

“Burge on Trial”

Chicago Tribune -- May 6, 2010

Chicago Tribune

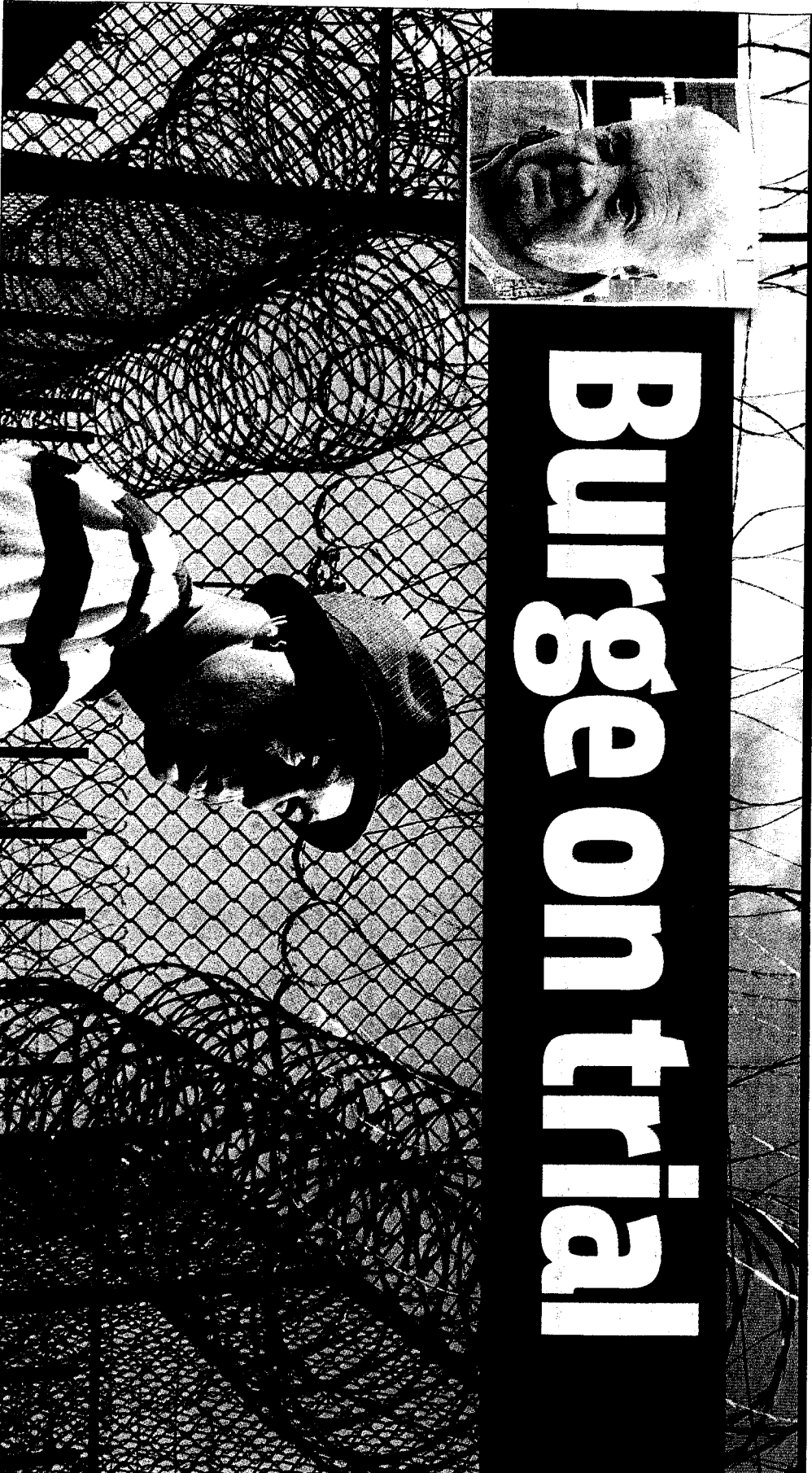
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Burgee on trial



