

5 Write a mission statement for the organization that will be take on the job of achieving the purposes you selected from number 2 above. A mission statement is a brief written declaration—one or two sentences—that explains what an organization wants to achieve.

Handout: The Mission of the Police

The following is the mission statement for the Chicago Police Department:

The Chicago Police Department, as part of, and empowered by, the community, is committed to protect the lives, property, and rights of all people, to maintain order, and to enforce the law impartially. We will provide quality police service in partnership with other members of the community. To fulfill our mission, we will strive to attain the highest degree of ethical behavior and professional conduct at all times.

1 Read each sentence of the mission carefully. What does each sentence mean to you?

Sentence 1: _____

_____

Sentence 2: _____

_____

Sentence 3: _____

_____

2 How is the CPD mission statement similar to the mission statement you wrote? How is it different?

_____

_____

3 If you could change one thing in the CPD mission statement, what would it be? Explain your choice.

_____

_____

Handout: The Rights of the Accused

Three amendments to the Constitution—changes added to the Constitution—are especially important when people are involved with law enforcement: the Fifth Amendment, the Sixth Amendment, and the Eighth Amendment. Here's a summary of what each protects.

The Fifth Amendment protects several important rights:

- Right to a grand jury. When a person is charged with a serious crime, the government must convince a grand jury that there is enough evidence to justify their prosecution.
- Protection from double jeopardy. If a person is found innocent of a crime, he/she can't be tried again for the same crime.
- Protection from self-incrimination. People cannot be forced to provide evidence against themselves (such as a confession) or to testify in court.
- Right to due process. People's life, freedom, and belongings cannot be taken from them without fair actions being used.

The Sixth Amendment also protects several important rights:

- Right to a speedy trial. A person accused of a crime has the right to a trial soon after being charged. The trial must be open to the public and held in the area where the crime was committed.
- Right to a trial by jury. The person has the right to have other citizens—a jury—decide their case.
- Right to be informed. The police and prosecution must inform the person of the crime they are being accused of. The accused person has the right to know what evidence the prosecution has.
- Right to confront the accuser and compel testimony. The accused person has the right to question witnesses who are providing evidence against him/her. The accused person can force people to testify on his/her behalf.
- Right to an attorney. The accused person has the right to a lawyer.

The Eighth Amendment protects these rights:

- Right to bail. People who have been arrested can be set free until their trial if they pay money to the court. This money, called bail, must be a fair amount.
- Protection from excessive fines. When a person has been found guilty of a crime, any fine that is part of punishment must be fair.
- Protection from cruel and unusual punishment. The government cannot use cruel or unusual ways to punish people. This applies both before and after a person has been convicted of a crime.

Decide which rights identified on the previous page would be important in checking the power of law enforcement in each scenario.

1 Police officers physically and psychologically abuse people in custody, hoping they will confess.

a. _____

b. _____

2 A person is arrested and questioned by the police. She doesn't really understand the purpose of the questions being asked. She doesn't even know why she is being questioned. She decides to answer everything as truthfully as she can. After many hours of question with no one to help her, a police officer who is very good at questioning gets her to say she took part in the crime.

a. _____

b. _____

c. _____

3 A person is arrested and charged with murder. He is found not guilty in a jury trial. The police and prosecutor are very angry and refile the charges, asking for a new trial.

a. _____

4 A teenager gets seven traffic tickets in the first year after getting his driver's license. A judge sentences him to life in prison.

a. _____

Part 3: Jon Burge and Persons Tortured by Police in Chicago

Introduction:

This lesson focuses on the specific facts of the Chicago police torture scandal. The lesson provides a concise overview of the scandal. It offers a definition of torture drawn from U.S. law and explains why torture is a violation of constitutional rights. The lesson presents background about Jon Burge and sets the scandal in the context of Chicago history. Students review materials from the cases of three torture victims through a combination of primary and secondary sources in various media.

Essential Questions:

- What factors allowed the police torture of Chicago's citizens to occur?
- What can we learn about racism by studying and discussing difficult episodes in history?

Enduring Understandings:

- The criminal program of torture conducted by Jon Burge and other officers of the Chicago Police Department must be understood through the racial and institutional context in which it happened.
- Because difficult historic episodes often represent enduring issues or conflicts, studying and discussing them can help us understand contemporary controversies.

ISBE Standards:

- ISBE.CV.1.6-8: Evaluate the powers and responsibilities of citizens, political parties, interest groups, and the media.
- ISBE.SS.CV.2.6-8: Analyze the power and limits of governments, public officials, and bureaucracies at different levels in the United States and other countries.

Common Core Standards:

- CCSS.ELA-LITERACY.RH.6-8.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.
- CCSS.ELA-LITERACY.SL.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 8 topics, texts, and issues, building on others' ideas and expressing their own clearly.
- CCSS.ELA-LITERACY.SL.8.4: Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

ISBE Social Emotional Learning Standards:

- 2A.4b. Use conversation skills to understand others' feelings and perspectives.
- 2B.4b. Demonstrate respect for individuals from different social and cultural groups.
- 2C.4b. Evaluate one's contribution in groups as a member and leader.

Learning Outcomes:

Students will know:

- Dates and major statistics about the police torture in Chicago conducted under Jon Burge.
- U.S. and international laws that make torture illegal.
- A definition of torture
- The practices used in the Chicago police torture scandal.

Students will be able to:

- Work in small groups to assess different scenarios.
- Reach and explain a common decision.

Time: 1-2 class periods

Vocabulary: *torture*, *coercion*, *false confession*

Materials and Preparation:

- Handout: ***The Chicago Police Torture Scandal***
- Handout: ***Map of Chicago Police Department Areas 2 and 3***
- Decide in advance whether you will use Option A or Option B for Part III so you can copy the appropriate handout(s): for Option A, you will need two Handouts: ***The Case of Andrew Wilson*** and ***The Case of Marcus Wiggins;*** for Option B, you will need one Handout: ***Drawing of Darrell Cannon***
- Decide if you wish to use images showing emotions as part of the debrief in Part III; images are available on the CPS Google Docs site: https://docs.google.com/a/cps.edu/document/d/1L0eiKVZt3N6ZoQCVo0tPC-pg90GdLOk4fJDXrKbcTxs/edit?usp=drive_web
- Equipment for projecting the map

Procedure:

Part I: Police Torture in Chicago

1 Distribute the handout ***Police Torture in Chicago*** and the ***Map of Chicago Police Department Areas 2 and 3***. Read together the opening paragraph. Explain that this lesson is devoted to some of the basic facts about what happened.

2 Confirm the location of Police Areas 2 and 3 (if possible, project the map onto a wall or screen). Establish their locations with reference to the location of your school and any landmarks familiar to your students (e.g., Loop, major expressways, Lake Michigan, so on).

3 Organize students into four groups. Assign each group one of the four subsections of the reading. Task them with reading their selection, identifying the main ideas, circling any words or phrases about which they have questions, and preparing to share this information with their classmates. Have each group report out (in order) when ready.

SEL Focus: *Parts of this reading may be upsetting for students. Before passing out the reading, emphasize the enduring understanding that studying difficult historic events can help us understand contemporary controversies. Nonetheless, we must be trauma-sensitive in our approach to this reading and recognize that some students may be emotionally triggered by what they read. Do let students know that they may read details and words that are upsetting. Set up a reflection space in your classroom with writing paper and another quiet activity or two, and welcome students to excuse themselves to this space if they feel like they need to for any reason—they can free-write or give you a signal that they'd like to speak with you. Check in privately with students who choose this option.*

4 Divide the board into "main ideas" and "questions to answer." List information in each panel for each presentation. As a class, work to define those terms or phrases that need further explanation.

Part II: Reflection Quartets

1 Acknowledge that this experience is very hard to learn about for everyone, including you. Explain that the class will use a special technique to allow everyone to express what they are thinking and feeling about these terrible incidents in a safe way. No one will be required to say anything to the entire class—this is just a way to release the thoughts and feelings in a small group.

2 Ask students to form quartets. In each quartet, have students count off by four. (**Note:** You may form the quartets randomly or intentionally as you think best for your class.)

3 On your mark, Student 1 will have 60 seconds to say whatever they are thinking or feeling; the other three students will listen. Repeat this process for Students 2, 3, and 4.

SEL Focus: *This is an important place in the lesson to practice empathy. Help students to anticipate that different people with different life experiences will have different reactions to what they have learned today. Everyone in their group has the right to speak what is true to them. If students do not agree with the responses of their classmates, that's okay—they should focus on listening actively, understanding their point of view, and showing that person that they care about what they have to say. Ask students what that might look like and sound like during this activity.*

After the sharing is complete, reflect aloud with your class about how you observed empathy in action during this activity (the listening posture, students did not interrupt each other, group members showed with their body language that they respected different reactions, etc.).

4 Once everyone has spoken, check to see how the students are feeling. You can use a Five Finger assessment (5 fingers up is OK, 4 is pretty good, 3 is not sure, 2 is having some trouble, 1 is feeling very uncomfortable talking about this). Teachers should note students who indicate a 1 and follow up with them privately to learn what they need to feel ready to proceed with the lesson the

following day. It may be necessary to bring the class together in a Talking Circle or a positive activity unrelated to the unit until you feel they are ready to continue.

5 Close this activity with an empathetic statement such as, "Thank you for sharing your thoughts and feelings about what can be a difficult topic. Be sure to keep checking in with yourself and others throughout the day today and even tomorrow to see how you are feeling and if at any time you are finding yourself at a 1, 2, or 3, don't hesitate to talk to me or anyone else you feel comfortable with."

Part III

Option A: Two Stories of Police Torture

1 Divide the class into two groups. Distribute the handout ***The Case of Andrew Wilson*** to the first group, and ***The Case of Marcus Wiggins*** to the second group. Explain that these are two of the more than 100 documented cases of police torture from the scandal.

2 Ask each group to answer the following basic questions:

- Who was the person subjected to torture? Who conducted the torture?
- When did the torture take place?
- Where was the torture conducted?
- What was done to this person?
- What happened afterward to the person who was tortured?

Check for understanding and accuracy with each group before proceeding.

3 Bring the students together in groups of four—two from each case. Ask each group to share information from their case.

4 You may wish to conclude this option by returning to the listening quartets or using the Talking Circle. If you choose to process the reading using a Talking Circle, begin with a lower pressure prompt, such as one of the following:

- Use one word to describe the emotion you felt while learning about the experiences of these two men.
- If you were introducing Mr. Wilson and Mr. Wiggins at a school assembly, how would you describe them?
- Imagine that you are making a film about these two men's experiences. What song would you use as background music?

Alternatively, you may choose to provide students with a variety of images and ask them to choose one that represents how the people who were tortured may have felt. Ask them to explain why they chose this image. Then, proceed to a question that prompts students to think about a productive way to channel their emotions, such as "Is it possible to do something to achieve justice for these men? What do you think should be done to make sure torture does not happen again in our city?"

Option B: A Drawing by Darrell Cannon

1 Distribute the handout ***A Drawing by Darrell Cannon*** to the entire class. Explain that this is from one of the more than 100 documented cases of police torture from the scandal.

2 Working together, ask the students to answer the following basic questions:

- What do they see? What persons and objects appear in the drawing? What appears most important to the artist?
- What do the words say? What is a caption, and what is a description?
- What do the people in the drawing feel? What is your evidence?
- How does this drawing make you feel?

3 You may wish to conclude this option by returning to the listening quartets or using the Talking Circle. If you choose to process the illustration using a Talking Circle, begin with a lower pressure prompt such as:

- Use one word to describe the emotion you felt while looking at this drawing.
- If you were introducing Mr. Cannon at a school assembly, how would you describe him?
- Imagine that you are making a film about Mr. Cannon's experiences. What song would you use as background music?

Then, proceed to a question that prompts students to think about a productive way to channel their emotions, such as "Is it possible to do something to achieve justice for Darrell Cannon? What do you think should be done to make sure torture does not happen again in our city?"

Closure:

Ask students to write a brief (four- to six-sentence) paragraph in their journals about the case of Darrell Cannon, Andrew Wilson, or Marcus Wiggins. Ask them to summarize what happened in their own words and to share one reason why they selected that case. Encourage students to describe their emotions. Review these journal entries and follow up with students privately if you see that they have had a particularly strong reaction or connection to these stories, or to determine whether you should refer any students to your school counselor for additional support.

Assessment:

Have students complete a 3-2-1 exit ticket as their assessment for the lesson: 3 ways in which torture affected the survivors, 2 reasons torture is illegal or unconstitutional, and 1 definition of torture.

Handout: Police Torture in Chicago

Between 1972 and 1991, Chicago Police Commander Jon Burge and officers who worked for him tortured more than 100 men in their custody. The torture occurred on Chicago's Southeast and West Sides. Burge and most of his officers were white. Nearly all of the people they tortured were African American. For many years, people outside the black community did not believe the claims of people who were tortured.

Torture is illegal in the United States. Even the government—including local and federal police officers—cannot legally torture a person. Persons who are suspected or charged with a crime cannot be tortured to give evidence. Yet this terrible scandal occurred. What happened?

Defining Torture

Under U.S. laws, torture is:

> an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control (18 United States Code § 2340)

People who are found guilty of committing torture can be sentenced to up to 20 years in jail. If someone dies as a result of torture, the torturer can be sentenced to life in prison. A person who helps plan torture but does not actually torture someone is subject to the same penalties.

Torture violates the following rights protected under the U.S. Constitution:

- Protection against excessive force (Fourth Amendment)
- Right to an attorney (Fifth Amendment)
- Protection against self-incrimination (Fifth Amendment)
- Protection against cruel and unusual punishment (Eighth Amendment)
- Right to due process (Fourteenth Amendment)

Torture also violates international law. The United Nations Convention Against Torture (1984) defines and prohibits torture. The United States has signed this convention.

Jon Burge and His Times

Jon Burge was born and raised on the Southeast Side of Chicago. He graduated from Bowen High School. Burge served in the U.S. Army, working at a prisoner of war camp in Vietnam. He joined the Chicago Police Department in 1969. In 1972 Burge was promoted to the rank of detective. Later that year, the first documented cases of police torture took place. More than 100 cases would occur before Jon Burge was fired in 1993.

Chicago in the 1970s reflected what was happening in the United States. The nation was fighting an unpopular war. This war created great controversy among Americans. Like other cities, Chicago was

divided by race and class. Inflation and increasing gas prices ate away at people's incomes and savings. By the first part of the 1980s, the U.S. economy was faltering. Chicago's great steel industry, which had powered the nation's economy for decades, collapsed. Manufacturers closed their plants and moved to other states or overseas. Many people in Chicago and across the country felt that the American dream did not work anymore.

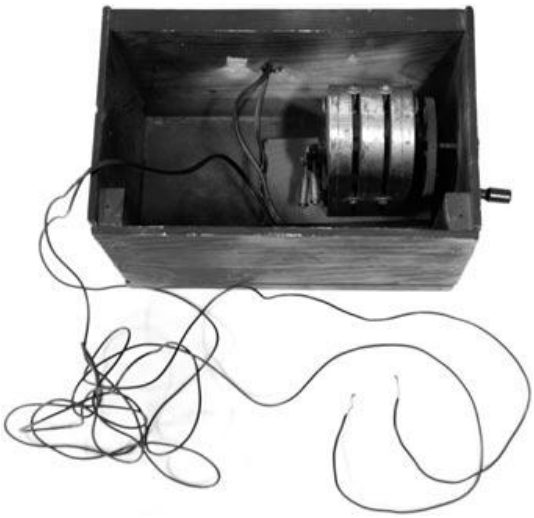
Crime surged in the 1970s and 1980s. The murder rate in Chicago and across the country climbed to twice what it was in the early 1960s. In Chicago, the rate of major crimes rose from 3,000 crimes for every 100,000 people in 1970 to 6,000 in 1980. It climbed to more than 10,000 in 1990. People felt threatened. They responded positively to leaders who promised to be "tough on crime" and criminals.

