IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 08 CR 846
	)	
JON BURGE,	)	Chicago, Illinois
	)	
Defendant.	)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOAN HUMPHREY LEFKOW

APPEARANCES:

For the Government: HON. PATRICK J. FITZGERALD
219 South Dearborn Street
Chicago, Illinois 60604
BY: MR. M. DAVID WEISMAN
MS. APRIL PERRY

DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION
CRIMINAL SECTION
601 D Street NW
Room 5339
Washington, DC 22314
BY: MS. ELIZABETH L. BIFFL

For the Defendant: MR. RICHARD MICHAEL BEUKE
53 West Jackson Boulevard
Suite 1410
Chicago, Illinois 60604

PAMELA S. WARREN, CSR, RPR
Official Court Reporter
219 South Dearborn Street, Room 1928
Chicago, Illinois 60604
(312) 294-8907

(Proceedings had in open court.)

THE COURT: Ms. Perry.

MS. PERRY: The government calls Adam Green.

(Witness sworn.)

THE COURT: Good afternoon.

THE WITNESS: Good afternoon.

ADAM GREEN, GOVERNMENT'S WITNESS, DULY SWORN

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good afternoon. Could you please state and spell your name for the court reporter?

A. Yes, Adam Green. It is A-d-a-m, G-r-e-e-n.

Q. What do you do for a living?

A. I am a professor of history at the University of Chicago.

Q. And could you just briefly take us through your educational background?

A. Well, I grew up in New York City. I went to college actually here in Chicago at the University of Chicago.

And after that I went to graduate school at Yale University in Connecticut. And since that time I have worked as a faculty member in history at Northwestern University, New York University, and now the University of Chicago.

Q. You said you went to graduate school at Yale. Did you receive a degree from there?

A. I did.

Q. And what --
A. A Ph.D. in history.
Q. And then you said that you have taught at several different universities since then. Can you take us through briefly your history at each of those?
A. Yes. I was an instructor and then assistant professor of history in African American studies at Northwestern University.

I was an assistant professor and then tenured and promoted to associate professor at New York University in history and American studies.

And I am now an associate professor of history at the University of Chicago.
Q. Do you have a particular area of focus with your work?
A. I do. My work primarily deals with the history of African Americans in Chicago during the 20th century.
Q. As part of your profession, have you prepared a curriculum vitae?
A. Yes, I have.
Q. I'm going to hand you what's been marked as Government Exhibit Sentencing 1.

Do you recognize Government Exhibit Sentencing 1?
A. I do.
Q. What do you recognize it to be?
A. This is the latest version of my own curriculum vitae.

Q. And is it a fair and accurate copy of your background and experience within your professional life?
A. It is.
MS. PERRY: I'd move Sentencing 1 into evidence, first of all, Judge.
MR. GAMBONEY: No objection.
THE COURT: It is received in evidence
(Government Exhibit Number 1 received in evidence.)
BY MS. PERRY:
Q. And this is a very long document. Could you perhaps direct our focus to areas of import with respect to your testimony today?
A. What I would direct the Court's attention to would be, in addition to my book, Selling the Race Culture Community in Black Chicago from 1940 to 1955, various conference presentations, lectures that I have given specifically dealing with aspects of African American history in Chicago.
For instance, on page 2, although it is not labeled as page 2, Africans in Chicago for the African Studies Association Annual Meeting in November 2008.
Further down the page, October 2002, the Till refugees and the New Fugitive Narrative, dealing with circumstances around the lynching of Emmett Till. That was at the Association for the Study of African American Life and History.

Johnson Publishing Company, The Problem of Black Racialization, a paper given at the American Historical Association January 1998.

There are other examples of this. But there are various indications of my concentration on the history of African Americans in Chicago that are referred to in the vitae.

Q. Have you done relevant panel work in this regard?

A. Aside from these annual meetings, I would just say in some cases campus presentations that are listed at Northwestern University, at Columbia University, at the University of California in Los Angeles.

So in a sense both individual presentations at different campuses, presentations at annual meetings of scholarly associations, in some cases community presentations that are listed on the next page, Illinois Humanities Council, Chicago Humanities Festival and so forth.