Mark Clements, an alleged victim of Jon Burgee's officers, said Burgee's trial "means a lot to me." Clements, 45, was freed last year after 28 years behind bars. CHRIS WALKER/TRIBUNE PHOTO

As disgraced detective prepares to appear in court, ex-inmates hope 'finally some justice will come out' PAGE 8



Torture claims cast long shadows in Burge case

As fired detective heads to trial, former inmates hope for 'some justice'

By Matthew Walberg
TRIBUNE REPORTER

One of the city's most persistent and troubling scandals reaches federal court Thursday when jury selection begins in the trial of Jon Burge, the former Chicago police detective accused of overseeing the torture of suspects.

For nearly two decades, Burge and his detectives allegedly sent dozens of men to prison on the basis of coerced confessions, deepening bitterness between police and minorities and helping inspire former Gov. George Ryan to reject capital punishment and empty the state's death row.



Burge

But Burge, now 62, living on a police pension and reportedly in poor health, will not be tried for any act of torture.

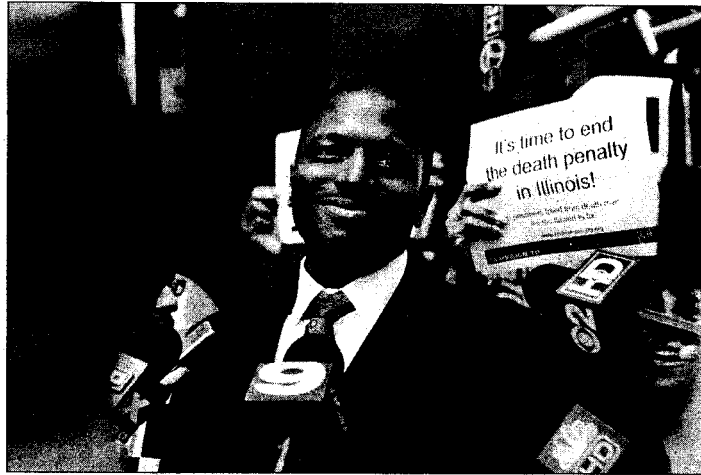
While federal prosecutors say they will prove that he and his detectives abused suspects, the statute of limitations expired long ago. Instead, Burge stands accused of perjury and obstruction of justice for allegedly lying in 2003 when he denied under oath he knew of or participated in abuse of suspects.

The fact that Burge is facing any kind of criminal charge is seen by some as a long-overdue opportunity for vindication.

"Jon Burge standing trial means a lot to the African-American community, and it means a lot to me, that finally some justice will come out of this ordeal of torture," said Mark Clements, 45, an alleged victim of Burge's officers who was released from prison in August after 28 years behind bars.

But Ronald Kitchen, 51, another alleged victim who was freed in July after 21 years in prison, isn't satisfied.

"Who wouldn't want to see him put in the same cage he put us in?" Kitchen said. "But unless he gets up on the stand and admits



Ronald Kitchen, 51, who said detectives under the command of Jon Burge beat a confession out of him, was freed in July after 21 years behind bars. ABEL URIBE/TRIBUNE PHOTO 2009

what he did, there's no justice in it for me." Burge is expected to attend Thursday's session in Judge Joan Lefkow's courtroom, where potential jurors will be given a questionnaire. On May 24, they will return for the completion of jury selection.

Burge's attorney, Richard Beuke, declined to allow his client to be interviewed by the Tribune but said the former detective will "vehemently deny all these allegations."

"He is looking forward to an opportunity to finally face these people in court with a jury that will hopefully understand the law and the evidence and do their best to give him a fair trial in light of all the negative publicity that plaintiff's lawyers and politicians have feasted upon at his expense," Beuke said. "We want to make sure that this trial is tried in the courtroom."