Chicago and its police department reflected these trends. Two incidents brought attention to the department:

- In August 1968, the Democratic National Convention was held in Chicago. Many demonstrators were on hand. Police clubbed demonstrators, beat reporters, and even attacked ordinary citizens who were nearby. There were 668 arrests, and 192 police officers were injured. Images of police attacking demonstrators were seen around the world.
- In December 1969, Black Panther Party leaders Fred Hampton and Mark Clark were shot and killed by officers working for the state's attorney. The police claimed that Hampton and Clark were heavily armed. An investigation disproved these claims. Hampton's and Clark's relatives won a multimillion-dollar payment from the City of Chicago.

In this time of rapid economic change, racial tensions, and rising crime, the Chicago Police Department failed to respond to the actions of Jon Burge and his subordinates.

Police Torture in Chicago



Jon Burge and police officers under his command tortured people suspected of crimes. They used a variety of methods. Victims were shocked with electricity. They were burned with a cigarette lighter, beaten, and tied up. Police used a special device that generated electrical shocks, which they called "the n***** box." Victims were held for days without food or access to a bathroom. They weren't allowed to contact anyone. They were denied sleep and left naked. They were hooded, threatened with death, and forced to participate in mock executions.

Some of the people who were tortured had committed terrible crimes. In 1982, Andrew Wilson killed two Chicago Police officers, William Fahey and Richard O'Brien. Wilson was captured and tortured by Jon Burge. Wilson was tried and sentenced to death for the murders. He

successfully challenged his death sentence but was convicted of murder in a new trial. He died in prison in 2007.

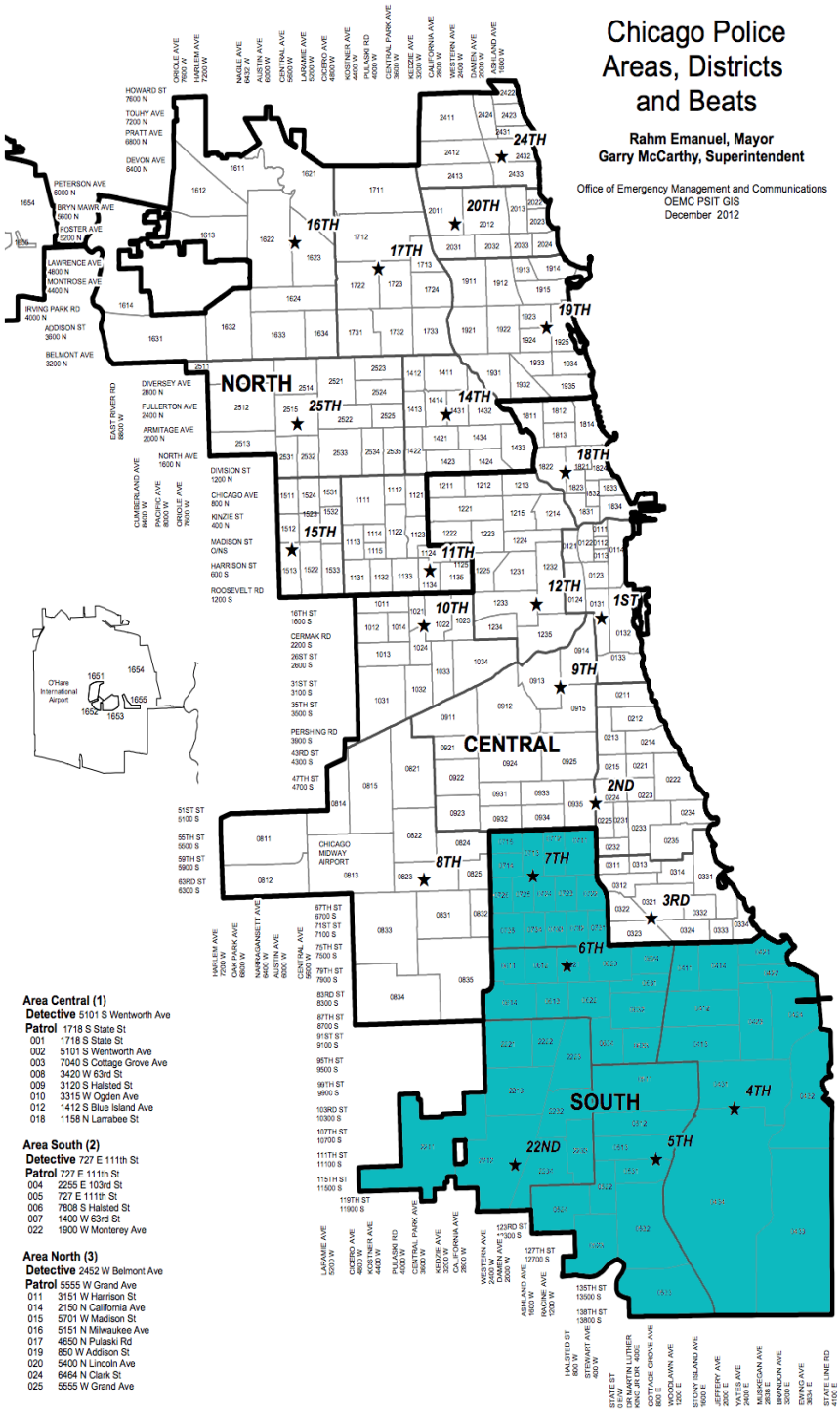
Some of the tortured people had not committed any crimes. Some of these people were tried in court, convicted, and sent to prison. Others were tortured and released. Jon Burge became Commander of Chicago Police Area 3 on the city's West Side in 1986. He was still commander in 1991 when thirteen-year-old Marcus Wiggins was brought to Area 3 police headquarters. Wiggins was questioned about a murder. He was beaten and given electric shocks but never charged with a crime. In 1993, he filed a lawsuit in federal court claiming that his civil rights were violated by police officers at Area 3. Jon Burge was named in the suit. The City of Chicago, which represented Jon Burge, reached a settlement with Wiggins.

The Fate of Jon Burge

At least 26 officers were identified as part of Burge's program of torture. Although evidence was available as early as 1982, no government or law enforcement leaders paid much attention for many years. The Chicago Police Department's Office of Professional Standards said in two separate reports that Burge and his men had committed torture. Through pressure from community groups, survivors and their advocates, and the public, the department finally suspended Burge in 1991. In 1993 he was fired. A multi-year investigation found in 2006 that Burge and his men likely committed torture. However, investigators concluded, they could not be prosecuted because the statute of limitations had passed. The U.S. Attorney brought charges of perjury (lying) and obstruction of justice against Burge in 2008. He was found guilty in 2010. In 2011 he was sentenced to 4-1/2 years in prison. He was released from a half-way house in 2015.

Jon Burge has received a monthly pension of several thousand dollars since he was fired from the Chicago Police Department. In 2011 the Retirement Board for the Chicago police considered whether to end his pension. The vote was tied—four current or former Chicago police officers voted he should keep his pension, and four civilian trustees voted he should lose it. Because of the tie vote, Burge kept his pension. The Illinois Attorney General tried to stop the payments. But the Illinois Supreme Court said the Retirement Board had the final say. To date, Jon Burge is the only person prosecuted for the Chicago police torture scandal.

Handout: Map of Chicago Police Department Areas 2 and 3



Handout: The Case of Andrew Wilson

In 1982, Andrew Wilson and his brother were driving away from a house where they had stolen items. They were pulled over by Chicago Police officers William Fahey and Richard O'Brien. Both Wilson and his brother were wanted for violating the terms of their bail. Wilson took Fahey's gun and shot Fahey in the head. Then Wilson shot O'Brien five times. The brothers then left the scene. O'Brien was dead on arrival at a local hospital. Fahey died the day after.

Lieutenant Jon Burge led the Chicago Police Department investigation of the killings. After five days of searching, the police received an anonymous tip. Based on the tip, the police arrested Wilson without firing a weapon. Following 15 hours of interrogation in Police Area 2, Wilson confessed. Reporter John Conroy describes what happened:

> After confessing, Andrew emerged from Area Two in such bad shape that a lockup keeper insisted he be given medical treatment. He was taken to Mercy Hospital, where a doctor documented 15 separate injuries before one of the patrol wagon officers pulled his gun and refused to put it away. The doctor refused to continue, leaving the prisoner and the officer alone in the examining room. When the doctor returned, Wilson declined further treatment.
>
> The next day [Wilson] told public defender Dale Coventry that he'd been shocked, burned by a radiator, suffocated with a plastic bag, and kicked in the eye and beaten. Coventry had photos of a huge burn on his client's thigh, parallel burns on his chest, and strange U-shaped puncture marks on his nose and ears. Wilson said the marks came from alligator clips attached to wires leading to a hand-cranked electrical device. He said Burge shocked him on his genitals and his back with a second device that resembled a curling iron. ("The Persistence of Andrew Wilson," *Chicago Reader*, November 29, 2007)

Wilson was tried and sentenced to death for the murders. Burge and his subordinates were honored by Cook County State's Attorney Richard M. Daley, who later was elected Mayor of Chicago.

Wilson appealed his conviction. In 1987 the Illinois Supreme Court threw out his conviction. He was retried for murder and sentenced to life in prison. In 1986 Wilson made a separate appeal in federal court. He claimed that his civil rights had been violated by the police. His first case ended in a mistrial—the jury could not make a decision. In his second trial, the jury decided that Wilson's constitutional rights had been violated "but not by any of the individual defendants or even by the city's policy (as the jury found it to be) of authorizing the abuse of suspected cop killers" (*Wilson v. City of Chicago*, 6 F.3d 1233 (7th Cir. 1993). Wilson appealed again and won a third civil trial in 1996. He died in prison in 2007.

Handout: The Case of Marcus Wiggins

Jon Burge became Commander of Police Area 3 on the city's west side in 1986. He was still Commander in 1991 when thirteen-year-old Marcus Wiggins was brought to Area 3 police headquarters. Ten other young men and juveniles were also brought in for questioning about a murder. In 1996, Wiggins described what happened to him this way:

> **Questioner:** What happened after he turned the switch?
>
> **Wiggins:** He told me to put my hands on the table.
>
> **Q:** And did you do that?
>
> **Wiggins:** Yes.
>
> **Q:** And then what happened?
>
> **Wiggins:** And then he put the things on my hand.
>
> **Q:** Was the box making a humming noise before he put the things on your hand?
>
> **Wiggins:** Yes.
>
> **Q:** And before putting the things on your hands did you say anything else to him or did he say anything else to you besides what you've told us about?
>
> **Wiggins:** No.
>
> **Q:** What happened when he put the things on your hands?
>
> **Wiggins:** They started – my hands started burning, feeling like it was being burned. I was – I was shaking and my – and my jaws got tight and my eyes felt they went blank…It felt like I was spinning…It felt like my jaws was like – they was – I can't say the word. It felt like my jaws was sucking in…I felt like I was going to die.

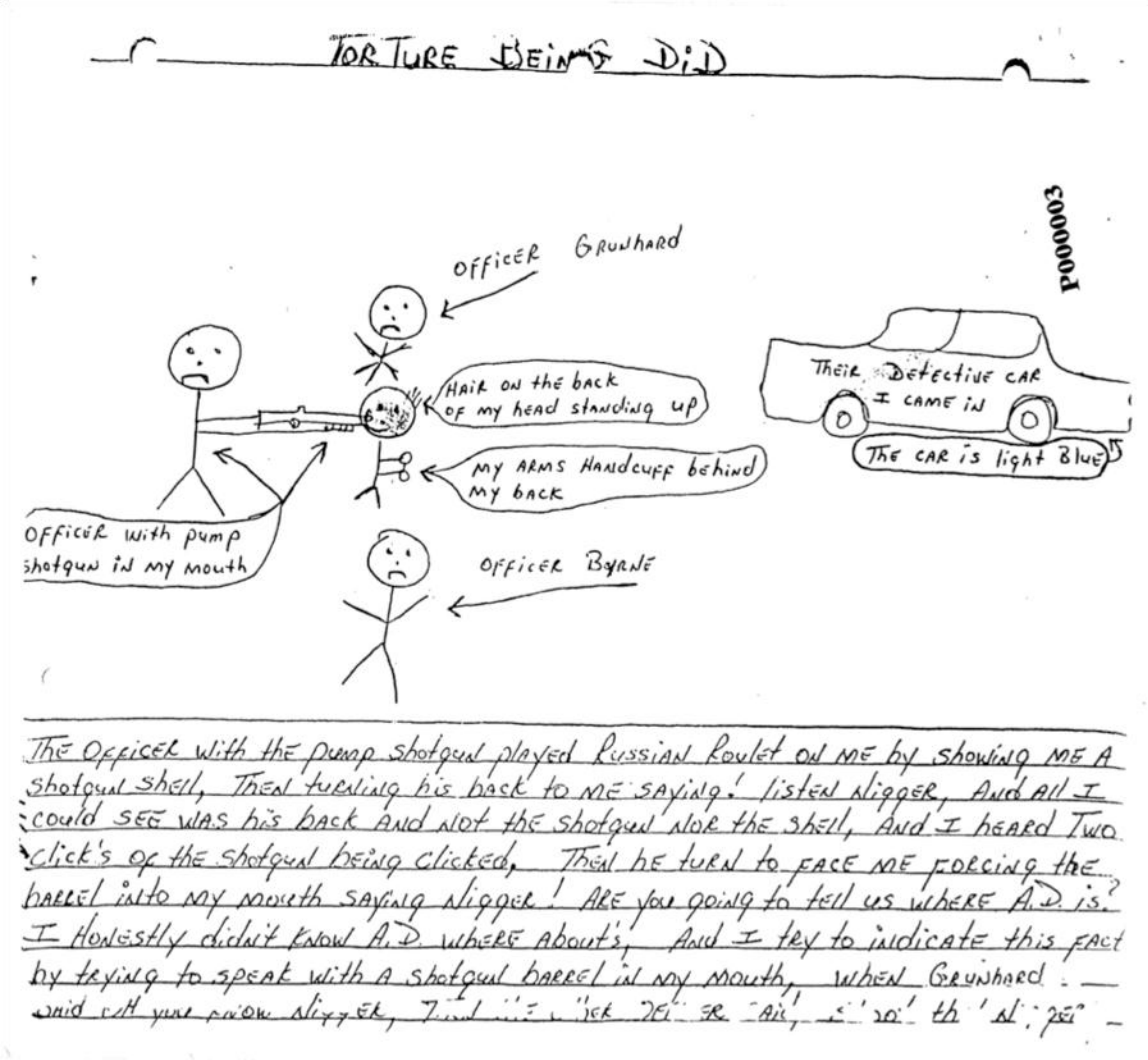
Wiggins was never charged with a crime. In 1993, he filed a lawsuit in federal court claiming that his civil rights were violated by police officers at Area 3. Burge was named in the suit. The City of Chicago, which represented Jon Burge in court, reached a settlement with Wiggins.

Handout: A Drawing by Darrell Cannon

Darrell Cannon was a member of the El Rukn street gang. On November 2, 1983, he was arrested on suspicion of murder. The arresting officers worked under Jon Burge. The detectives drove Cannon to a desolate place on the Southeast Side. There, they tortured him by forcing a shotgun into his mouth and pulling the trigger three times (the shotgun was empty). Eventually, Cannon confessed to a murder. Today, officials say he did not commit that crime. He spent 24 years in jail before he was released.

The morning after he was arrested, Darrell Cannon told his attorney what had happened. A few days later, the attorney brought pen and paper on his visit to Cannon in jail. "He said Darrell Cannon, I want you to draw everything that they did to you. I said I don't know how to draw. He said give me some stick figures, I just want to show the courts what they did to you."