Q. Have you also taught college-level courses --

A. I have.

Q. -- in type of this thing?

And what would be the most relevant?

A. The most relevant would likely be the history of black Chicago class that I have taught at Northwestern and now at the University of Chicago. And in talking with colleagues, my understanding is that it is seen as something of a novel course in relation to taking the history of African Americans in

Chicago and seeing that as the entirety of the curriculum that students studied.

Q. How did you become interested in this particular field?

A. Over my studies as a graduate student, and I guess I should also say as someone who grew up in New York City, I increasingly became aware that what happened to African Americans in Chicago and what African Americans had done in Chicago was central to the story of how we think about race relations, central to the story of how we think about the course of African Americans within the country, and in many ways central to the story of how the country progresses in relation to being a diverse community. A diverse community, yet with many things that still have to be resolved in terms of how groups relate to one another.

Q. All right. I'd like to direct your focus now to a portion of the City of Chicago designated by the Chicago Police Department as Area 2.

Are you aware generally of the boundaries of Area 2?

A. Fairly well, yes.

Q. And where in the City of Chicago geographically, just generally, speaking was -- is Area 2?

A. Area 2 would be seen as the South Side, but south in the South Side. There is a large area of the community above, to the north of Area 2, that seemed to be the classic traditional location of segregated black community. Neighborhoods like

Oakland, Washington Park, Woodlawn, and further up to Douglas and so on.

Area 2 is going further south to the areas, for instance, where the steel industry was centered for a number of decades, moving down into neighborhoods that transitioned during the 1950s and 1960s being predominantly white to increasingly African American.

There is some areas in Area 2 that are seen to be relatively well to do, comparatively speaking, African American communities. But the general course of social conditions in Area 2 on the South Side, as well as for African Americans generally in Chicago, has been to some deterioration in terms of community conditions.

Q. And let's talk about that. Focusing specifically on 1960 and forward. And I know entire courses and books are written about this, but just if you could give us a brief summary of what the black community in Chicago was like in Area 2 at that time period --

A. Okay.

Q. -- how it transitioned.

A. I think there are two things that really have to be thought about, both in terms of looking at this area, in terms of African community, and more generally in Chicago in terms of African American community between 1960 and 1990.

One is that these communities are all defined by very

strong conditions of segregation, racial segregation. Research that's been done to document this is generally credited as being a strong consensus view on how to approach Chicago. Using census data a number of researchers have demonstrated, for example, that Chicago is not only a segregated community, meaning that on a number of indices rated from zero to point one, it is at point six or above, but that in fact in many of these factors, these neighborhoods in Chicago are at point eight or above. Which means that in fact Chicago is a hyper-segregated city. Has been pretty much throughout the 20th century. Continued to be so past 1960, 1970, 1980, into 1990.

Indeed in 1980 Chicago was understood to be the most segregated city racially in the United States of America.

The second condition that I think is important to address in terms of thinking about black communities within Chicago are the kinds of adverse conditions. People often refer to this as ghetto conditions or ghettoization that began to exist in parts of Area 2 and existed as well in other parts of the city.

Ghettoization means different things for different people. Sometimes it has to do with lifestyle choices, behaviors, sometimes it has to do with structural conditions that people are confronting in terms of their daily life.

A number of leading researchers have pointed out that in looking at Chicago, black Chicago, between 1960 and 1990,

the single most important change that took place was the loss of jobs, the lack of work, that was found within various areas of Chicago.

During the period from 1967 to 1987, Chicago lost 320,000 manufacturing jobs. These were latter jobs in relation to working class families. These were jobs that people could go into with a high school education. These were the kinds of jobs that could sustain a family.

By the time that you get to the late '70s, into the early '80s and up towards 1990, these jobs have essentially disappeared. And those that come and replace are ones that are mismatched in relation to the skill set that many African Americans had in the neighborhoods of Area 2, as well as other neighborhoods within the South Side.

So that when we look at these communities and we see, for instance, higher incidences of crime, higher incidences in relation to gang affiliation for young people, particularly young men, what we really have to pay attention to is the fact that because work has gone from these communities, the sorts of structures that other people elsewhere in the city would take for granted, in terms of creating sustaining healthy, strong, grounded communities, are not there.

