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CLASS ACTION SUIT CALLS FOR NEW HEARINGS FOR STILL-INCARCERATED BURGE TORTURE VICTIMS

CHICAGO—Attorneys filed a class action lawsuit today in Cook County Circuit Court calling for new hearings for all of the men who remain in prison despite credible claims that their convictions were tainted by torture committed by disgraced former Chicago Police Commander Jon Burge and his subordinates.

“We are asking the Court to establish a process to ensure that every Burge victim still in prison is given a fair hearing to determine if his conviction rests on a tortured confession,” said Locke Bowman, director of the Roderick MacArthur Justice Center and attorney for the class. “For close to four decades, Chicago has struggled with the atrocities that occurred on Jon Burge’s watch. The reputation of the Chicago Police is tarnished, and the taxpayers have shelled out millions of dollars. We cannot achieve closure and get to the bottom of this scandal until every person who suffered under Burge is granted a fair hearing.”

Now that Burge stands convicted of crimes relating to the systematic torture of African-American men over more than two decades, the cases of each of his victims should be re-examined, according to the suit. The suit notes that other jurisdictions faced with similar police scandals, including Los Angeles, New York City and West Virginia, have waived legal procedural barriers and vacated convictions to ensure no individual remain convicted on the basis of corrupt law enforcement actions.

“It is time for the Cook County criminal court to abandon legal technicalities and provide each and every one of the torture victims a full and fair opportunity to present evidence that they were tortured. It is unconscionable to continue to do nothing on behalf of those languishing behind bars while Burge stands convicted,” said Joey Mogul, partner at the People’s Law Office and attorney for the class.

An unknown number of men remain in prison because they confessed to crimes after being tortured by Burge and his men. Last year, the Illinois Supreme Court ruled that imprisoned Burge victim Stanley Wrice was entitled to a new hearing based on evidence that he was tortured into fabricating a confession to rape he didn’t commit. In the decision, the Court declared that “no conviction in the State of Illinois can rest in whole or in part on a confession that was the product of torture or other physical evidence.”

The class-action suit seeks to apply the same remedy to the plight of other Burge victims still in prison despite evidence that could invalidate their convictions.

“It is a crime that a still unknown number of persons remain in prison as a direct result of Burge’s reign of racist torture,” said Flint Taylor, a founding partner of the People’s Law Office and attorney for the class. “It is well past time for all of these torture victims to receive a full and fair hearing on the question of whether their confessions were tortured from them by Burge and his men.”

Before the state cut off funding for the Illinois Torture Inquiry and Relief Commission earlier this year, more than 100 people had filed claims of torture with the Commission. According to the suit, new hearings ordered by the court may be the last course of action to ensure every torture victim receives a fair evidentiary hearing to determine if a new trial is needed.

Racially motivated electric shock, mock execution, suffocation and beating were among the atrocities Burge and his subordinates inflicted on suspects in order to extract false confessions. .

According to the petition, the class includes at least the following identified individuals: George Anderson, Tony Anderson, Franklin Burchette, Javan Deloney, Grayland Johnson, Leonard Kidd, Jerry Mahaffey, Reginald Mahaffey, Ivan Smith, Robert Smith, Vincent Wade, Jackie Wilson and some or all of the 110 applicants to the Torture Inquiry and Relief Commission. The petition notes that the class also includes individuals yet to be identified.

Attorneys representing the class have litigated on behalf of numerous Burge victims over the years including Andrew Wilson, Darrell Cannon, Ronald Kitchen and Michael Tillman and were instrumental in the appointment of a special prosecutor to investigate Burge and his men.

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Roderick MacArthur Justice Center is an independent, privately funded law firm, founded in 1985 by Roderick MacArthur.