Below is one of Darrell Cannon's drawings. Look at it carefully and be ready to describe what you see.



Drawing and quotation from: "Darrell Cannon: Surviving Chicago Police Torture," Kalamazoo College Praxis Center, http://www.kzoo.edu/praxis/torture-survivor-darrell-cannon/ (Posted May 13, 2015).

Part 4: Community Responses to Police Torture

Introduction:

Until the early 1990s, the program of torture conducted by Chicago Police Commander Jon Burge and his subordinates went largely unnoticed outside the African American community. This lesson focuses on non-governmental responses to the program of torture. It highlights the responses taken by the survivors themselves, community activists, and attorneys interested in their cases.

Essential Question:

- How did people and organizations use the legal system and community action to seek justice for torture survivors, their families, and the community?

Enduring Understanding:

- Actions against Jon Burge and reparations for those who suffered torture were the result of decades of struggle by a variety of groups, particularly within Chicago's Black community.

ISBE Standards:

- ISBE.CV.1.6-8: Evaluate the powers and responsibilities of citizens, political parties, interest groups, and the media.
- ISBE.SS.CV.2.6-8: Analyze the power and limits of governments, public officials, and bureaucracies at different levels in the United States and other countries.

Common Core Standards:

- CCSS.ELA-LITERACY.RH.6-8.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.
- CCSS.ELA-LITERACY.SL.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 8 topics, texts, and issues, building on others' ideas and expressing their own clearly.
- CCSS.ELA-LITERACY.SL.8.4: Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

ISBE Social Emotional Learning Standards:

- 3C.3b. Evaluate one's participation in efforts to address an identified need in one's local community.
- 2A.4a. Analyze similarities and differences between one's own and others' perspectives.
- 2C.3b. Demonstrate cooperation and teamwork to promote group effectiveness.
-

Learning Outcomes:

Students will know:

- Black People Against Police Torture (BPAPT), Chicago Torture Justice Memorial, and other community activist groups that advocated on behalf of the victims of police torture.
- The role played by the People's Law Office, law clinics at major local universities, and other groups in bringing legal action against Jon Burge and directing public attention to his actions and those of his subordinates.
- That collective action is a valid and effective response to public problems.

Students will be able to:

- Evaluate different responses to community issues and problems.
- Present rationales for different approaches to community issues.

Time: 1-2 class periods

Vocabulary: *community action, activist, lawsuit, civil suit, pro bono, conviction*

Materials and Preparation:

- Handout: ***Community Actions against Police Torture***, ***Versions A (Survivors of Police Torture), B (Lawyers), and C (African American Community Members)***—you will need enough copies of each version for one-third of the class
- Put up signs across the front of the room saying "Strongly Agree," "Somewhat Agree," "Undecided," "Somewhat Disagree," and "Strongly Disagree"

Procedure:

Part I: Human Graph on Community Actions

1 Ask students if they know what *community action* means. (*Work toward a definition along the lines of "community action is when people come together to address a common issue or problem in a particular place."*) Explain that sometimes public institutions—government, schools, police, so on—are not responsive to a problem in the community. When that happens, people can decide to act together to encourage government to address the problem.

2 Tell students that they are going to construct and interpret a human graph. Point out the signs you have placed across the front of the room. Ask for six to ten volunteers to serve on the human graph at the front of the room. When they have come to the front of the room, explain that they will be standing in front of one of the signs to show their response to a series of statements that you will read. The volunteers on the line will not speak; instead, the remainder of the students will interpret the graph they have created. Make sure students understand the directions.

3 Begin by reading the first statement below and asking the volunteers to choose where they will stand (no standing between the signs!). Then ask seated students to interpret the graph. Stimulate discussion by asking such questions as: How would you summarize our class response to this

statement? Why do you think so few students chose to stand in front of the _____ sign? Why do you think so many students chose to stand in front of the _____ sign? Allow volunteers to "change their mind" if they wish by moving their position during the discussion. Follow the same pattern with the remaining statements. (*Note:* This activity can also be done with the entire group along the line. When the whole class is the graph, ask questions of different members about why they chose to stand where they stood.)

Statements for the collective action human graph:

- Government should respond to the needs of citizens and our community.
- We should wait for government help to address a problem in our community.
- We should bring community problems to the attention of the mayor, the alderman, or other government officials so they can fix them.
- Government can't or won't address problems in our community.
- Only we can make the changes we need in our community.
- We must force government officials to do things for our community.
- We should work together with government officials to address problems in our community.

4 Have students return to their seats. Ask them to turn to a neighbor and discuss the following questions: Which statement do they think best describes how things are? Which statement is closest to what they believe? Debrief answers as a large group.

5 Close by explaining that the statements to which students responded are basic considerations people face when deciding how to solve community problems. These were the kinds of issues activists had to think about when they decided how to respond to the Burge torture scandal.

Part II: Community Actions against Police Torture

1 Organize students into three groups (if groups are large, you may divide the class into six groups, with two groups working with each reading). Give each group one version of the ***Community Responses to Police Torture*** handout: ***Version A (Survivors of Police Torture), Version B (Lawyers), or Version C (African American Community Members)***. Read together the opening paragraph (the same on each version) and ask students to predict what the reading will be about.

2 Tell students to read their handout together, identifying the main ideas, circling any words or phrases about which they have questions, and discussing the questions provided in their group. Have each group report out (in order) when ready. Alternatively, you may read each handout as a class following a similar process.

> ***SEL Focus:*** *Here's an opportunity to practice cooperation and teamwork skills. Each person in the group should have a designated role – they may read part of the reading aloud, they may facilitate the discussion of the questions at the end, they may record the group's thoughts, they may present to the class at the end, or they may keep track of time and keep the group on track. Each member of the group is responsible for following along with the reading and contributing thoughts in response to the questions at the end. Before breaking out into small groups, tell the class you'll be checking in to see that everyone is following through with their responsibility.*

3 Point out that the efforts of torture survivors, community groups, activists, legal advocates, and some public officials led to the suspension of Jon Burge from the Chicago Police Department in 1991. By the time Burge was officially fired in 1993, what he had done was reported on the front pages of Chicago's major newspapers. Thanks to the efforts of the survivors, community activists, attorneys, journalists, and other interested parties, the Chicago police torture scandal was, at last, no longer a secret.

4 Conduct a concluding discussion focused on the following questions:

- Using evidence from all the readings, what can you say about the role of the common person in society?
- Could/would you do what these people did? Why or why not?

Closure:

Encourage students to return to the statement they picked as most meaningful to them in the human graph activity. Did learning about the community response to the Burge torture scandal strengthen or challenge their choice? Ask students to reflect on this question in their journals.

Assessment:

Assign each student to write a brief "fan" letter to one of the people or groups discussed in the lesson. Students should choose someone whose actions in response to the police torture scandal had a great impact. Students should explain why they think the action was effective and why Chicago is a better place because of the person's actions. Post completed student letters around the room in three groups: Survivors, Advocates, and Community Activism.

Handout: Community Responses to Police Torture

Version A: Survivors of Police Torture

Until the early 1990s, the torture by Jon Burge and his officers went largely unnoticed outside the African American community. Elected officials, law enforcement, and the general public were not aware of what happened or did not respond. In the face of inaction, survivors, community activists, and attorneys did take action. Here are some of their stories.

The people tortured by Jon Burge and other police officers under his command were scarred by their experiences. Many had physical scars from the abuse they received in police custody. All of them had terrible emotional scars caused by the fear and humiliation of being tortured. These men were victimized, but they also survived.

Burge and other police officers taunted these men. They asked: Whom would people believe—the police, or the suspects who had confessed to terrible crimes? For many years, Burge was correct: very few people believed the victims of torture.

However, these survivors did tell their stories. They told everyone they knew about what had happened to them. Many did so from jail because they had been convicted based on confessions given under torture. Several were on Death Row due to false confessions. They formed the Death Row Ten to speak out from jail.

Anthony Holmes was one of Burge's first victims of torture. "When I went to the police station, after this was all over with," Holmes recounted, "I told them what happened to me. They told me they don't care what happened to me. Didn't nobody believe me when I told them." But Holmes did not stop. Three decades later, Holmes testified in the trial against Jon Burge.

Torture survivor Mark Clements speaks out.

Darrell Cannon was tortured and falsely accused of murder. He told his story to his attorney. He continued to tell his story from jail. He was finally released after more than 20 years in jail. He continued to advocate for other survivors of torture after he gained his freedom.

Questions for Discussion

- What evidence from the text do we have that members of the police force did not care about the people they were questioning?
- Why is the act of speaking out important? Use evidence from the text to support your answer.
- Are there heroes in this story? Use evidence from the text to support your answer.

Photo Source: Kate Morrissey, "Songs For Burge Torture Victims Fill City Hall," *Medill Reports*, January 15, 2015, http://news.medill.northwestern.edu/Chicago/songs-for-burge-torture-victims-fill-city-hall/.

Handout: Community Responses to Police Torture

Version B: Lawyers

Until the early 1990s, the torture by Jon Burge and his officers went largely unnoticed outside the African American community. Elected officials, law enforcement, and the general public were not aware of what happened or did not respond. In the face of inaction, survivors, community activists, and attorneys did take action. Here are some of their stories.

Many of the survivors relied on attorneys who prepared and argued their cases in court. Some of these attorneys served *pro bono*—without pay. Some worked with major law schools in Chicago. These included the Bluhm Legal Clinic at Northwestern University and the Pozen Family Center for Human Rights at the University of Chicago. Some practiced law privately. The People's Law Office, nationally known for uncovering abuses by police and government officials, represented many survivors of police torture. Their work helped uncover a lot of evidence of torture.

Survivor Michael Tillman with his attorney, Flint Taylor from the People's Law Office.

The majority of survivors were convicted of crimes and sentenced to jail. A key piece of evidence against them was the confession they gave after being tortured. Lawyers helped the survivors with criminal appeals. In an appeal, the attorney tries to show that the trial court made a legal error and that the verdict was incorrect. A confession given under torture is not legally admissible in court. Therefore, lawyers tried first to show that the confessions were gained under torture. Second, they tried to gain a new trial for their clients or to win their freedom.

Lawyers also filed civil suits on behalf of survivors. The civil suits claimed that the government violated their civil rights. Torture is a violation of a person's civil rights, and the police are government officials. A civil suit also allows a person to claim and win compensation—usually money— for a wrong committed against them. A court can require previously secret information to be revealed. Through court orders and decisions, important police reports were released to the public. Lawyers for the survivors also gained testimony, reports, photographs, and other valuable evidence. Gradually, the attorneys were able to show a systemic pattern of torture by Jon Burge and his officers.

Questions for Discussion

- Using evidence from the text, describe how lawyers were able to support the torture survivors.
- Using evidence from the text, describe how courts were able to help bring out the truth.
- Are there heroes in this story? Use evidence from the text to support your answer.

Photo Source: People's Law Office, http://peopleslawoffice.com/issues-and-cases/chicago-police-torture/.

Handout: Community Responses to Police Torture

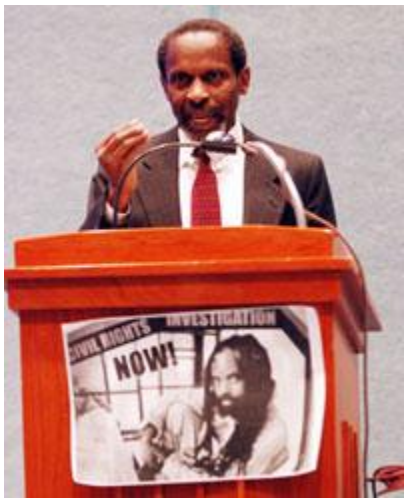
Version C: African American Community Members

Until the early 1990s, the torture by Jon Burge and his officers went largely unnoticed outside the African American community. Elected officials, law enforcement, and the general public were not aware of what happened or did not respond. In the face of inaction, survivors, community activists, and attorneys did take action. Here are some of their stories.

African Americans in Chicago heard the stories about Jon Burge and his accomplices. The Chicago Police Department, which was mostly white, was not always believed in African American communities. Relations were often tense between police and residents of black neighborhoods. These stories of torture painfully reminded African Americans that things like this had happened before in American history.

People in the African American communities believed the stories. They began forming organizations that would work to get justice and end the abuse and torture of African Americans. They also worked to support the survivors. These organizations and other activists conducted teach-ins and demonstrations. They picketed City Hall and in downtown Chicago. They published information. They spoke with elected officials in order to gain support for new laws. They formed partnerships with interested people in other communities who could help them.

Attorney Standish Willis founded *Black People Against Police Torture* (BPAPT) to encourage the support of the African American community. He believed that those seeking legal justice for the survivors should look like the survivors—that is, be African American. BPAPT set out to prove that police torture was a violation of human rights. They also aimed to show that torture in Chicago violated international agreements about torture. Willis organized a partnership between many different people and groups including attorneys, educators, activists, and survivors. The people in the partnership told their stories before the Organization of American States. They asked for a special prosecutor to investigate police torture in Chicago. They made a report to the United Nations and brought a representative from the UN to Chicago to investigate. The United Nations Committee on Torture reported major concerns about torture and abuse by the police in Chicago.



Standish Willis speaks on his appeal to the United Nations.

Willis and BPAPT also wrote a bill to be introduced at the state legislature in Springfield. The bill would create a state commission with power to hear the torture cases. The commission would be able to free survivors or to grant them new trials. In 2009, the *Illinois Torture Inquiry and Relief Commission Act* (TIRC) was signed into law. This commission is the only one of its kind

in the United States. Nowhere else in the United States is there such a commission to support survivors of police torture.

Questions for Discussion:

- According to the text, what were some of the ways people responded to the torture committed by Jon Burge and others?
- Do you think "everyday people" can make change and find justice? Use evidence from the text to support your claim.
- Are there heroes in this story? Use evidence from the text to support your answer.

Photo Source: Mikal Veale, "Political Prisoners: Government, Police, and Incarceration," T*he Final Call*, March 10, 2010, http://www.finalcall.com/artman/publish/National_News_2/article_6814.shtml.

Part 5: Official Reactions to Chicago Police Torture

Introduction:

In response to sustained community pressure over many years, government institutions reacted to police torture in Chicago. This lesson focuses on three of these government responses: the investigation and prosecution of Jon Burge; creation of the Illinois Torture Inquiry and Relief Commission (TIRC); and the "Reparations for Burge Torture Victims" ordinance of the Chicago City Council. Using packets of primary sources, students work in small groups to create posters that explain these government actions.

Essential Question:

- How did people and organizations use the legal system and community action to seek justice for torture survivors, their families, and the community?
- What can we learn about racism by studying and discussing difficult episodes in history?

Enduring Understandings:

- Actions against Jon Burge and reparations for those who suffered torture were the result of decades of struggle by a variety of groups, particularly within Chicago's Black community.
- Because difficult historic episodes often represent enduring issues or conflicts, studying and discussing them can help us understand contemporary controversies.

ISBE Standards:

- ISBE.CV.1.6-8: Evaluate the powers and responsibilities of citizens, political parties, interest groups, and the media.
- ISBE.SS.CV.2.6-8: Analyze the power and limits of governments, public officials, and bureaucracies at different levels in the United States and other countries.

Common Core Standards:

- CCSS.ELA-LITERACY.RH.6-8.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.
- CCSS.ELA-LITERACY.SL.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 8 topics, texts, and issues, building on others' ideas and expressing their own clearly.
- CCSS.ELA-LITERACY.SL.8.4: Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

ISBE Social Emotional Learning Standards:

- 2B.4a. Analyze the origins and negative effects of stereotyping and prejudice.
- 1C.3a. Set a short-term goal and make a plan for achieving it.
- 2C.3b. Demonstrate cooperation and teamwork to promote group effectiveness.