And because of the segregation that I spoke about before, not only are these communities facing adversity in relation to their economic conditions, and in relation to the

conditions of social organization that exist within them, they are also isolated to the extreme. Which means that whatever is going on in those communities is generally not getting a great deal of positive attention in terms of those institutions that provide resources, it is not a concern in relation to the media or the public at large, and the conditions that exist within those communities just continue to become more and more difficult to deal with.

Q. When you have a community such as it was in Chicago's South Side in the 1970s and '80s with these conditions that you just described, what does that mean with respect to the community's relationship with and need for law enforcement?

A. Well, two things are going to come up. One is that because of the difficulties, the adversity, lack of wealth, lack of opportunity, lack of work, a vacuum in terms of people's relationships to the formal economy, that is going to be taken up by the emergence of informal economy structures like, for instance, the drug economy, people are going to need some presence of law enforcement just in order to be able to address basic concerns around public safety.

At the same time because of the isolation and also because of the way in more and more, that people that live within these communities, black and poor, are blamed for the conditions that exist within these communities, it is going to tend to be the case that even though law enforcement may pay

attention to these people, they are going to do so with a certain kind of condescending, a certain kind of superior, maybe even sort of a certain contemptuous attitude.

They see these communities as being beneath them. They see these communities not being able to kind of engage in normal, regular respectable social functions. And oftentimes, as many people have shown, they were going to police them as if they are communities that don't really need to be given the same respect that other communities are given.

Q. And what effect does this have on the community then?

A. It is demoralizing. And I think that one of the things that's important to think about, not just in terms of the particular questions around activities at Area 2, but the whole question of police community relations, is that people look at an incidence of crime or people look at a cynical or skeptical attitude towards the police or people look at problems within these communities and say, it is the fault of those people that live within those communities. But they don't pay attention and they need to pay attention to the fact that these sorts of social factors, multi-generational poverty, widespread joblessness, recurrent segregation that lasts for decades and decades, these are going to be the kinds of things that enforce, that encourage an attitude within people that the institutions that govern the city don't really take them seriously.

And because those institutions don't take them seriously, they can't really expect much to come from them. It is very, very frustrating, very demoralizing, very disheartening for people who live within these communities.

Q. Now there are several well-publicized acts of police abuse or violence in the African American community over many, many decades.

If you could please just give a brief overview of some of the most significant ones to you so that we can then talk about in the framework of this case, that might be helpful.

A. Well, I would be repeating in some ways the testimony of Harold Saffold before, in terms of talking about the number of incidences of abuse that he was aware of. I think he quoted 8000 as a number that he had come into contact with over time while he was there. Obviously I can't verify that. That's something that is understood generally in terms of these organizations.

But I think the major are cases that people look at, something like, for instance, the shooting of Fred Hampton and Mark Clark in 1969 or the traffic stop of the staff member of Ralph Metcalfe that gave rise to the Blue Ribbon Commission that was referred to earlier in the morning, and eventually the start of the Office of Professional Standards.

Later on, actually in the late 1990s, the shootings

of both Robert Russ and LaTanya Haggarty, there are cases like this that come along that sort of remind both, I think, those living within these communities and the public at large that there is a problem related to police abuse.

I think though that I would say as a historian that there is an important distinction to be drawn even between these cases, which are extraordinarily important to community members, and what is understood to have taken place at Area 2.

Abuse is one category of problem in terms of police community relations. But what people understand to be torture, premeditated, systematic, something that took place over a long period of time and was understood to be integral to the workings of those that worked in that station, that's a different category of concern in relation to the community.

So I think at the same time that it is important to think about the analogies in terms of other incidences that have taken place in Chicago, it is very, very important to recognize that this is an unprecedented instance. Perhaps not in terms of whether it did or did not occur -- I mean, people, of course, have to do the work of finding stories, documenting proof, bringing cases in the way that that has happened in this instance.

But what happened at Area 2 during the 1970s and 1980s is really a singular chapter in relation to community-police relations. And for many people it is a chapter that

brings up a sense of horror, a sense of deep, deep concern as almost no other does in terms of thinking about community-police relations.