The allegations against Burge have been raised in many courtrooms already — in suspects' criminal trials and in their later civil trials seeking compensation for alleged torture.

The city has paid out millions in legal fees and settlements.

Burge, however, had avoided any criminal charges until he was arrested at his Florida home in October 2008 on perjury and obstruction charges related to a 2003 lawsuit by Madison Hobley.

Hobley was convicted of murder and sentenced to death for a 1987 arson that killed his wife, son and five other people. Amid allegations that officers under Burge's command tortured Hobley, planted evidence and lied at his trial, Gov. Ryan pardoned him and Hobley filed a federal lawsuit. Burge, in a written response to questions in the case, denied that he knew of or participated in any abuse or torture — statements that federal prosecutors say were lies and are the basis for the new charges.

The Chicago City Council approved settlements totaling as much as \$19.8 million for Hobley and three other men who said they were tortured by Burge and his detectives.

The allegations against Burge and the detectives — including beatings, electric shock, Russian roulette and near-suffocation — have been costly to Chicago's



Hobley

international reputation as well as its treasury.

In 2006, an investigation by a special Cook County prosecutor concluded that Burge and his officers obtained dozens of confessions through torture, but found that prosecutors had no recourse because of the statute of limitations. A coalition of human rights organizations, including Amnesty International, lambasted the special prosecutor's findings, saying the investigation glossed over the alleged abuse and protected the police and prosecutors who did nothing about it.

Mayor Richard Daley was state's attorney when allegations against Burge began to surface, and has for years fended off accusations by defense lawyers and activists that he knew of the abuse but did nothing.

The city finally moved to fire Burge in 1993 over the alleged torture of convicted cop killer Andrew Wilson. Soon after, the Fraternal Order of Police — the union that represents Chicago police officers — was denied permission to enter a float in the South Side Irish Parade titled "Travesties of Justice" to honor Burge and several other officers accused of mistreating blacks.

Some say the image of Chicago police officers has been another casualty of the Burge scandal.

"When you undermine the essential credibility of a police officer, you create a very damaging and very negative impact," said Mark Rotert, a former state and federal prosecutor now in private practice.

"It's important for the police and for everybody in the criminal justice system to sort of operate on the belief that there are lines that a sworn police officer will not cross. If there's credible reason to suppose that one or more policemen routinely crossed those lines, every cop is hurt by that.

"We need to be a society that solves its crimes without resorting to torture," Rotert said.

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“Insider Cop To Testify For Feds”

Chicago Sun-Times -- May 7, 2010

CHICAGO SUN-TIMES

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1:47 P.M.

THE BURGE TRIAL INSIDER COP TO TESTIFY FOR FEDS

NATASHA KORECKI AND FRANK MAIN REPORT ON PAGE 2



Jon Burge leaves court Thursday. | BRIAN JACKSON-SUN-TIMES



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NEIL STEINBERG

My day wearing a kilt around town. PAGE 24

BRANT MILLER'S WEATHER WATCH

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TONIGHT'S LOW 41

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MORE WEATHER, PAGE 35



LOTTERIES

For tickets dated Thursday, May 6, 2010

- ILLINOIS**
- Midday Pick 3—054
- Midday Pick 4—8111
- Evening Pick 3—581
- Evening Pick 4—8755
- Little Lotto—02 06 11 17 39
- Lotto grand prize: \$6.5 million
- Mega Millions
- 11 28 30 32 33
- Lotto Grand Prize—\$9.5 million
- MICHIGAN**
- Midday Daily 3—893
- Midday Daily 4—4141
- Evening Daily 3—947
- Evening Daily 4—8706
- Fantasy 5—

JUDGE FORCES COP TO TESTIFY

BURGE TRIAL | Ex-detective will be key prosecution witness

BY NATASHA KORECKI AND FRANK MAIN

Staff Reporters

A former Chicago Police detective who allegedly witnessed former Cmdr. Jon Burge play "Russian roulette" with a suspect and put a typewriter cover over the man's head is expected to be a key prosecution witness in Burge's upcoming trial, the Chicago Sun-Times has learned.