- 3A.3a. Evaluate how honesty, respect, fairness, and compassion enable one to take the needs of others into account when making decisions.

Learning Outcomes:

Students will know:

- The details and results of the investigation and prosecution of Jon Burge.
- The creation and function of the Illinois Torture Inquiry and Relief Commission (TIRC).
- The components and purposes of the Chicago "Reparations for Burge Torture Victims" ordinance.
- How structures and procedures in different branches of and at different levels of government can be used to make change and address injustice.

Students will be able to:

- Work in small groups to assess primary source materials.
- Convey information from primary sources in a visual format.

Time: 1-2 class periods

Vocabulary: *prosecution*, *conviction*, *commission*, *special prosecutor*, *reparations*

Materials and Preparation:

- Handout: ***Introduction: Official Reactions to the Chicago Police Torture Scandal***
- Resource Packet: ***Burge*** (Note: Modified versions of some of the documents are provided; you will need to decide which version you want to give students.)
- Resource Packet: ***TIRC***
- Resource Packet: ***Reparations*** (Note: Modified versions of some of the documents are provided; you will need to decide which version you want to give students.)
- Handout: ***Gallery Walk Worksheet***
- Poster Board
- ***Poster Rubric***

Procedure:

1 Distribute ***Introduction: Official Reactions to the Chicago Police Torture Scandal*** to every student. Review together with the class. Explain that this lesson will provide students with the chance to examine different governmental responses to the scandal and the community pressure to achieve justice. Go over the directions for analyzing the documents students will receive, as well as the directions for making the posters. Also distribute and go over the ***Poster Rubric***.

2 In a moment you will divide the class into three groups and provide each group with one of the resource packets: ***Burge*** (investigation and prosecution of Jon Burge); ***TIRC*** (Illinois Torture Inquiry and Relief Commission); or ***Reparations*** (Reparations for Burge Torture Victims ordinance). Tell the

students that each group will examine the sources and make a poster that explains their topic to the rest of the class.

> ***SEL Focus:*** *Before assigning students to their groups for this activity, say "Now that you have seen the rubric for this poster, let's list qualities that will make someone a helpful group member for this project." Create a list on the board of up to five student suggestions. Let students know that they will be returning to this list of suggestions after the posters are finished—students will have the opportunity to anonymously rate their group members and themselves on a scale of 1 (did not do this) to 3 (did do this) for each suggestion.*

3 Remind students to identify the following information for each resource in their packet:

- Who was the "author" of the document? Did that person/group have a perspective that might have influenced the information presented?
- When was the document prepared? For what purpose was the document prepared?
- What is the main idea of the document?
- What evidence does the document provide about your topic?
- How does the document help you understand why the action you are studying was important?

4 When students have completed their source analysis, review the directions for the posters. The posters should provide answers to the following questions:

- What branch of government was acting? (legislative, executive, judicial)
- What level of government was involved? (city, county, state, federal)
- What was the purpose of the action?
- Who was/is affected by the action?
- Why was this action important in creating change and seeking justice? How did it help meet the goals of the community?

5 When each group has finished their poster, mount the posters around the classroom. Distribute the ***Gallery Walk Worksheet***, and conduct a "gallery walk" to review the three actions. Ask students to take notes and write down questions that arise during their walk.

6 Use the questions at the end of the worksheet to debrief:

- Which action do you think was most significant in creating change and providing justice? What evidence supports your answer?
- When you consider all three actions, do you think there is more that the government should still do to respond to the torture scandal?
- How do you think these actions can prevent future abuses? What else do you believe might be necessary, on the part of government or the community?

Closure:

Ask students to think about the class discussion and then write in their journals about how they personally can help to prevent future abuses in their communities. Encourage them to be as specific as possible as to what they could do as citizens and activists.

Assessment:

The posters can serve as the assessment for this lesson. A rubric is provided at the end of the lesson.

Introduction: Official Reactions to the Chicago Police Torture Scandal

Many different people and organizations tried to bring public attention to the program of torture by Commander Jon Burge and his officers in the Chicago Police Department. In 1993 Burge was fired. The torture survivors, community activists, attorneys, and other interested parties saw this as the first step, but not the last, in responding to this scandal. Their efforts continued toward three important objectives: to bring Jon Burge to justice; to secure justice and compensation for those who had survived police torture; and to put safeguards in place so that police torture would never happen again.

These actions required the support of governmental institutions and public officials. Over a period of more than 20 years, there were a number of official responses to the Chicago police torture scandal. Three important actions were:

- BURGE: the investigation and prosecution of Jon Burge.
- TIRC: the creation of the Torture Inquiry and Relief Commission.
- REPARATIONS: the passage of the Chicago "Reparations for Burge Torture Victims" ordinance.

Your group will be assigned one of these actions. You will receive a packet of documents about your assigned action. Try to identify the following information for each resource in your packet:

- Who was the "author" of the document? Did that person/group have a perspective that might have influenced the information presented?
- When was the document prepared? For what purpose was the document prepared?
- What is the main idea of the document?
- What evidence does the document provide about your topic?
- How does the document help you understand why the action you are studying was important?

You can circle, mark, or cut out the relevant information on the documents, or you can copy or summarize it onto another piece of paper.

When you have analyzed all the documents, discuss what you have learned about this government response to the Burge torture scandal. Try to answer these questions, comparing and contrasting what you learned in your documents and using evidence from the documents to support your answers:

- What branch of government was acting? (legislative, executive, judicial)
- What level of government was involved? (city, county, state, federal)
- What was the purpose of the action?
- Who was affected by the action?
- Why was this action important in creating change and seeking justice? How did it help meet the goals of the community?

Your group will be responsible for creating a poster that explains your assigned action to the rest of the class. Answering the five questions above is one good approach to preparing your poster. Your answers should refer to documents from your packet. Be sure everything on the poster is clear and legible.

Resource Packet: Burge

BURGE Document 1

Special Project Conclusion Report also known as* The Goldston Report*, from the Office of Professional Standard, Chicago Police Department, September 28, 1990

Report of Investigator Michael Goldston, Star #73, Office of Professional Standards
RE: History of Allegations of Misconduct by Area Two Personnel

Office of Professional Standards 29 September 1990
Special Project Conclusion Report Page 3

In the matter of alleged physical abuse, the preponderance of the evidence is that abuse did occur and that it was systematic. The time span involved covers more than ten years. The type of abuse described was not limited to the usual beating, but went into such esoteric areas as psychological techniques and planned torture. The evidence presented by some individuals convinced juries and appellate courts that personnel assigned to Area 2 engaged in methodical abuse.

The number of incidents in which an Area 2 command member is identified as an accused can lead to only one conclusion. Particular command members were aware of the systematic abuse and perpetuated it either by actively partic8ipating in same or failing to take any action to bring ti to an end. This conclusion is also supported by the number of incidents in which the Area 2 offices are named as the location of the abuse.

Investigator Michael Goldston, #73

BURGE Document 1: Modified

In the matter of suspected physical abuse, the majority of the evidence is that abuse did happen and it happened regularly. This abuse happened over a ten-year period. The abuse went far beyond simple beatings to mental abuse and intentional torture. The evidence and testimony given by some individuals convinced juries and the courts that policemen who worked in Area 2 were guilty of regular abuse.

Because there were so many times a member of the command was involved, only one conclusion is possible. Members of the command knew of the abuse and allowed and encouraged it to happen. These members either took part in the abuse themselves or allowed it to happen and did not report it.

This conclusion is also supported by the fact that there were many times the abuse took place at the Area 2 offices.

BURGE Document 2

Special Project Conclusion Report (The Goldston Report), Office of Professional Standards, Chicago Police Department, September 28, 1990.

Report of Investigator Michael Goldston, Star #73, Office of Professional Standards, RE: History of Allegations of Misconduct by Area Two Personnel

Office of Professional Standards	29 September 1990
Appendix F – Statistical Analysis	Page I

I have identified [fifty] alleged victims of misconduct by personnel assigned to Area 2. The dates of the alleged incidents range from May 1973 through October [1986]. Following is a breakdown of pertinent information I have gleaned in the course of this project.

--Of the incidents in which the accused could be identified [35], Commander BURGE was named as an accused in [18] or [51%] of same. I was able to identify him as having some contact with the alleged victims in [two] other cases as well.

--In incidents concerning alleged electroshock (9), Commander BURGE was named as accused eight times . . .

BURGE Document 2: Modified

I have identified fifty (50) apparent victims of abuse by policemen who worked in Area 2. The events took place from May 1973 through October 1986. I have listed some of the important information that I discovered as I investigated these claims.

- In 35 of the events, Commander Burge was named 18 times. This is over half of the cases. I was also able to link him to two other cases as well.
- There were 9 times when victims claimed they were given electroshock. Commander Burge was accused as being present at 8 of them . . .

BURGE Document 3

Sentencing of Jon Burge by U.S. District Court Judge Joan Lefkow, January 24, 2011.

Note: Burge was indicted by the United States Attorney in February 2008 for one count (charge) of perjury (lying) and two counts of obstruction of justice. In 2010 a jury found him guilty of all three counts.

You're here today having been convicted by a jury of two counts of obstruction of justice and one count of perjury in connection with making false statements in a lawsuit….

You denied any knowledge of torture of the plaintiff or of any other torture or abuse having occurred under your direction or command. You denied it in answers to the interrogatories, and you maintained that denial under oath in this courtroom where you testified in your own defense. Unfortunately for you the jury did not believe you, and I must agree that I did not either….

The freedom that we treasure most of all in this country is the right to live free of governmental abuse of power. . . . those of us who are entrusted with governmental power take an oath upon entering office that we will uphold the law. For the police it means to protect the safety of the people so they may go about their lives peaceably and productively as they see fit, and to use their abilities and resources to identify those who commit crimes that threaten their safety. It is obvious that officers who do this important work must operate within the bounds of the law.

When a confession is coerced, the truth of the confession is called into question. When this becomes widespread, . . . the administration of justice is undermined irreparably. How can one trust that justice will be served when the justice system has been so defiled? This is why the crimes of obstructing justice and perjury, and even more so when it is about matters relating to the duties of one's office, are serious offenses. . . .

[I]t is the judgment of this court that the defendant Jon Burge is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 54 months on counts 1, 2, and 3, all terms to run concurrently.

TIRC Document 1

Senate Bill 48, introduced January 30, 2009, by Illinois State Senator Kwame Raoul (13th Senate District)

96TH GENERAL ASSEMBLY
State of Illinois
2009 and 2010
SB0048

Introduced 1/30/2009, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Torture Inquiry and Relief Commission Act. Creates the Illinois Torture Inquiry and Relief Commission as an independent commission under the Illinois Human Rights Commission for administrative purposes. Provides that the Commission shall conduct inquiries into claims of torture with priority to be given to those cases in which the convicted person is currently incarcerated solely for the crime with respect to which he or she claims torture by Jon Burge or officers under his command, or both. Provides that if the Commission concludes there is sufficient evidence of torture to merit judicial review, the Chair of the Commission shall request the Chief Judge of the Circuit Court of Cook County for assignment to a trial judge for consideration. Provides that the Act applies to claims of torture filed not later than 5 years after the effective date of the Act. Effective immediately.

TIRC Document 2

State of Illinois Torture Inquiry and Relief Commission: Frequently Asked Questions

1. Who could file claims with the Commission before the deadline?

The law that created the Commission is the Illinois Torture Inquiry and Relief Commission Act (the "TIRC Act"). That law said that a claim can be filed before the Commission by anyone who has a "claim of torture." A claim can also be fined by any court, person, or agency on behalf of someone else who has a "claim of torture." The law defines an eligible "claim of torture:"

"Claim of torture" means a claim on behalf of a living person convicted of a felony in Illinois asserting that he was tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction and for which there is some credible evidence related to allegations of torture committed by Commander Jon Burge or any officer under the supervision of Jon Burge.

The claim must therefore be made by or on behalf of:

- a living person,
- convicted of a felony in Illinois, and
- who claims he (or she) was tortured into confessing to the crime of conviction.
- The tortured confession must have been used to obtain the conviction, and
- there must be some credible evidence,
- related to allegations of torture committed by Jon Burge or an officer under Burge's supervision.

All six of the above requirements must be met.

TIRC Document 3

Illinois Torture Inquiry and Relief Commission—TIRC Claim No. 2011-051-W, Case Disposition in re Claim of Shawn Whirl, June 13, 2012

The following is a statement of the facts found by the Commission in the case of Shawn Whirl. The Commission concluded there was enough evidence of torture to recommend Whirl's case to a court for "appropriate relief." To date, the Commission has made decisions in more than 40 claims.

Before the Illinois Torture Inquiry and Relief Commission

In re: Claim of Shawn Whirl TIRC Claim no. 2011.051-W

Findings of Fact

1. On April 20, 1990, Claimant Shawn Whirl ("SW") was arrested for a homicide which had taken place on April 18, and SW was taken to Area 2 of the Chicago Police Department.
2. Although Jon Burge has been reassigned from Area 2 to Area 3 at this point, SW was questioned by Detective James Pienta, a longtime Burge subordinate . . .
3. During the course of this questioning, SW was repeatedly slapped and beaten by Pienta in order to secure a confession from SW. When SW screamed, Pienta put a potato chip bag over SW's mouth so that the screams could not be heard.
4. After SW agreed to make a statement, Pienta rehearsed with SW what SW would say when the Assistant State's Attorney ("ASA") arrived. Every time SW made a mistake in repeating what Pienta told him, Pienta used a key to dig into a pre-existing leg wound which SW had sustained in an attack by three gang members several days earlier.
5. After SW made his court-reported statement, he was later indicted for the homicide in the Circuit Court of Cook County, case no. 90 CR 12036.

REPARATIONS Document 1

Ordinance, Reparations for the Chicago Police Torture Survivors, City of Chicago: May 6, 2015.

O R D I N A N C E

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

. . .

SECTION 3 – REPARATIONS – SUBSTANTIVE PROVISIONS.

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 . . . 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 claims(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 . . .). Payments from the Fund shall commence after all eligible claims have been determined.

REPARATIONS Document 2

Resolution, City Council of Chicago, May 6, 2015

BE IT RESOLVED, That we, the Mayor and Members of the City Council of the City of Chicago, on behalf of all Chicagoans—

(1) acknowledge and condemn, as evil and reprehensible, any and all acts of torture and abuse inflicted upon the Burge victims; and

(2) apologize to the Burge victims for these horrific and inexcusable acts; and

(3) express our most solemn regrets to the families of the Burge victims for any and all harm that they suffered as a consequence of the ordeal that their loved ones were subjected to; and

(4) remember these past events, to ensure that this sad chapter in our City's history is never forgotten; and

(5) reaffirm our City's commitment to righting the wrongs of the past, and in so doing, reassure Chicago's residents that such wrongs will not be repeated . . .

REPARATIONS Document 3

Resolution, City Council of Chicago, May 6, 2015

Because education about the transgressions of the past is essential to laying claim to a future that is free of racism, discrimination, inequality and cruelty, the City of Chicago plans to work with Chicago Torture Justice Memorials, an advocacy organization committed to honoring and seeking justice for survivors of Chicago police violence, to construct a permanent memorial to the Burge victims; and, beginning in the 2015-2016 school year, the Chicago Public Schools will incorporate into its existing U.S. history curriculum for eighth-grade and tenth-grade students a lesson about the Burge case and its legacy….

REPARATIONS Document 3: Modified

If we want a future free of racism, discrimination, inequality, and cruelty, we must educate people about the Burge case and its legacy. To ensure that, the Chicago Public Schools will incorporate a lesson about the Burge case and its legacy for eighth-grade and tenth-grade students beginning in the 2015-2016 school year. The City of Chicago also plans to work with the advocacy organization named Chicago Torture Justice Memorials to construct a permanent memorial honoring the Burge victims.