Q. All right. So let's go back to February of 1982 immediately after those two officers, Officers Fahey and O'Brien were murdered.

Have you done some research into that time period?

A. I have done some preliminary research. It is not published. But I did take some time to look through the monthly -- the coverage over a month's time in February, in the Chicago Defender, the leading African American newspaper, and the two leading dailies in the city at the time, mainstream dailies, the Chicago Sun-Times and the Chicago Tribune.

Q. Based upon those media reports that you reviewed, were you able to make any conclusions as a historian as to what type of environment existed in Area 2 during, let's say, the two weeks after those two officers were murdered?

A. I did. I did. It is striking in terms of looking at these newspapers to see two very different stories presented. When you look at the Sun-Times, for the most part; and the Tribune almost entirely, what you get is a story of a tireless, dogged, well-organized beyond anything that the police department had ever done manhunt and search that eventually was able to secure the two individuals who in the end were convicted for the murder of the two police officers.

This search is narrated in relation to looking for the getaway car, going and patiently getting tips and evidence from individuals. Generally doing sort of by-the-book police work.

And indeed at the end, in the Chicago Sun-Times on February 15th, the day after the Wilson brothers were arrested, a well-known columnist named Irv Kupcinet, I think his name was, spoke specifically of Jon Burge by name and said that this marvelous example of police work was something that was done by Jon Burge as the leader of the investigation. He oversaw the entire operation, I think the quote was, and worked tirelessly in order to bring it to completion. That's the story by and large that you get within the two main dailies in the city.

The Chicago Defender, which is a well-acclaimed, well-respected paper, many people saw it as a very important source of investigative journalism, told a very different story.

In interviewing different members of the African American community, in many cases living in the Area 2 area, all of them affected by this same search that was spoken about in such laudatory terms in the newspapers, from February 15th on through the 16th, 17th, 18th, and into the next week, there were story after story after story of damaged property in homes, warrantless searches, verbal intimidation of individuals that were picked up, physical abuse of individuals that were

picked up.

Indeed by Thursday, February 18th, the head of the Cook County Bar Association, the leading African American lawyer's association in Chicago, Ronald Samuels, and the head at that time of the Afro-American Patrolman's League, Renault Robinson, announced that there would be an independent effort to create a citizens's inquest into police practices because they had received or had found news of from other organizations 190 different complaints of police misconduct in relation to the same search that was understood to be so commendable from the standpoint of other two dailies.

And as a historian you get evidence like this and you try to weigh it and you try to get some sense to think about, well, what's going on in terms of two very different stories. And what I was struck by is that in the two first papers, the Sun-Times and Tribune, it was very, very difficult to see them want to question police practices, particularly at a moment where such a horrific and tragic crime had taken place, not only from the standpoint of the police, but the standpoint of the community as a whole.

The Defender itself also reported the death of the two officers as something that was tragic, lamentable, a crime that needed to be solved in terms of finding the people responsible for it.

But the first two papers did nothing until very, very

late, and then only the Sun-Times and only, I think particularly in relation to one columnist, a gentleman named Roger Simon. The Sun-Times did next to nothing to report this kind of larger question of whether or not police had exceeded their mandate, police had gone above the law, police were engaging in abuse in order just to be able to get individuals who would be charged with a crime.

The Defender reported this very, very extensively. And the numbers were striking, both in terms of the abuse cases and also, I think, the circumstances in terms of where people felt they could turn to in order to get a hearing, in order to get relief in relation to this abuse.

There was a meeting on February 20th, I believe, with Police Superintendent Brzeczek at the time, with a number of African American community leaders. And they stressed at that meeting that they didn't feel that it made any sense at all to take these complaints to the Office of Professional Standards.

Why was that? The year before there had been an audit by the police department of the Office of Professional Standards, and they discovered that there was a 1900 case backlog at Office of Professional Standards. Some cases had not been seen for six years. There were 138 files of active cases that had been lost. Half of the cases involving civilian shootings by police had been misfiled.