Michael McDermott, considered part of Burge's inner circle and accused of torturing criminal suspects himself, was forced by a judge to break a generations-long blue wall of silence and testify about what he knew while working under Burge.

"It's been an unbroken wall of solidarity with Mr. Burge. Nobody has been willing to break ranks," civil attorney Jon Loevy said. Loevy has represented alleged torture victims. "It would be the first time that any Chicago Police officer has spoken, to my knowledge, under oath, about what actually happened in Area 2 under the alleged abuses."

McDermott's testimony could be among the most damning in Burge's perjury and obstruction of justice trial, which begins later this month. Burge isn't charged with abusing suspects but with lying about the abuse in civil lawsuits alleging torture took place under his watch.

McDermott, who appears on the prosecution's publicly filed witness list, was forced to testify before the grand jury investigating Burge and is expected to testify under a grant of immunity at Burge's trial, McDermott's lawyer, Patrick Deady, said Thursday.

McDermott's testimony would break ranks with dozens of white



Former Chicago Police Cmdr. Jon Burge leaves court at the federal building during a lunch break Wednesday. | BRIAN JACKSON-SUN-TIMES

officers who served with Burge in Area 2 and previously invoked their Fifth Amendment right to remain silent after they were subpoenaed in lawsuits filed by men alleging they were tortured. Several African-American detectives who were not an integral part of Burge's crew have talked to investigators in the past.

"If he's been given immunity and he tells the truth, he could be a very significant witness for the prosecution," said attorney Flint Taylor, who for years represented Burge's alleged victims.

Among the alleged torture cases involving Burge where McDermott was present, Taylor said, was that of Shaded Mu'min, who is also on the government's witness list.

Mu'min, convicted of a 1985 robbery, has claimed he passed out twice while Burge held a plastic

typewriter cover over his head. He also said Burge played "Russian roulette" with him, spinning a gun, putting it to Mu'min's head and pulling the trigger several times.

Deady refused to characterize McDermott's testimony and noted that McDermott is also on the defense witness list.

McDermott initially refused to testify before the grand jury, asserting his Fifth Amendment right. But he was compelled to do so by Chief U.S. District Judge James Holderman, Deady said. McDermott faced jail time if he refused.

"He was immunized before the grand jury and I expect him again to be immunized at trial," Deady said. "He testified before the grand jury on more than one occasion and he is going to testify at trial."

Burge, 62, who lives in Florida,

was briefly inside a Chicago federal courtroom Thursday where a pool of 77 potential jurors were summoned to fill out a questionnaire. Leaving court, Burge — who recently underwent cancer treatment and has trouble walking — said he felt "terrible" physically.

Deady said he expects Burge's trial judge, U.S. District Judge Joan Lefkow, to grant McDermott immunity next week.

One of Burge's lawyers, Rick Beuke, downplayed the significance of McDermott's testimony.

"There's a lot of former detectives on the [witness] list," Beuke said.

McDermott — along with Burge — was among the Chicago Police detectives named in 2006 by a state special prosecutor who said there was evidence that McDermott committed crimes during his interrogation of murder suspect Alphonso Pinex. The special prosecutor's report said McDermott and another detective could not be prosecuted because the statute of limitations had long passed.

Four black officers who worked with Burge have given sworn statements about their memories of Area 2 at the time. They are also on the witness list for federal prosecutors in Burge's upcoming trial. One of them is Sam Lacey, a lawyer, who worked in Area 2 for about seven years until 1988. He said Burge had an "A team" whose detectives mostly worked on the midnight shift and that "something was not going right on the midnights."

His former partner, Doris Byrd, a retired sergeant, said she could hear screaming from interview rooms when the "A team" was working.

The U.S. attorney's office declined to comment.

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