Handout: Gallery Walk Worksheet

As you review the work of each group in your class, use this worksheet to take note of important information and questions relating to how government responded to police torture in Chicago. Then think about the questions on the next page.

	BURGE Investigation and Prosecution of Jon Burge	**TIRC** Torture Inquiry and Relief Commission	**REPARATIONS** City of Chicago "Reparations for Burge Torture Victims" ordinance
What branch of government was acting? (legislative, executive, judicial)			
What level of government was involved? (city, county, state, federal)			
What was the purpose of the action?			
Who was/ is affected by the action?			
Why was this action important in creating change and seeking justice? How did it help meet the goals of the community?			

1 Which action do you think was most significant in creating change and providing justice? What evidence supports your answer?

2 When you consider all three actions, do you think there is more that the government should still do to respond to the torture scandal?

3 How do you think these actions can prevent future abuses? What else do you believe might be necessary, on the part of government or the community?

Poster Rubric: Government Responses to Police Torture in Chicago

Criteria	Excellent (4)	Good (3)	Fair (2)	Poor (1)
Poster presents a clear explanation of government response.	• Identifies what branch and level of government was responding. • Cites information from three different primary sources. • Explains clearly the significance of each primary source and why each is relevant to the response.	• Identifies what branch and level of government was responding. • Cites information from three different primary sources. • Explains clearly the significance of each primary source.	• Identifies what branch and level of government was responding. • Cites information from two or fewer primary sources. • Does not clearly explain the significance and relevance of primary sources.	• Incorrectly identifies the responding branch or level of government. • Cites information from one or no primary sources. • Does not explain the significance and relevance of primary sources.
Poster shows student understanding of purpose and impact of government response.	• Clearly states the purpose of the government response. • Assesses who was/is affected by the response based on multiple sources.	• Clearly states the purpose of the government response. • Assesses who was/is affected by the response based on limited number of sources.	• Clearly states the purpose of the government response. • Presents incomplete assessment of who was/is affected with no references to sources.	• Does not state the purpose of the government response. • Inaccurately identifies who is affected.
Poster illustrates student reflection on meaning and importance of government response.	• Includes a summary statement assessing this response in terms of promoting justice in Chicago.	• Includes a summary statement attempting to assess this response in terms of promoting justice in Chicago.	• Provides summary statement that is unclear.	• Includes a carelessly written or poorly conceived reflection that does not connect to justice in Chicago.

Part 6: Moving Forward:
Strategies for Building Positive Police-Community Relations

Introduction:

This final lesson in the unit directs students' attention to the future by asking: What can government (specifically the police and the policymakers who supervise them) and the community do to build better relations and ensure that nothing like the Burge torture scandal happens again. Students are introduced to a number of proposals that have been made and are asked to analyze their strengths and weaknesses from a particular perspective—either that of the Chicago Police Department or the residents of Chicago. They bring their analyses to a town hall discussion of what strategies should be adapted to build positive police-community relations for the future. As an alternative to a town meeting, teachers might structure the discussion as a Philosophical Chairs discussion (see the Appendix for additional information on the Philosophical Chairs discussion model).

Essential Question:

- What is the proper role of the police?
- What factors allowed the police torture of Chicago's citizens to occur?

Enduring Understandings:

- The role of the police includes maintaining public safety, investigating crime, and arresting suspects accused of crimes, doing all of these tasks impartially.
- The program of torture conducted by Jon Burge and other officers of the Chicago Police Department must be understood through the racial and institutional context in which it happened.

ISBE Social Science Standards:

- SS.IS.7.6-8: Critique the structure and credibility of arguments and explanations (self and others).
- SS.CV.1.6-8: Evaluate the powers and responsibilities of citizens, political parties, interest groups, and the media.

Common Core Standards:

- CCSS.ELA-LITERACY.SL.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 8 topics, texts, and issues, building on others' ideas and expressing their own clearly.

Social-Emotional Learning Standards:

- 2A.4a. Analyze similarities and differences between one's own and others' perspectives.
- 2A.4b. Use conversation skills to understand others' feelings and perspectives.
- 2C3b. Demonstrate cooperation and teamwork to promote group effectiveness.

Learning Outcomes:

Students will know:

- Proposals that have been made to build better police-community relations in the city of Chicago
- Arguments for and against these proposals.

Students will be able to:

- Analyze proposals for action from a particular perspective.
- Make a case for a proposal from a particular perspective.

Vocabulary:

Time: 2 class periods

Materials and Preparation:

- Handout: ***Looking to the Future: Some Proposals***
- Handout: ***A Town Meeting***

Procedure:

1 Remind students that, in the last lesson, they talked about government actions that had been taken in response to the Burge torture scandal and suggested some additional actions that may be necessary, by government (specifically, by the police and the policymakers who supervise them) and by the community. In this lesson, they will be looking in more depth at some actual proposals for action that people, concerned about developing better police-community relations, have taken.

2 Tell students that developing a strategy for moving forward is difficult because different people and groups have different ideas about what needs to be done. Ask students to suggest groups that may have different views about improving police-community relations. (*Possible answers: police officers, people who have been treated unfairly or abused by the police, people who have been victims of crime, policymakers with different philosophies*) Explain that students are going to be assigned to one of two groups—police officers or community activists. Of course, these are not the only two perspectives—and within the groups people may disagree—but considering these two perspectives will help students understand varying views.

3 Organize the class into groups of four and assign half of the groups to take the perspective of police officers and half to take the position of community activists. Distribute ***Looking to the Future: Some Proposals*** and go over the directions with students. Be sure students understand that each person in their group will speak on one of the proposals at the town meeting, but all members should be familiar with the six proposals so they can help field comments and questions at the town meeting. ***Note:*** If you prefer, you could organize the conversation about the options as a Philosophical Chairs discussion rather than a town meeting. Instructions for using the Philosophical Chairs model are provided in the Appendix.

4 Allow time for small groups to read the various proposals and make notes of how their group would see the advantages and disadvantages of each proposal. Groups should assign speakers to each proposal and help each other prepare for the town meeting.

5 Distribute **A Town Meeting** and go over the directions with students. Conduct the town meeting.

6 When the town meeting is over, ask the students to reflect on the discussion, considering how their thinking has changed, what they did well both individually and as a group, how satisfied they are with the outcome of the discussion, and what students might do to act upon the class discussion.

Closure:

Have students return to their journals to add to what they wrote in Part 4. Based on the reading and town meeting discussion in this lesson, they can add specific proposals and analysis to their thoughts on how they personally can take action to prevent future abuses in their communities.

Assessment:

Ask students to answer the following question as their exit ticket and assessment: Rate your understanding of today's topic on a scale of 1-10. What questions do you still have? What can you do to improve your understanding? If students rate their understanding poorly, take time to respond to the questions they raise, as the unit assessment builds directly from this activity.

Handout: Looking to the Future: Some Proposals

You will be taking part in a town meeting. A town meeting is a meeting at which people can exchange views on important issues.

Your group will represent either the police or community activists (your teacher will assign you a role). Each member of your group will speak briefly (one minute) on one of the proposals below. You will also have a chance to ask questions about other groups' ideas. Work together to prepare for the presentations so that every group member is familiar with every proposal.

As you analyze each proposal, think about the following questions:

- What are the advantages of the proposal from your group's perspective?
- What are the disadvantages of the proposal from your group's perspective?
- If you like the proposal, are there aspects you could give up to reach agreement?
- If you do not like the proposal, are there aspects you could accept to reach agreement?

At the end of the town hall meeting, you will have an open discussion to try to reach agreement on one or more proposals.

Proposal 1: Giving Civilians Control of the Police Department

The Movement for Black Lives has proposed that civilian review boards be given real power over police departments. They propose that civilian boards have the following powers:

- Power to hire and fire officers.
- Power to determine disciplinary action when excessive or deadly force is used or sexual misconduct occurs.
- Power to set the budget for the police department.
- Power to set the policies that police officers must follow on the street and when they have people in custody. This would include policies on how youth are treated when they become involved with the police. For example, policies could stress helping young people rather than charging them with crimes.

Supporters of this proposal believe that it will provide true accountability for the police department. They also argue that it will build community trust and keep the community safe, especially people of color, the LGBTQ community, and others who have been the victims of police violence.

Proposal 2: Multi-Point Plan to Improve Police-Community Relations

The Center for Public Safety Management and the International Association of Chiefs of Police have proposed a multi-point plan for building trust between the community and police. Their points include:

- Build collaboration between local police and the public. Creating a problem-solving partnership between the police chief and city manager is also critical.

- Make sure policies on the use of force, mass demonstrations, consent before searches, and gender identification are clear and comprehensive.
- Support the philosophy of community policing, an approach in which police build ties and work closely with the community. This can be done by emphasizing protection, fair procedures, and dignity for all.
- Avoid policies that criminalize youth. Support youth leadership and development. Provide incentives for officers to be role models for youth.
- Stop racial profiling, sexual harassment, or misconduct, and other practices that treat some segments of the population differently.
- Improve training on bias, adopting a protector versus a warrior mindset, and other areas that create mistrust with the community.

Proposal 3: Engaging the Community

The National Crime Prevention Council has for many years advocated getting the community involved with the police department as a way of improving police-community relations and preventing crime. Some of the ways that community members can become involved are:

- Learn more about police work by signing up for a citizen police academy or a police ride-along.
- Become a police volunteer to assist police in the community as well as to assist crime victims.
- Get involved in Neighborhood Watch programs that help protect the community.
- Create citizen groups to work with police and hold police accountable.
- Invite law enforcement officials to work with community members in positive settings. For example, ask police officers to present at a community meeting on how to improve the community's security and safety.
- Support community policing approaches by cooperating with police officers working in the neighborhood.

Proposal 4: Focus on Youth

Organizations such as Project Nia have focused on how police interact with youth and the policies that provide the frame for those interactions. Changing youth-police relations can make a difference for many years to come. Some of the actions proposed in this area are:

- Working to make sure juvenile crime records are expunged so that young people do not have to carry the stigma of a criminal record with them throughout life.
- Educating the community and the police about the negative effects of incarcerating young people.
- Closing youth prisons.
- Involving young people in advocacy for policies that support positive youth-police relations.
- Ensuring that police officers who work in schools receive specialized training to make sure they understand how best to work with young people. This training should include alternatives to use of force when students, including students with mental health issues, are "out of control."

Handout: A Town Meeting

Rules for the Town Meeting

- Participants in the town meeting will treat one another with respect.
- Presentations will be limited to 1 minute. Questions and answers on each proposal will be limited to 5 minutes.
- At the end of the town meeting, all participants will work to identify common ground across the groups and proposals. To do this, think about such questions as: What are the tensions between the options? On what do we agree? What trade-offs are we willing or unwilling to accept? What is the overall group's favored choice? What could be done to minimize any negative consequences of this approach?

Agenda

- Opening Remarks and Review of Rules (5 minutes)
- Discussion of Proposals (in order)
  --Presentations by Groups (1 minute each)
  --Questions and Answers (5 minutes)
  (Repeat process with other proposals)
- Open Discussion (15 minutes)

Unit Assessment: Writing an Op-Ed

Introduction:

This summative assessment for the unit asks students to write opinion pieces (op-eds or blog posts) that provide the "student's eye view" of how circumstances such as the Burge torture scandal can be avoided while community-police relations are improved. The assessment asks them to draw on what they learned in the unit to support their recommendations for community and police actions.

Essential Question:

- What is the proper role of the police?
- What factors allowed the police torture of Chicago's citizens to occur?
- How did people and organizations use the legal system and community action to seek justice for torture survivors, their families, and the community?
- What can we learn about racism by studying and discussing difficult episodes in history?

Enduring Understandings:

- The role of the police includes maintaining public safety, investigating crime, and arresting suspects accused of crimes, doing all of these tasks impartially.
- The program of torture conducted by Jon Burge and other officers of the Chicago Police Department must be understood through the racial and institutional context in which it happened.
- Actions against Jon Burge and reparations for those who suffered torture were the result of decades of struggle by a variety of groups, particularly within Chicago's Black community.
- Because difficult historic episodes often represent enduring issues or conflicts, studying and discussing them can help us understand contemporary controversies.

ISBE Standards:

- ISBE.CV.1.6-8: Evaluate the powers and responsibilities of citizens, political parties, interest groups, and the media.
- ISBE.SS.CV.2.6-8: Analyze the power and limits of governments, public officials, and bureaucracies at different levels in the United States and other countries.
- SS.CV.5.6-8: Apply civic virtues and democratic principles in school and community settings.

Common Core Standards:

- CCSS.ELA-LITERACY.SL.8.4: Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

ISBE Social Emotional Learning Standards:

- 1C.3a. Set a short-term goal and make a plan for achieving it.

Time: 1 class period

Materials and Preparation:

- Handout: ***A Student's View on the Future***
- Handout: ***Op-Ed Rubric***
- On-line opinion page from a local newspaper and equipment for projecting it

Procedure

1 Project the opinion page you have chosen and prompt students to describe what they are seeing by asking such questions as:

- What is the purpose of this page? (*To share people's opinions on various topics*)
- What kinds of topics are covered? (*Answers will vary.*)
- Who wrote the articles? (*Some were written by the editorial page staff, some by national columnists, and some by other people who want to express their views*.)
- Can you tell if any were written by young people? (*Answer will depend on the page shown.*)

2 Explain that the articles written by people who are not part of the editorial page staff or national columnists are called op-eds (this name comes from the fact that these pieces appear opposite the editorial page in the print newspaper). To demonstrate what students have learned about the Burge torture scandal and what they are thinking about future actions that can prevent something like this from occurring again, they are going to write op-eds providing a young person's view on these issues.

3 Distribute ***A Student's View on the Future*** and the ***Op-Ed Rubric***. Go over the directions for writing students' op-eds, as well as the criteria that you will use to assess them. Allow time for students to ask questions and clarify the instructions.

Handout: A Student's View on the Future

An op-ed is an opinion piece. Anyone can write an op-ed and submit it to a newspaper or post it online. Most op-eds are written by adults, but students also have views that can educate others.

You have studied the Burge torture scandal in more depth than many Chicagoans. Thus, your ideas about how we can avoid such horrible events in the future and build better police-community relations should be considered.

Your job is to write an op-ed that could appear in a Chicago newspaper or on an opinion blog. Your op-ed should answer the question: ***What should we—the community and the police/city—do to avoid future problems and build better police-community relations?***

Your op-ed should include the following elements:

- Background on the Burge torture scandal. Remember: Your readers may not know much about the scandal, the factors that allowed it to happen, or the response of citizens and government. You will need to provide enough information to let them understand your recommendations.
- A recommendation for one action the community can take to ensure that a torture scandal can never happen again and/or to build better police-community relations.
- Arguments in support of your recommendation for community action. Use evidence from the primary and secondary documents you have been working with to support your claim. For example, you may want to refer to actions that community members have taken in response to the torture scandal.
- A recommendation for one action the police/city can take to prevent a torture scandal from happening and/or build better police-community relations.
- Arguments in support of your recommendation for action by police/policymakers. Again, use evidence from the primary and secondary documents you have been working with to support your claim. For example, you may want to refer to actions that community members have taken in response to the torture scandal.
- An interest-grabbing opener and a call to action to close the op-ed.

Keep in mind what you know about effective writing and check the ***Op-Ed Rubric*** to be sure you know how your op-ed will be assessed.