And so when people looked at the structure in place

at that time, 1982, to formally address charges of police misconduct, what they saw was an office that was dereliction, an office that didn't function. And they felt that they had to go and try to create some sort of mechanism of their own in order to just to raise public awareness of these charges.

And I would say as a historian, in one sense as strong and as important as those efforts were to people at the time living in Chicago, and I think that there are probably some people in the audience today who took part in those, one would have to conclude that those efforts failed. The Office of Professional Standards did not take up any of these cases, so far as I know, and investigate them thoroughly. And clearly the allegations that were brought up about excessive force and excessive practice at Area 2 were not brought up because this was not something that people believed in fact could be possible until we get much, much later on historically.

Q. Now you have talked about a number of different instances of police abuse or overreaching.

Where on the scales to a historian, where does this case fall?

A. Well, I think this particular case in terms of thinking about the excessive force, the unwarranted searches that are taking place, this is striking in terms of its coordination and its degree. There are many instances in which people complain about instances of exceeding the law in relation to engaging in

a search or some, I should say to be precise.

But to have one be this systematic over a period of several days time and to have hundreds of complaints come up that, in my experience, is something that is exceptional.

I think at the same time though, even though this is an exceptional case in relation to the incidences of abuse, what one does not yet see, and this is one of the reasons why I think it is important to distinguish what's going on at Area 2 in relation to the different -- the revelations and the different experiences that are shared by others who were detained there, is that these were instances of abuse in the heat of going to a house, engaging in an arrest, encountering someone, threats are made, slurs are uttered, and this is serious. But one does not see yet within these stories the kinds of allegations or the kinds of concerns raised around systematic premeditated physical abuse of the sort that would eventually come up in relation to Area 2.

Q. Now you mentioned before there is a difference between police abuse and torture.

Could you hash that out a little more for us?

A. Yes. I think that one of things that has to be distinguished in terms of looking at torture specifically is that most definitions that people provide of torture, most definitions that institutions provide of torture, even something as authoritative and significant as the UN Convention

on Torture, doesn't really specify the mindset behind the act. It is referred to as physical or psychological abuse that is used in order to extract a confession or to punish someone for prior activities. But that doesn't get one very far in terms of understanding what's behind the act of torture. What is the person who is practicing torture trying to do to the person who is being tortured?

Torture is not only about trying to achieve a practical end to get a confession, say, or to compel compliance from someone who is detained, torture is about demonstrating some sense of supremacy over another individual, some sense of total power. It is as if what one is doing when one is engaging in that act is to say, I can do anything that I want to you. I can bring any physical abuse on to you that I wish. I can say anything to you that I want to. I can threaten you in any way that I would like to. And I can do this because you are powerless. You are powerless, and I can treat you as if you are less than a human being that allows me to do whatever I want to do.

And in going further because I can do these things, you are not only less than a human being in my eyes, but likely you're less than a human being in other people's eyes as well. No one is going to come to help you. You're all alone, and I can do whatever I want.

This I think is important to understand, if I may

refer to earlier testimony, in terms of the testimony that was given by Mr. Jones and Mr. Holmes when they referred to their experiences at Area 2, they spoke about themselves as feeling alone, as not having someone who was going to come and aid or acknowledge their humanity at that moment. This is very important, I think, to understand in terms of distinguishing between abuse, which is a problem, and distinguishing between torture, which is something that is understood to have happened in this case. And that is something that really underscores, to my mind as a historian and that I would say also as a citizen, the severity and the seriousness of what we are discussing, what we're addressing in this case.

Q. What effect does the torture of an individual have on the community as a whole?

A. It is again something that deeply demoralizes them. It is angering. To treat someone who people know, are related to, as less than a human being is something that acts upon that own community's sense of whether or not its humanity is taken seriously.

Q. From a historical perspective, is there any significance to when torture is punished versus when it is not?

A. Absolutely.

Q. And what is that?

A. The moment that some institution or some body of authority steps in and says, no matter how long it has taken, we are

going to tell the truth about what happened here. No matter how much time has passed in terms of being able to remedy a wrong that was done to some people, we are going to finally try to make a step towards setting it right. That's something that reassures a community certainly that everybody is under the law, certainly that standards exist in terms of how people engage in investigations and police. But I think at a very fundamental level it reaffirms the sense that everyone who was part of that community is actually understood to be a human being, equal to others, having rights that need to be respected, having injuries that need to be taken seriously, and when necessary to be restored.