Handout: Op-Ed Rubric

	Excellent (4)	Good (3)	Fair (2)	Poor (1)
Issue/Background	Provides accurate and relevant information about the following aspects of the torture scandal: • What happened, when it happened, who was involved • The role of racism • Community and government responses	Provides accurate and relevant information about two of the aspects of the torture scandal (see 4 column).	Provides information about one or two of the aspects of the torture scandal (see description of excellent work), but some information is inaccurate or not relevant.	Does not provide accurate or relevant information about the torture scandal as background.
Opinion/Support	Provides a clearly stated recommendation for action by each of the following: • The community • The police/city Supports recommendations with well-reasoned arguments and evidence from the documents in the unit.	Provides a clearly stated recommendation for action by each of the following: • The community • The police/city Supports recommendations with well-reasoned arguments or evidence from documents in the unit.	Provides a recommendation for action by one of the following: • The community • The police/city Supports recommendations with arguments that are unclear or irrelevant evidence from documents.	Provides unclear recommendation—either action or who is to take it is unclear. Does not support the recommendation with argumentation or evidence.
Writing	Opens with an interest-catching statement and closes with a call to action. Is well-organized. Uses strong and effective language. Includes no or very few errors in punctuation, grammar/usage, spelling.	Opens with an interest-catching statement and closes with a call to action. Is well-organized. Uses mostly effective language. Includes no or very few major errors in punctuation, grammar/usage, spelling.	Lacks an interest-catching opener or a closing call to action. Lacks a clear organizational structure. Uses mostly bland language. Includes several major errors in punctuation, grammar/usage, spelling.	Lacks an interest-catching opener and a closing call to action. Lacks a clear organizational structure. Uses bland or inappropriate language.

				Includes numerous major errors in punctuation, grammar/usage, spelling.

Appendix: Unit Extensions, Additional Resources, Historical Background Essays

Unit Extensions

The content of this unit includes numerous concepts and issues that students could explore in greater depth. Here we provide a number of ideas for extensions that could build on the topics students find most engaging.

Part 1: Conduct a Talking Circle focused on police in the community. For example, you might ask: What is the role of police in your community? or What impact do the police have on your community? This conversation would provide a good segue to Part 2, in which students explore the role of police more fully.

Part 2: If feasible, invite one or more police officers to visit your classroom to give their views on the role of the police in the community. Have students present the mission statements they wrote to the visiting officers for their responses and suggestions.

If you wish to have students study the rights of the accused in greater depth, you may use the handouts provided in the Appendix to structure a group activity in which students teach others about the rights protected by one through a presentation—poster, skit, commercial, or storyboard—that explains the right that is protected, illustrates how it was violated during the Burge torture scandal, and identifies a current issue involving that right. Most of the information they need is provided on the handouts, but they could also do additional research if appropriate. Have groups present their posters, presentations, or commercials. As each is presented, students should use ***The Police and Your Rights Notebook*** worksheet to take notes. *You may want to have a criminal defense attorney present to help with the debriefing of each presentation. The attorney can explain ideas in greater depth and how the rights are applied in routine cases. Contact the Constitutional Rights Foundation-Chicago regarding their Lawyers in the Classroom program.*

Part 3: *Chicago Reader* reporter John Conroy was one of the first to cover the Chicago police torture scandal and wrote many articles about what happened. Students can access his June 2006 article, "The Police Torture Scandal: A Who's Who" (http://www.chicagoreader.com/chicago/the-police-torture-scandal-a-whos-who/Content?oid=1921098), for background about specific persons. Interested students could create an infographic showing how the different people listed by Conroy are related.

Part 4: Ask students: What traits do you think are necessary to be a successful community activist? (*Some possible answers might include courage, strength, perseverance or endurance, knowledge of the community, good communication skills.*) Challenge students to create posters featuring character traits and activists or activist groups from this lesson who represent those traits. The posters could be hung in the school hall to bring attention of other classes to your class' study of the torture scandal.

Part 5: Invite a community member active in the response to the Burge torture scandal to visit your class, view and comment on students' posters, and provide his/her own perspectives on the actions taken by government in response to community activism. The CPS Department of Social Science and Civic Engagement can help you make connections with community activists. Contact Jessica Marshall at jmmarshall2@cps.edu or 773-553-6391.

Part 6: Encourage students to investigate the Department of Justice report on the Chicago Police Department, which was released in January 2017. The report includes a number of recommendations, which would deepen students' understanding of possible actions to improve community-police relations. The report, Investigation of the Chicago Police Department, can be found here: https://www.justice.gov/opa/file/925846/download.

Additional Resources

Chicago Public Schools

Restorative Practices Guide and Toolkit, Chicago: Chicago Public Schools, Office of Social and Emotional Learning, https://drive.google.com/file/d/0B1oQpdmVJg3Fb2ZPLWlJSTJjTHM/.

Civic Organizations

American Civil Liberties Union of Illinois | http://www.aclu-il.org/

Amnesty International | http://www.amnestyusa.org/

Black People Against Police Torture |

Black Youth Project | http://blackyouthproject.com/

CeaseFire Illinois | http://cureviolence.org/partners/illinois-partners/

Chicago Committee to Defend the Bill of Rights | http://www.ccdbr.org

Chicago Freedom School - http://chicagofreedomschool.org/

Chicago Torture Justice Memorials | http://chicagotorture.org/

Chicago Urban League | http://www.thechicagourbanleague.org/

Criminal and Juvenile Justice Project, The University of Chicago | http://www.law.uchicago.edu/clinics/mandel/juvenile

Human Rights Watch | https://www.hrw.org/about/get-local/chicago

Illinois Coalition for Immigrant and Refugee Rights | http://icirr.org/

MacArthur Justice Center, Bluhm Legal Clinic, Northwestern University | http://www.law.northwestern.edu/legalclinic/macarthur/

Mexican American Legal Defense and Education Fund | http://www.maldef.org/about/offices/midwest/index.html

National Conference of Black Lawyers| http://www.ncbl.org/chapters/chicago-chapter/

National Black Police Association | http://www.blackpolice.org/midwest.html

People's Law Office | http://peopleslawoffice.com

Project Nia | http://www.project-nia.org/

Safer Foundation | http://www.saferfoundation.org/

Government Organizations

Independent Police Review Authority, City of Chicago |
http://www.cityofchicago.org/city/en/depts/ipra.html

Law Office of the Cook County Public Defender |
http://www.cookcountycourt.org/FORPEOPLEWITHOUTLAWYERS.aspx

Torture Inquiry and Relief Commission, State of Illinois | http://www.illinois.gov/tirc/Pages/default.aspx

Teaching Resources: Philosophical Chairs Discussion

The following are the procedures for using a philosophical chairs discussion in the classroom. Philosophical chairs is a structured, large-group discussion that emphasizes listening to understand, perspective-taking, and respectful disagreement.

> ***SEL Focus:*** *This is a good opportunity to strengthen skills in perspective-taking and respectful disagreement. Emphasize that students who are assigned to a side they actually oppose do have an extra challenge, but by having a deeper understanding of their opponent's perspective, they will be better equipped to communicate and propose solutions that everyone can agree to.*
> *Before you begin the discussion, take time to clarify expectations for active listening and respectful disagreement. Provide sentence stems and use an active listening practice activity, such as the one you can find on pages 37-38 of the CPS Restorative Practices Toolkit.*

1 Tell the students that they will be assigned to prepare a position on the discussion question. The class will then discuss both sides of this question using something called Philosophical Chairs. Emphasize that students may not agree with the side to which they are assigned but that the conversation depends on everyone presenting their side well.

2 Divide the class into three groups: Yes (in favor of the idea put forth in the discussion question), No (opposed), and Unsure. Go over the ***Rules for a Good Philosophical Chairs Discussion*** so students understand how the discussion will work. Ask the Yes and No groups to prepare how they want to present their positions. Ask the Unsure group to prepare questions they want to have answered so they can make a decision. They will be given the opportunity to choose a side after hearing the positions of their peers.

3 Arrange chairs in a "U" formation. Students sit facing each other across the center of the room. Each side of the "U" represents one side of the question. The students at the bottom of the "U" are the Unsure group, positioned so they can see and hear both sides. Review the ***Rules*** when students are in position.

4 Ask the Yes side to begin. One speaker from this side begins with an opening argument or statement concerning the question.

5 In order to speak, a student from the No side must briefly summarize the Yes speaker's points to that speaker's satisfaction. Only then can the No speaker present his/her view. The speaker from the No side can either respond to the speaker from the Yes side or present another line of argument. The conversation continues to alternate between the Yes and No sides, one speaker per side, following the same rules. After a student speaks, that student must wait until two students on his/her side have spoken.

6 The teacher can call time-out periodically to clarify or refocus the discussion.

7 Students in the Unsure position must follow both sides of the argument (notes are encouraged). At the end of the conversation, these students must either explain who said something that convinced them to take the Yes or No position or share a question they still have before they can make a

decision. Not all “unsure” students will ultimately chose the same position so be sure to encourage each student to share what convinced them to take a position.

8 Debrief the discussion by asking students to indicate what they learned through the discussion as well as to reflect on how well the class did in listening to each other and working to understand different points of view.

Teaching Resources: Studying the Rights of the Accused

Handout: Rules for a Good Philosophical Chairs Discussion

- Address each other **by first names** at all times.
- When you speak, **briefly summarize** the previous speaker's points. Ask the speaker if they agree that your summary is accurate. Then move on to your own comments.
- After you speak, wait until **two students** on your side have spoken before speaking again.
- **Think** before you speak. **Organize** your thoughts. Give verbal clues to your listeners ("I have three points; first…").
- Do not speak over others. Be a good listener.
- Address the ideas, NOT the person.

The leader can call time-out periodically to **clarify, reflect on the process or content, or refocus the discussion.**

Source: Adapted from: Zachary Seech, "Philosophical Chairs: A Format for Classroom Discussion," *Teaching Philosophy* 7:1 (1984), as modified for the classroom by Dale B. Fountain, Mount Tahoma High School, Tacoma, Washington.

Handout: The Police and Your Rights: Fifth Amendment

The Fifth Amendment protects several important rights:

- Right to a grand jury. When a person is charged with a serious crime, the government must convince a grand jury that there is enough evidence to justify their prosecution.
- Protection from double jeopardy. If a person is found innocent of a crime, he/she can't be tried again for the same crime.
- Protection from self-incrimination. People cannot be forced to provide evidence against themselves (such as a confession) or to testify in court.
- Right to due process. People's life, freedom, and belongings cannot be taken from them without fair actions being used.

Your Task

Your group will focus on this part of the Amendment:

- Protection from having to testify against yourself.

Your job will be to prepare a poster, skit, commercial, or storyboard that will teach others about this right. Your presentation should include the following elements:

- The number of your amendment.
- A clear definition of this right, with one or two examples. The definition should help people understand why the right is important.
- An example of how this right was violated during the Burge Torture Scandal.
- A description of a current issue related to your right.

If you are creating a storyboard, include about five to seven panels. If you are creating a skit or commercial, have it run about two to three minutes. A poster should be large and detailed enough to provide the required information.

Be prepared to answer questions about the right you are presenting. The information below can help you begin preparing your presentation.

Background Information

Protection from having to testify against yourself. This protection is one of the most well-known of Fifth Amendment rights. It is the right people are referring to when they say "I take the Fifth." What they are really saying is "I am going to use the Fifth Amendment protection from having to testify against myself." It is also the right referred to by police officers when they tell people, "You have the right to remain silent."

If testimony could be forced, police officers might get confessions from innocent people by using torture or psychological pressure. The Supreme Court has ruled that such tactics are unconstitutional under the Fifth Amendment. The Supreme Court of the United States has ruled that this right extends to actions by not only the federal government but also state and city governments.

Abuse during Burge Torture Scandal. Under Commander Jon Burge, Chicago police officers regularly picked up people and held them until they "volunteered" to testify about various crimes. Why did they "volunteer"? They were threatened with physical abuse. They were verbally abused. And they were tortured. The torture included shocking, beating, suffocating, and other horrible treatment. The "testimony" they gave was often provided by the police officers. When Jon Burge was questioned about the torture, however, he took the Fifth.

Handout: The Police and Your Rights: Sixth Amendment

The Sixth Amendment protects several important rights:

- Right to a speedy trial. A person accused of a crime has the right to a trial soon after being charged. The trial must be open to the public and held in the area where the crime was committed.
- Right to a trial by jury. The person has the right to have other citizens—a jury—decide their case.
- Right to be informed. The police and prosecution must inform the person of the crime they are being accused of. The accused person has the right to know what evidence the prosecution has**.**
- Right to confront the accuser and compel testimony. The accused person has the right to question witnesses who are providing evidence against him/her. The accused person can force people to testify on his/her behalf.
- Right to an attorney. The accused person has the right to a lawyer.

Your Task

Your group will focus on this part of the Amendment:

- Right to an attorney to help you with your defense.

Your job will be to prepare a poster, skit, commercial, or storyboard that will teach others about this right. Your presentation should include the following elements:

- The number of your amendment.
- A clear definition of this right, with one or two examples. The definition should help people understand why the right is important.
- An example of how this right was violated during the Burge Torture Scandal.
- A description of a current issue related to your right.

If you are creating a storyboard, include about five to seven panels. If you are creating a skit or commercial, have it run about two to three minutes. A poster should be large and detailed enough to provide the required information.

Be prepared to answer questions about the right you are presenting. The information below can help you begin preparing your presentation.

Background Information

Right to an attorney. The Miranda warning tells people they have the right to a lawyer. Why should people talk to a lawyer? What can a lawyer do for a person accused of a crime? Remember that in the United States, you are innocent until the government can prove you are guilty.

Lawyers pass a special test so that they can advise people in legal matters. They understand the legal process thoroughly and can help a person accused of committing a crime from making mistakes that could lead to their conviction. During trial, a lawyer knows how and when to object to prosecution tactics. A lawyer also knows how to raise doubts about evidence and testimony.

Abuse during Burge Torture Scandal. Under Commander Jon Burge, Chicago police officers regularly picked up people and held them for many hours or even days. No one knew where they were. They were not permitted to see an attorney or have an attorney present until after they had "confessed" to a crime. Many innocent people confessed to crimes because they were afraid—after all, they had been beaten, shocked, and suffocated. If they had had attorneys to help them, the torture and false confessions could have been prevented. Note that Jon Burge did have an attorney when he was questioned and eventually tried.

Handout: The Police and Your Rights: Eighth Amendment

The Eighth Amendment protects these rights:

- Right to bail. People who have been arrested can be set free until their trial if they pay money to the court. This money, called bail, must be a fair amount.
- Protection from excessive fines. When a person has been found guilty of a crime, any fine that is part of punishment must be fair.
- Protection from cruel and unusual punishment. The government cannot use cruel or unusual ways to punish people. This applies both before and after a person has been convicted of a crime.

Your Task

Your group will focus on this part of the Amendment:

- Protection from cruel and unusual punishment, even when in police custody (before trial).

Your job will be to prepare a poster, skit, commercial, or storyboard that will teach others about this right. Your presentation should include the following elements:

- The number of your amendment.
- A clear definition of this right, with one or two examples. The definition should help people understand why the right is important.
- An example of how this right was violated during the Burge Torture Scandal.
- A description of a current issue related to your right.

If you are creating a storyboard, include about five to seven panels. If you are creating a skit or commercial, have it run about two to three minutes. A poster should be large and detailed enough to provide the required information.

Be prepared to answer questions about the right you are presenting. The information below can help you begin preparing your presentation.

Background Information

Cruel and unusual punishment. The Eighth Amendment protects people who are found guilty from "cruel and unusual punishment." What is cruel and unusual? As early as 1878, the Supreme Court held that certain kinds of punishment were cruel. These included drawing and quartering, public dissecting, burning alive, and disemboweling. In 1958, the Court said that taking away a natural-born citizen's citizenship for a crime was cruel and unusual. The Supreme Court has ruled that the death penalty is not cruel and unusual.