So finding a way to speak to these circumstances and speak to them directly is also finding a way, I think, to provide people at large within the community a sense that their rights, their safety, their sovereignty, their humanity is something that is actually valued by those in positions of authority.

Q. Now I have gotten a sense in speaking to you both today and before today that this is also personally important to you.

Would you like to explain as not an academic for the moment why this case matters to you individually?

A. Well, I am someone who lives at this point now, not in Chicago, but in Skokie; I work here though. I know many people and work closely with people who work here. And everything

that addresses the healing of this breach of trust that has taken place around whether or not people can believe that nobody is above the law, believe that the law makes everyone accountable to a basic standard of decency and humane treatment, that this is something that matters to me in terms of being able to work and co-exist and relate to others within this community.

It matters to me also though, I have to say, as a historian. I'm going to continue to teach the history of African Americans in Chicago. I'm going to continue to try to bring to young students in a variety of different settings, the university setting, on occasion school settings when I come and give lectures and talks, work that I have done in the past in relation to Chicago school teachers, I'm going to continue to try to get them to think about the history of this city as integral to the ways in which we think about the history of this nation and this world. It is important to me that when this story is told historically, it can be told as a story of wrongs having been -- having taken place, but they are also at some point being a situation in which restitution was done and right was restored. That's important to me professionally. That's important to me in terms of how I think and how I communicate with people in relation to what kind of history we're able to tell about this city.

MS. PERRY: Nothing further, Judge.

THE COURT: All right. Thank you.

CROSS EXAMINATION

BY MR. BEUKE:

Q. Professor, can I ask you in your research back to the year of 1982 and in your reviewing some of the newspaper articles that were published in regard to the Andrew and Jackie Wilson murder case, did you have occasion to go back and review some articles that had been in the newspapers in January of that year?

A. I actually did not.

Q. Did you ever learn in your historical endeavors in attempting to ascertain the climate in the City of Chicago back in early 1982, did you learn of a case that involved two gentlemen, African American gentlemen, who had gone into a McDonald's on the South Side armed with a .38 caliber gun and a sawed off shotgun.

A. I did not.

Q. Did you ever learn about those two individuals taking those guns out and executing two off-duty African American Cook County Sheriff's police officers in that McDonald's and robbing all the individuals in that McDonald's and making good their escape?

A. I did not.

Q. Did you ever attempt to ascertain about the young man by the name of Edgar Hope and his relation to the Andrew and

Jackie Wilson family?
A. Could you refresh my memory a little bit more?
Q. Well, did you ever -- did you ever attempt to speak with Andrew Wilson?
A. No, I did not.
Q. Did you ever attempt to speak with Jackie Wilson?
A. No.
Q. Never took a ride down to Stateville penitentiary and ask either Andrew or Jackie about what was in their minds that afternoon in February of 1982?
A. No, I did not.
Q. And in your reading the articles that were published that you talked about, did you learn that Andrew and Jackie Wilson had actually devised a plan and rob a neighborhood house, robbed an old African American woman of a number of her possessions, took those possessions, and were in the process of being on their way to attempt to break out Edgar Hope from the Cook County Hospital?
A. I am not familiar with the second part of what you said, but I did see stories that referred to a plan on their part to try to bring him out as somebody who had been arrested in relation to another crime, which I believe was the shooting of another officer, am I right?
Q. You learned that Edgar Hope had actually shot a young rookie police officer on a bus in the City of Chicago days

before the murders of Officer Fahey and O'Brien.
A. I did learn this, yes.
Q. And that he had been in the Cook County Hospital being treated for his wounds as a result of a shoot out with police officers, did you not?
A. Yes.
Q. And you learned that the Wilson Brothers had devised this plan to go and break Mr. Hope out of jail or out of the Cook County Hospital and bring him back to the South Side or arrange to set him out on the people or the citizens of Chicago, fair to say?
A. As so far as these newspaper reports gave details on this, yes.
Q. Did you ever learn that Andrew Wilson and Mr. Hope had actually participated in the murders of those two off -- security guards at the McDonald's --
A. That I was not aware of.
Q. -- murders of Officers Fahey and O'Brien?
A. That I was not aware of.
Q. Did you attempt to read any of the reports of the investigation about the Andrew and Jackie Wilson case?
A. What do you mean by reports?
Q. Well, police reports. Did you read trial transcripts?
A. No.
Q. Did you speak to police officers about that investigation?

A. No. As I said, this is preliminary research. I started by looking at the ways in which these newspapers spoke about community mood as opposed to the specific circumstances of these incidents.

Q. Did you ever attempt to speak to any police officers as to their moods or their feelings during that period of time when five police officers were killed over the span of a few weeks?

A. No --

Q. Whites officers and two African American officers.

A. No, I have not spoken to any police officers in relation to this.

Q. Did you speak to any members of that community, African American members of the community, who lived out on the South Side during those times?

A. Well, I have spoken to many members of the African American committee, both further up on the South Side and living further down during that period. I haven't spoken with anybody specifically in the form of an interview around this. But I would go back to the fact that the main newspaper covering activities, affairs, news, points of interest in relation to the African American community covered this fairly comprehensively. And as I said to the prosecuting attorney, the mood that came through in the paper was fairly uniformly one of this is a terrible crime, it is important to investigate it, it is important to solve it, and it is important to bring

those responsible to justice, but that does not mean that the rest of community should be terrorized in order for that to happen.

Q. No, I -- my question is, professor, with respect to the rest of the community having been terrorized, did you ever speak to any individual person who made an allegation of misconduct by the police officers during the course of that investigation?

A. Thus far I have not.

Q. Okay. So you told Judge Lefkow and the people in the audience about your beliefs concerning torture perpetrated by police officers and its effect on the community, is that --

A. Well, I'm referring to two things. I was asked to give some sort of distinction of torture from abuse, that is something that I think can pertain to police officers who engage in torture, that can pertain to anybody who engages in torture.

Q. Just with respect, professor, to these allegations of torture, you have not personally spoken to any particular individual who claims to be a victim of torture, have you?

A. Not to a point that I would testify to in a court of law.

Q. Okay. Have your attempted to speak with any police officers who had been accused by any individuals about having perpetrated some sort of misconduct or in the course of a police investigation? Have you spoken to one policeman?

A. I have not spoken to one policeman. What I have done --
Q. Oh, I understand.
A. -- is to take a look at a number of reports that have been written over the past couple of decades in which both the Office of Professional Standards and also other investigating bodies have looked into whether or not allegations as you call them of torture should be substantiated. And I believe in a number of those cases actions were taken that resulted in the taking away of the position that Mr. Burge had, which was meant specifically as a disciplinary action in terms of those allegations, and also that the city had taken action in terms of paying restitution to multiple individuals bringing suit.

So I think at this point these are more than allegations, these have been acknowledged by offices of the city.

Q. I mean, in terms of your research, you have not spoken to one Chicago police officer who has been alleged to have engaged in any short of misconduct.
A. No, I have not.
Q. And you have not spoken to any individual who is alleging that he was mistreated at the hands of any law enforcement agent, fair to say?
A. No, I have not.
Q. Okay. And with respect to these settlements that the City of Chicago has apparently made with some individuals, have you

attempted to interview any members of the city administration as to their reasons or rationales as to why those cases were settled?

A. I have not.

Q. So you don't have any independent personal knowledge as to reasons for city attorneys or plaintiffs's attorneys to have engaged in any sort of settlement negotiations regarding any lawsuit brought by plaintiffs's lawyers against police officers, do you?

A. No.

Q. When you indicated that a person who participates in some sort of misconduct in terms of interviewing a witness or a defendant in a particular case, in your opinion, that is engaged in in order to show some sense of superiority over that particular individual?

A. Oh, no, I think I was much more precise than that.

Q. Well, tell me what it was. I apologize.

A. I made a distinction between abuse and torture in the sense that instances of torture are ones in which one can see that it is not just simply that one abuses a person, but one wants to convey to that person that any abuse can be brought upon them. No abuse is too objectionable, no action is too brutal to potentially happen to that person.