The Supreme Court of the United States has said that the punishment should fit the crime. In other words, a person can't be put to death for driving without a driver's license. In colonial America, however, a person could be hanged if he was found guilty of stealing something three times. Today that punishment seems cruel.

In 2015 the Supreme Court of the United States also held that police are held to the same standard of conduct when they detain people as when they arrest people. Because a person is presumed innocent

until proven guilty, a person in police custody before they are tried or convicted receives at least the same protections from excessive force as a person who is convicted of a crime.

Abuse during Burge Torture Scandal. Under Commander Jon Burge, Chicago police officers regularly used psychological and physical abuse and torture, including threats of death, to convince people to confess to crimes. Some innocent people confessed in order to stop the pain or to save their lives. Note that Jon Burge was never subjected to any cruel or unusual punishment.

Handout: The Police and Your Rights Notebook

As you view each presentation and take part in the discussion afterwards, take notes in the chart below. Summarize information on the rights you worked on in the chart as well.

Amendment	Right Protected	How Right Was Violated by Burge and Other CPD Officers	Current Issue Related to This Right
V			
VI			
VIII			

Historical Background Essay: Jon Burge and Individual Racism

Andrew Baer, Ph.D.

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Historical context played an important role in shaping the Jon Burge police torture scandal. Many of the white detectives involved, including Burge, grew up on Chicago's South and Southeast Sides in the two decades following World War Two. Their early life experiences likely helped shape a racist worldview that later allowed for the regular abuse of African American criminal suspects. In addition, most of the African American men who encountered Burge's crew came from social and economic backgrounds historically vulnerable to racist police violence. Burge's police career—from 1970 to 1991—overlapped with a period of rising rates of violent crime, de-industrialization, and the rise of mass incarceration throughout the United States. The social movements that confronted the torture crisis from 1989 to 2015 helped change local and national conversations about the meaning of crime and punishment in America.

Jon Burge was born in Chicago in December 1947. He was raised in a private housing development called Merrionette Manor in South Deering, a large, yet sparsely populated neighborhood on Chicago's Southeast Side. His father was a WWII veteran and a blue-collar employee of the local phone company. His mother was an advice columnist and public speaker who gave fashion and business advice to other mothers and working women.

Although the residents of Merrionette Manor included families from a variety of backgrounds, including many liberal Jews and other progressive whites, developers and homeowners aggressively guarded the neighborhood's racial boundaries. Fearing expansion of the nearby so-called Black Belt, many white people fought to keep African American families out through a variety of methods, including intimidation and violence. Indeed, for several years beginning in the early 1950s, South Deering exploded in mass protest and collective violence against black families attempting to move into Trumbull Park Homes, a low-rise public housing complex less than a mile-and-a-half from the Burge household. Involving thousands of local whites—including women and children—the violence at Trumbull Park symbolized the depth of fear and hatred greeting black families wherever they ventured beyond the overcrowded confines of their segregated communities.

Like his older brother before him, Jon Burge went to all-white grade schools before attending Bowen High School from 1961 to 1965. Throughout the early 1960s, Bowen was one of several South Side high schools that faced rising demands from African American parents and community leaders seeking fair access to quality education on a desegregated basis. While Burge spent much of his time at Bowen practicing drill with the school's prestigious Reserve Officer Training Corps (ROTC), he and his fellow students participated in several unpopular desegregation plans devised by the embattled Board of Education.

By 1970, just five years after Burge's graduation, South Deering and Bowen High School had transitioned from nearly all-white to virtually all-black. Adjacent neighborhoods faced a similar experience. In response to the national civil rights and Black Power movements, many white people, small businesses, and large corporations chose to leave the city rather than stay and work with black neighbors to ensure equal treatment in housing, education, employment, and criminal justice. Burge's age cohort thus grew up during the height of white resistance to racial progress in Chicago and elsewhere. Many of his peer group perceived the demographic changes of the post-WWII period as a loss of racial privilege and personal security.

African Americans experienced these changes differently. Beginning in the early 20th century, millions of African Americans left the Jim Crow South in search of safety and opportunity in the industrial North and Midwest. Indeed, the black population of Chicago expanded from approximately two percent of the city's population to 33 percent between 1910 and 1970. Throughout this period, white realtors, homeowners, politicians, bankers, and other bureaucrats and administrators helped funnel black people to certain neighborhoods on the city's South and West Sides. Local police and ordinary white residents reinforced racist policy with the threat of violence, forcing a disproportionate number of African Americans into inferior housing, slums, and public housing.

As factories moved out of the city in the 1960s, 1970s, and 1980s—slowly at first, and then in rapid succession—much of black Chicago struggled to maintain a decent quality of living in the face of unemployment, discrimination, and disinvestment. While many individual African Americans achieved success—financial, political, and otherwise—many more faced severe poverty and social isolation.

By the 1970s and 1980s, an entire generation of young black men found themselves without access to quality housing, education, healthcare, and employment. As a result, many turned to petty crime or joined one of the growing number of organized street gangs. Others wound up in jail or prison as law enforcement officials embarked on a national project of mass incarceration during the last decades of the 20th century. Indeed, violent crime rates—particularly murder—soared to new highs during the years that Burge worked as a detective. Unable or unwilling to appreciate larger historical trends, many white Chicagoans saw black youth as inherently criminal and undeserving of constitutional rights. As the 1960s War on Poverty gave way to the 1970s War on Crime and the 1980s War on Drugs, local police officers like Jon Burge experienced less scrutiny in their daily use of illegal or unconstitutional methods.

Indeed, the Chicago Police Department (CPD) that Jon Burge joined in 1970 had earned a long-standing reputation for inefficiency, corruption, brutality, and racism. In the 1920s and 1930s, Chicago detectives became notorious for using the so-called third degree to coerce confessions from suspects. A national movement to professionalize police departments in the mid-20th century culminated in the implementation of widespread reform in Chicago under police superintendent O.W. Wilson from 1960 to 1967. Many of Wilson's improvements, however, simply papered over the seedy underbelly of the CPD with modern public relations and community outreach.

In 1972, Burge joined a group of detectives working at police Area 2, a large jurisdiction covering much of the far South and Southeast Sides, including his childhood home. His first supervisor faced allegations of abuse long before Burge arrived. To complement the standard methods detectives relied

on to make unwilling suspects talk, Burge brought a new innovation—electroshock torture. Some people believe he learned this technique in the U.S. Army. From fall 1968 through late summer 1969, Burge served as a Military Policeman (MP) in Vietnam. While there is no evidence that Burge ever participated directly in an interrogation of a Vietnamese prisoner of war, the forward base he worked at later became associated with numerous allegations of electroshock torture. If Burge did not directly practice electroshock torture in Vietnam, he easily could have caught word of the technique.

From white resistance to black mobility in the 1950s, to racialized war in a foreign nation in the 1960s, to policing the streets of post-industrial Chicago in the 1970s, Burge's life experiences shaped his attitudes and contributed to his decision to torture black men in police custody. This illegal behavior helped Burge and his colleagues coerce confessions, close cases, and earn promotions, while punishing African American men they saw as undeserving of constitutional and human rights.

Historical Background Essay: Chicago and Institutional Racism

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Institutional racism refers to racially discriminatory policies and practices carried out by institutions and having a disparate impact on different racial groups. Institutional racism has a long history in Chicago, as does the effort to end institutional racism. Indeed, laws were passed in Chicago during the 1870s that provided for black voting rights and outlawed segregation (legally separate public spaces for blacks and whites—e.g., schools). These laws were not always enforced, however, and segregation persisted in employment, housing, and schooling.

Between World War I and 1970, 7 million African American migrants traveled from the South to the North as part of the Great Migration. They left the virulent racism and economic hardships of the South and traveled to northern cities for the promise of greater social freedoms and economic opportunities in northern industrial economies. More than half a million of these migrants came to Chicago where, instead of the gilded image of a land of opportunity, they often encountered harsh winters and cramped living conditions of the South Side's Black Belt. Black families were crowded into this densely populated community by housing segregation and its resulting school segregation, employment discrimination, and racist policies that limited African Americans' opportunities for financial and geographic mobility. For those living in Chicago's black communities, however, segregation also encouraged congregation, the development of black institutions (black banks, newspapers, social/civic organizations, religious groups, etc.) and a unique sense of kinship amongst people in the neighborhood.

Housing Policies and Racism

Segregation in housing was policed by neighborhood groups, white racial violence, discriminatory governmental, real estate, and banking practices, and public housing policies.

***Redlining**:* Redlining is the practice of denying homeowners loans and insurance based on the race and/or class of residents. In the 1930s, the New Deal Home Owners' Loan Corporation (HOLC) initiated redlining—dividing neighborhoods up by "quality" (and desirability for lending). The lowest rated neighborhoods were almost always areas where blacks lived, regardless of whether the residents of the community could afford to pay a mortgage. At various times Latinos, Asians, and Jews were also redlined. These policies made (re)development and investment in black communities very difficult.

***Racial Restrictive Covenants**:* White homeowners entered into contracts that prohibited the sale or lease of property in their neighborhoods to African Americans. The use of racially restrictive covenants increased during the 1920s, with the influx of southern black migrants. These agreements barred African Americans from living in many white areas of the city. The U.S. Supreme Court struck down racially restrictive covenants nationally in 1948 (*Shelley v. Kraemer*), but such agreements had already reinforced segregation in Chicago.

Blockbusting: White real estate agents and speculators scared white homeowners into thinking that black people were going to move into their neighborhoods; or example, on an all-white block near a racially transitioning area, they would hire a black person to walk down the street and inquire about purchasing a home in the area. The white agents would then use the ensuing panic to buy white homeowners' homes at a low price and resell the same homes at a higher price to African Americans who were largely frozen out of the traditional lending market by racist banking practices.

Contract Loans: Buyers shut out from conventional lending are offered an alternative: make monthly payments on a home directly to the seller. They receive the deed only once the property is entirely paid off, 20 or 30 years down the road. Meantime, they have few of the legal protections of a typical home buyer. They don't build equity with time. They can be easily evicted. If that happens, they lose their investment. Between the 1930s and 1960s, contract lending was in some cities the primary means middle-class blacks had to buy homes. When families fell behind on payments or repairs, they were swiftly evicted. To make payments, residents had to put more people under one roof and didn't have money to pay for upkeep of homes, adding to the decline of neighborhood housing stock.

Public Housing Only in Black Neighborhoods: Early public housing was segregated. Whites opposed—often violently—the building of public housing in their communities. Public housing for black residents was almost exclusively built in black areas cleared by urban renewal or adjacent to existing overcrowded/struggling black communities. In 1969 a judge ordered the CHA to build scattered-site housing elsewhere in the city. Rather than comply with this order, the CHA virtually stopped building family housing and almost exclusively built housing for elderly tenants.

Education

Since most public schools assigned attendance areas based on neighborhood, segregation in schooling was closely tied to patterns of residential segregation. In 1922 the Board of Education implemented a strict neighborhood schooling policy complementing the 1917 Chicago Real Estate Board's policy to confine black residents to certain neighborhoods. A 1958 investigation by the NAACP's *Crisis* magazine found that CPS schools were more segregated than the city as a whole. School attendance areas were meticulously districted, and new schools were built to maintain separate black and white schools.

Into the 1960s, schools in black neighborhoods often ran on double and triple shifts to accommodate overcrowding—with black students attending schools for only a few hours each day. Mayor Richard J. Daley's appointed Superintendent of Schools Benjamin Willis and the Chicago Board of Education refused to alleviate overcrowding by granting black students access to open seats in nearby under-enrolled white schools. Black and white schools were separate and unequal.

In local actions and massive citywide protests, black parents, students, and civil rights organizations mobilized around the problem of overcrowding in schools serving black children. In response, Willis ordered building of portable classrooms at overcrowded black schools. Willis and these makeshift mobile classrooms, dubbed "Willis Wagons," became prime targets for protests. Chicago Civil Rights Coalition, Coordinating Council of Community Organizations (CCCO), organized a Freedom Day school boycott in October 1963. Nearly 225,000 students (almost half of all CPS students) stayed home from

school. In February 1964 another 175,000 students stayed home to boycott the schools. These actions demanded desegregation and more equitable resources and materials for black students. In 1968 attempts to use one-way busing (moving a small number of black students into white schools) to desegregate schools in South Shore and Austin sparked protests by white and black parents. White parents who opposed busing didn't want their children in school with black students and black parents argued that their students were worthy of quality neighborhood schools in their own communities. In another round of school boycotts in 1968, African Americans demanded community control of schools.

Employment

Historically, African Americans, Latinos, and women were the "last hired, first fired" in many forms of employment in the city. During the 1960s and 1970s, these practices were challenged. In the late 1960s, for example, black teachers waged major battles against the Chicago Teachers Union's lack of attention to the needs of black students and teachers. By 1969, more than half of CPS students were black, but black teachers only accounted for 34 percent of the teaching force. For years, black teachers were denied positions in schools without a significant majority of black students. While the law did not sanction these actions, school administrators and many white principals used discretionary hiring practices to limit the schools where black teachers and administrators could work.

African American teachers made up a disproportionately large number of Full-time Basis Substitutes (FTBs). By 1963, FTBs constituted a quarter of the CPS teaching force and, by some estimates, 90 percent of FTBs were African American. FTBs were able to teach because they met the requirements for certification by the State of Illinois, but they were not considered certified in CPS because they had not passed the Chicago Board of Education's certification exam. Many argued that this exam explicitly discriminated against black teachers. Teachers claimed that the oral part of the exam was used to deny black teachers' certification, much in the way that subjective "literacy tests" were administered in the South to prevent African Americans from voting. Relegating the majority of black teachers to FTB status allowed the Chicago Board of Education to uphold faculty segregation. It prevented the majority of black teachers from easily requesting transfers, a benefit extended to certified teachers. FTBs were paid less, easier to fire than certified teachers, and barred from full voting rights in the union. CPS officials could also more easily transfer FTBs to break up groups of teachers participating in civil rights activism. The CTU leadership largely ignored these issues facing black FTBs.

Organizing by black teachers, students, and community organizations pressured the Board of Education to hire, certify, and promote more black teachers, administrators, and staff, significantly transforming the demographics of CPS employees. In the decade following the 1969 CTU strike, the number and proportion of black teachers, administrators, and CPS employees increased significantly. In 1969 African Americans made up only 34 percent of teachers (7,844 teachers) and 24 percent of the supervisory and administrative staff (377 employees) employed by the Board of Education. However, by 1978, African Americans became a majority of CPS employees. By 1979, African Americans constituted 43 percent of the teaching staff (11,068 teachers), 39 percent of the administrative staff (553 employees), and 60 percent of the clerical and service support staff (12,460 employees) in CPS. As their numbers grew, black educators' power grew within the CTU. In 1984, Jacqueline Vaughn became the first African American, woman, and elementary school teacher to head the CTU.

Black police officers also challenged their underrepresentation in the police force and promotion and assignment practices. In 1973 leaders of the Afro-American Patrolman's League filed a series of lawsuits that challenged the police force's hiring and promotion practices and the discriminatory implementation of medical tests that were used to weed out minority applicants.

Deindustrialization

For African Americans, the impact of deindustrialization was particularly painful. Black unemployment rates increased further with the decline of low-skilled relatively higher paying industrial work in cities. In the postwar period, as urban manufacturing plants closed across the Northeast and Midwest, black workers were left facing a labor market constricted by discrimination and a spatial mismatch between their location in the city core and expanding job opportunities in racially exclusionary suburbs and the growing "Sunbelt" economies in the South and West.

In 1954 Chicago's manufacturers employed almost 500,000 production workers. By 1982, they employed only 162,000 such workers. This particularly impacted black workers, who disproportionately found work in the low-skilled manufacturing sector. Deindustrialization, including the loss of manufacturing, trade jobs, and related industries, also led to greater racial inequality in income and employment rates. The impacts of these economic changes led to increases in black unemployment, poverty, and reliance on public assistance programs. Rather than address the structural changes in the economy that shaped the lives of black families, policymakers and the public shifted attention to the alleged pathology of black women and families as a primary cause of urban black poverty.