Q. How about an individual who strips a Chicago police officer of his weapon, takes that weapon and points it at the head of

that Chicago police officer, for all intents and purposes, blows his brains out, is that an attempt by that individual to exercise some sort of superiority over that Chicago police officer in that setting?

A. This sounds very much to me like the circumstances of the Andrew Wilson shooting.

Q. How about --

A. Are you referring to that specifically?

Q. How about an individual who slides across the hood of a car, and after he shoots an officer in the head, fires six shots into the chest of another police officer on the other side of that car, and then tells his brother to jump in the car, take his gun, let's get out of here, and flees the scene and leaves those two Chicago police officers to, for all intents and purposes, to bleed out on the snowy streets outside of 81st and Morgan?

A. I believe you are referring --

Q. Might those individuals --

A. Are you referring here to the Andrew Wilson shooting?

Q. Well -- what do you think I am referring to?

MS. PERRY: Judge, I'd ask that the witness, first of all, be allowed to answer the question he has asked; and, secondly, if he needs clarification, that he be given a clarification.

THE COURT: Right.

All right. Sustained.

BY MR. BEUKE:

Q. Is that attempt by those individuals to try to exercise some sort of superiority over those two Chicago police officers that they have just executed in cold blood?

A. I'm asking whether or not you're referring to specific --

Q. Yes.

A. -- individuals.

Q. Yes.

A. Which ones, please?

Q. Andrew and Jackie Wilson.

A. My answer would be that that is a matter for a court of law to address in relation to the circumstances of that incident. And I believe a court of law did sort of act precisely in the way that you are suggesting.

MR. BEUKE: Nothing else, Judge.

REDIRECT EXAMINATION

BY MS. PERRY:

Q. You were asked a number of questions, Professor Green, about the Andrew and Jackie Wilson case. Does the fact that Andrew and Jackie Wilson may have been terrible, horrible, awful people change in any way your opinion as to the importance of police being the good guys?

A. Absolutely not.

Q. Does it change in any way your opinion as to the need to

have trustworthy, law-abiding police officers in the Chicago Police Department?

A. Absolutely not.

Q. And does it change in any way any of your testimony you gave about how very important it is to the African American community that reparations be made when horrible crimes have been perpetrated upon citizens in that community?

A. I would only clarify that it is not just the African American community. Everybody needs to have that affirmed to them. Everybody needs to understand that no one stands above the law, whether they actually engage in a shooting of a police officer or whether or not they abuse suspects and torture suspects in the act of trying to extract confessions.

Q. Thank you, Professor Green.

THE COURT: All right. You are excused then. Thank you for your testimony.

THE WITNESS: Thank you.

(Witness excused.)

MR. WEISMAN: Judge, the government has no further witnesses at this time. There was -- we have nothing further for today. There is a witness for tomorrow we'd like to call.

THE COURT: All right. Is Ms. Hobley still here?

MR. WEISMAN: I'm told she's not here any longer, your Honor.

THE COURT: Okay.

All right then. We will recess for today. We'll start tomorrow at 10:00 o'clock.

MR. WEISMAN: Thank you.

MR. BEUKE: Your Honor, would it be possible to start at 10:30? I have a homicide case that I have to appear in front of a judge in Bridgeview. It will be a very short appearance at 9:30. And then I'll get myself down here, I'm sure, I -- hopefully I'll be here by 10:00, but I just didn't want to --

THE COURT: Well, how much do we have tomorrow?

MR. BEUKE: Judge, I think I have told the prosecutors we had hoped to call five witnesses, one of which is Father Nagel who is unavailable due to his having to do a funeral tomorrow.

Commander Deas's situation with his wife is not going to allow him to come down here.

And so I think, Judge, we possibly have eliminated two of our witnesses. And we think we'll have two, maybe three. We don't believe they will be long.

MR. WEISMAN: And we have Doris Byrd, your Honor.

MR. GAMBONEY: I think we'll be able to finish tomorrow, Judge.

MR. WEISMAN: And if we could just get the names of their expected witnesses, that would help move things alone.

THE COURT: All right. Well, to answer your question,