Historical Background Essay: Crime and Policing in Chicago

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Jon Burge and other white detectives under his command tortured more than 120 black criminal suspects between 1972 and 1991, a period in which crime rates soared across the United States and politicians obsessed over issues of law and order. Gathered by local law enforcement officials and compiled by the Federal Bureau of Investigation, crime rates have always been unreliable and vulnerable to manipulation. Indeed, crime rates only reflect the number of offenses actually reported to the police, a small portion of the total number of crimes committed each year. Nevertheless, these flawed statistics hold significant political and social consequences and have the power to shape historical outcomes. In the 1970s and 1980s, a perceived crisis over rising crime rates played an important role in explaining the persistence of police torture in Chicago and the impunity enjoyed by its perpetrators.

The rise of reported incidents of *violent* crime, in particular, often lead to panic and pressure on public figures to find a solution. Among scholars who study historical crime trends, homicide rates often stand in as a proxy for violent crime rates as a whole, as homicides are among the most accurate of all crime statistics. For most of the period 1900 to 1965, homicide rates in Chicago fluctuated around a rate of 10 per 100,000 people. In the 1920s, however, the homicide rate doubled to nearly 20 per 100,000. This increase—mirrored in other large cities as well—changed public perception of the crime problem, triggered fear and panic, inspired local and national officials to declare a war on crime, and raised public tolerance for police misconduct. With crime seemingly out of control, many local residents proved willing to turn a blind eye to police abuse if it meant the streets would be made safe again. When crime rates began to drop during the Great Depression, local people became less willing to tolerate police misconduct. The 1930s witnessed increased scrutiny of law enforcement and led to many important reforms, including the apparent decline of the so-called third degree—police abuse of criminal suspects during interrogation. Throughout the 1940s and 1950s, crime rates in big cities like Chicago remained relatively low and public attention to issues of crime and policing ebbed.

In the ten years after 1965, however, violent crime rates in cities across the United States soared. As local police departments professionalized and improved their recordkeeping, more people became willing to turn to the police for help, and crime appeared to be on the rise. In Chicago, for example, the total number of murders in 1965 was 395. In 1974, the total number of murders had risen to an all-time high of 970 (for reference, the total number of murders in Chicago in 2015 clocked in around 468, a slight uptick from recent lows). The average number of murders each year from the early 1970s through the early 1990s was roughly double what it had been in the four preceding decades. Beginning in the mid-1990s, murders started to decrease once again. Therefore, the peak years of murder in twentieth-century Chicago, measured in real numbers, corresponded remarkably with the police career of Jon Burge, who served with the Chicago Police Department from 1970 to 1991.

The relationship between crime and policing, however, has never been straightforward, and political considerations often determine law enforcement outcomes. Much as in the 1920s, public concern over the apparent crime wave sanctioned a reactionary and punitive government response from the late-1960s forward. In addition to the increase in murders and other violent felonies, public officials also reacted to the rise in protests and civil disobedience demonstrated by the civil rights movement, the anti-war movement, the student movement, the women's rights movement, and the burgeoning gay rights movement. Adding to this general sense of lawlessness, hundreds of American cities erupted in so-called urban riots each summer between 1964 and 1968, highlighted by the Watts rebellion of 1965, urban disorder in Detroit and Newark in 1967, and the mass outpouring of anger and grief in Chicago, Washington, D.C., and elsewhere following the assassination of Martin Luther King, Jr. in April 1968. In the eyes of elected officials, police administrators, and other members of law enforcement, America seemed to have entered a period of widespread disregard for public safety and rampant disrespect for the rule of law. Capitalizing on these fears, politicians championed the cause of law and order and launched a series of wars on crime.

In Chicago, police administrators and mayors struggled to contain the growing crime crisis beginning in the mid-1960s. Mayor Richard J. Daley, in office from 1955 until 1976, controlled most of Chicago's municipal departments, including the police, as the head of a powerful political machine. Determined to bolster the city's image and to avoid national scrutiny, Daley and his successors sought to clamp down on crime while reaping new federal anti-crime resources. After the retirement of a reform-minded police superintendent in 1967, Mayor Daley and his hand-picked superintendents responded to the crime problem with an aggressive crackdown on targeted communities, particularly African American neighborhoods on the city's South and West Sides.

Due to decades of discrimination in housing, education, employment, health, and criminal justice, many black neighborhoods suffered disproportionately from high levels of crime. Rather than address the crime problem by attacking its social and economic roots, Daley and other big city mayors chose instead to increase funding for the police, including special tactical units, anti-gang operations, and political surveillance of civil rights organizations. Beginning in the late 1960s, the Chicago Police Department's war on gangs morphed into a never-ending war on crime. Driven by political and economic incentives coordinated from Washington, the militarization of local police departments in the 1970s and 1980s triggered widespread misconduct and brutality at the local level. Fought primarily in poor and non-white neighborhoods, the national crime war devastated African American communities like Chicago's South Side, where racist police officers like Jon Burge and his men operated with little apparent supervision.

The torture regime operating at Area 2 in the 1970s and 1980s responded, in part, to the escalating crime crisis of the 1970s, when the local murder rate skyrocketed. But the detectives' willingness to resort to torture also reflected the political possibilities of the times. If professional, personal, and racial considerations convinced Burge and his men to coerce confessions through intimidation and violence, they were emboldened by the protection and encouragement they received from other members of law enforcement. While police violence has persisted over time, the political and social climate of the 1970s and 1980s—a period of crime panic and bipartisan consensus on issues of law and order—ensured

that Burge and his men would operate with impunity. Most public officials, members of the corporate media, and much of the white public tolerated police abuse in a period of perceived crime crisis

However, not all Chicagoans jumped on board the law and order bandwagon. Many local people, especially African Americans, opposed the criminal justice crackdown of the 1970s and 1980s. Even those black leaders and residents who called for police protection from violent crime insisted that the local crime war be fought with efficiency and professionalism. African Americans living in Chicago's poorest neighborhoods wanted protection from violent crime and violent police alike, demanding a war on crime, but one fought on humane and nondiscriminatory terms.

Historical Background Essay: Government Response to Violations of Civil Rights

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On June 28, 2010, after a twenty-nine year battle for justice, former Chicago Police Commander Jon Burge was convicted in federal court for perjury and obstruction of justice in connection with his torture of more than 110 African American men on Chicago's South Side. Burge's criminal prosecution followed the release and exoneration of 14 wrongfully convicted torture survivors and the City of Chicago's payment of more than $20 million in settlements in nine civil rights cases. Burge's conviction marked a major victory, as did the City's 2015 agreement to a reparations package to provide some compensation for torture survivors and their families. These were victories won through creative, principled, and persistent litigation in the courts and tireless activism in the streets and at City Hall. They were the product of attorneys, activists, torture survivors, and their family members working together, empowering and propelling one another, to fight on year after year.

Throughout Burge's reign of terror from 1972 to 1991, local and federal officials repeatedly received concrete and credible information regarding the torture, but nevertheless refused to take action. In February of 1982, then Cook County State's Attorney Richard M. Daley (later to become Mayor of Chicago) was advised that Burge and his men electrically shocked Andrew Wilson, burned him against a radiator, suffocated him with a plastic bag, and beat and kicked him. Instead of initiating a criminal investigation into Burge's crimes, Daley prosecuted Wilson for the murder of two white police officers based on a confession elicited by this torture.

It was politically expedient for Daley and other politicians to credit the word of white police officers closing scores of criminal cases by securing convictions based on these coerced confessions. It was also convenient to discredit, disbelieve, and ignore the torture survivors, who were black, poor, unsympathetic, and, in many cases, like Wilson, were accused of violent crimes. Emboldened by the State's Attorneys' and CPD's failure to take any action in 1982, Burge and his detectives went on to torture an additional 74 men with impunity over the next nine years.

Facing unrelenting resistance in the courts and long odds fighting City Hall, the State's Attorney's Office, and the CPD, attorneys and organizers nevertheless persisted in their efforts to obtain justice for the torture survivors. In 1986, Wilson filed a *pro se* law suit in federal court against Burge; the case was subsequently taken up by lawyers from the People's Law Office (PLO). This litigation became the vehicle for discovering the overwhelming evidence of the CPD's pattern and practice of torture under Burge.

During and after Wilson's civil trial in the late 1980s, the Task Force to Confront Police Violence, Citizens Alert, and approximately 50 other local organizations ranging from Clergy and Laity Concerned to Queer Nation routinely demonstrated outside the federal courthouse, at Police Headquarters, and at

City Hall, challenging then Mayor Daley and the Superintendent of the CPD to investigate and stop the torture. Attorneys and activists repeatedly orchestrated presentations and demonstrations at Chicago Police Board and City Council demanding Burge's termination from the CPD. Subsequently, the Office of Professional Standards (OPS) re-opened investigations into several torture cases, and in 1990 Amnesty International issued a report requesting a criminal investigation. Ultimately, the OPS sustained Wilson's allegations of torture, resulting in Burge's termination from the CPD in 1993, a huge victory in the campaign for justice.

Throughout the following decade, the PLO continued to successfully represent torture survivors in federal civil rights cases, further developing evidence that corroborated the systemic torture and racist practices of Burge and his men. Much of the litigation and organizing efforts, however, shifted to those who remained incarcerated on the basis of confessions elicited through torture. Torture survivors on Illinois' death row began to organize on their own behalf, dubbing themselves the Death Row 10 (later the Death Row 11). They were represented by a coalition of attorneys from Northwestern University's legal clinics, the Capital Defenders' Office, the Cook County Public Defenders' Office, the PLO, and private attorneys. The torture survivors and their lawyers collaborated with community organizations, including the Campaign to the End the Death Penalty (CEDP), the African American Committee to Free Mumia Abu Jamal and Aaron Patterson, the Illinois Coalition to the Abolish the Death Penalty, and the Aaron Patterson Defense Committee to bring attention to their wrongful convictions. The synergistic combination of litigation and organizing educated the media, politicians, and the public about the plight of these torture survivors and resulted in several favorable rulings from the Illinois appellate courts granting new hearings to some of the torture survivors in their post-conviction cases.

Family members of the survivors also took great risks and spoke out on behalf of their imprisoned loved ones. They joined with family members of other death row inmates in a historic meeting with former Illinois Governor George Ryan in 2002, in which they appealed to him to commute all death sentences. The campaign for the Death Row 11 culminated with Ryan pardoning four torture survivors on the basis of their innocence. Moreover, the atrocities committed in the torture cases were one of the factors Ryan considered when he commuted the death sentences of all people on Illinois's death row in 2003, another monumental victory in the campaign for justice.

Meanwhile, neither Burge nor any of the detectives under his command were prosecuted for their crimes of torture, despite the wealth of evidence against them. This complete lack of accountability led to the formation of the Campaign to Prosecute Police Torture, a coalition of community organizations and attorneys, including the Mac Arthur Justice Center, Citizens Alert, Justice Coalition of Greater Chicago, Operation Rainbow Push, CEDP, and the PLO. In 2002, the Campaign successfully filed a petition securing the appointment of special prosecutors to criminally investigate Burge and other detectives for their crimes of torture and abuse, as well as for the perjury they engaged in when covering up their misconduct.

In the absence of any criminal indictments, a group of attorneys and organizers coalesced again two years later to bring the torture cases to the international arena. In May of 2006, advocates from Chicago and the Law Enforcement Working Group of the US Human Rights Network, with the assistance of the Midwest Coalition for Human Rights, presented the Chicago Police Torture cases to

the U.N. Committee Against Torture (U.N. CAT) in Geneva, Switzerland. The Committee subsequently issued a scathing indictment of the U.S. government's failure to comply with the Convention Against Torture and called on the U.S. government to "promptly, thoroughly and impartially" investigate the Chicago Police Torture cases and "bring the perpetrators to justice."

In July 2006, the Special Prosecutors concluded their investigation without seeking any indictments, instead issuing a report. The failure to indict Burge or any of the other officers for their repeated acts of torture that the Special Prosecutors concluded had taken place caused widespread community outrage. Armed with the findings in the Special Prosecutors' report and those of the U.N. CAT, attorneys and activists issued a "shadow" report to the Special Prosecutor's Report endorsed by more than 210 human rights, criminal justice, civil rights, and racial justice organizations and individuals nationwide, demanding Burge's prosecution and relief for the survivors.

The report led to dramatic hearings before the Cook County Board and Chicago City Council. Subsequently, the Cook County Board passed a resolution calling on the U.S. Attorney to criminally investigate Burge. City Council Aldermen advocated publicly for his prosecution as well. The CEDP continued to stage spirited demonstrations demanding new trials for the torture survivors behind bars. Black People Against Police Torture, a newly formed organization, initiated a campaign to oppose Chicago's bid for the 2016 Olympic Games, asserting the international human rights violations implicated by the torture cases disqualified the City from consideration as a host city.

In October 2008, the U.S. Attorney's Office in Chicago, in conjunction with the Department of Justice, indicted Burge for crimes of perjury and obstruction of justice, based on the fact that he lied under oath in a civil rights case when he denied he used, or was aware of the use of, torture techniques.

Burge was tried in June 2010. Four of the torture survivors—Anthony Holmes, Melvin Jones, Gregory Banks, and Shadeed Mu'min—courageously testified at his trial, reciting the torment and anguish they suffered when Burge and his men tortured and taunted them at Area 2 police headquarters. Burge was ultimately found guilty by a jury of all three counts.

On January 20 and 21, a two-day sentencing hearing was held in a courtroom packed with torture survivors, family members, activists, attorneys, and community members. Again, Anthony Holmes testified, recounting his torture and describing its long lasting effects he struggles with to this very day:

> I still have nightmares, not as bad as they were, but I still have them. I wake up in a cold sweat. I still fear that I am going to go back to jail for this again. I see myself falling in a deep hole and no one helping me to get out. That is what it feels like. I felt hopeless and helpless when it happened, and when I dream I feel like I am in that room again, screaming for help and no one comes to help me. I keep trying to turn the dream around but it keeps being the same. I can never expect when I will have the dream. I just lay down at night, and then I wake up and the bed is soaked.
>
> I still think I shouldn't have let Burge do that to me, but there was nothing I could do. I keep thinking how I can get out of it, but there was nothing I could do. I remember

> looking around the room at the other officers and I thought one of them would say that was enough and they never did.

At the conclusion of the hearing, the Honorable Judge Joan Lefkow sentenced Burge to serve four and half years in prison, twice the amount recommended under the federal sentencing guidelines. In doing so, Judge Lekow noted the letters and petition she received, signed by over 1,000 people:

> those statements describe brutality at your hands or those under your supervision or command, some even more appalling than the torture the witnesses here have testified about.
>
> One remarkable thing about the statements was how many came from outside the Chicago area. These people say they had to leave Chicago because they were terrified that the police would do this to them again.
>
> One statement from a prisoner, however, will probably haunt me the longest. This man reports that he has been in prison for 30 years. He stated he was 17 when he was arrested while walking down the street and brutally tortured until he confessed to a murder. He said, I had the body of a man; but I was a child inside. He remains in prison for a crime he insists he did not commit, being abandoned by family and friends who trusted that the police would not have charged him had he not done the crime…

While Burge's conviction was a tremendous step forward along the path of accountability and justice, as were the subsequent reparations agreement and apology from the City of Chicago, there is still more work to be done. African American men remain in prison as a result of convictions based in whole or in part upon their coerced confessions. Further, Burge did not act alone, and the other detectives involved in torturing people to secure coerced confessions must also be held accountable. The struggle for justice must continue.