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READER

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Who Killed Rudy Lozano?

photos/Alicia C. Santelices

By Gary Rivlin

Communities have their own ways of measuring time, their own landmarks for dividing the past into befores and afters. In the Mexican barrio, if the subject at hand is at all political, the reference point is likely Rudy. As in, "until Rudy." Or, "since Rudy."

Rudy Lozano was an activist turned union organizer turned, in 1983, politician. But he wasn't a candidate, merely. He wasn't just the first Latino to seriously challenge the white machine that ruled his ward, 75 percent Latino and only 16 percent white. He was more. He began organizing the barrio's exploited illegals. He awakened people. To some in the barrio, he was a savior and liberator; to most, he represented *la raza*, the movement.

Until Rudy, the barrio's 100,000-plus Latinos had little to lose but apathy and alienation. Most didn't vote; never had a Latino represented the barrio on any political level, and most Latinos were barely aware of the great *gabacho* world of City Hall. Since Rudy came a whisker from victory for alderman in 1983, the barrio has pulsed with political vigor. Middle-aged housewives scraping by have been, since Rudy, knocking on doors to

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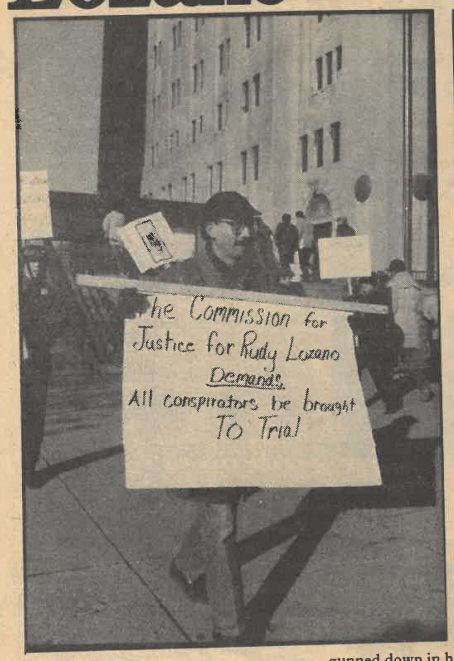
When the barrio's most promising politician was snuffed out at age 31, police and prosecutors went after the kid who pulled the trigger. Did they overlook the men who pulled the strings?

Lozano



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persuade other Latinos to register to vote. To say that since Rudy the sun has risen on a barrio enshrouded in darkness is but to ascend to the level of adoration of his most loyal followers.

Which isn't surprising, really. That kind of bigger-than-life exaggeration happens in death, especially when the victim is of the stature of a Rudy Lozano. The people of the barrio now speak of "after Rudy." Lozano was murdered in June 1983, gunned down in his home at the age of 31. Anyone looking for proof of Lozano's considerable impact on the barrio can start with the fact that his influence continues undiminished in the year and a half since his death.

Maybe in death he has been more influential, his own murder driving home the seriousness of his cause and the power of the vested interests he dared, further uniting the community in a way he would have wanted. As a small legion that calls itself the Commission for Justice for Rudy Lozano sees it, justice must be twofold: taking up the struggle for representation where Lozano left it off, and identifying the forces behind his death. They have fared well in the first pursuit. They have so far failed in the second.

Only the accused trigger man, one Gregory Escobar, has been convicted, and there are no longer any defendants awaiting trial. Always Lozano's widow Lupe wears pinned to her blouse and to her coat a head-and-shoulders shot of her husband on a button bordered in black and by the words "Struggle for Justice" in English and Spanish. Lupe and the rest of the Lozano Commission have never doubted that several persons were behind the murder; the struggle, as Lupe defines it, is to convince authorities of this. About the only thing Commission members wonder is which in particular among Lozano's activities incited his murder. When he was killed, Lozano was probably Chicago's single most influential Latino political leader. He was Harold Washington's main liaison to the Latino community, and the speculation in the spring of 1983 was that he would be chosen a deputy mayor, a first for Chicago's Latinos. A union organizer for the last six years, he had won a few passionately fought organizing campaigns and made many enemies. There were numerous death threats. To Lozano's survivors, Gregory Escobar, an 18-year-old gang-banger, was merely a valuable first piece in a complex puzzle.

But those survivors were never able to persuade either the police or the State's Attorney's Office of any conspiracy. They packed the court each day that Gregory Escobar stood trial, but to them his guilt or innocence was almost beside the point. While the jury deliberated, I asked Rudy Lozano's close friend Jesus Garcia if he believed Escobar had pulled the trigger. Garcia said he didn't have an opinion either way. But aren't you curious? "No, not really." Will it anger you if Escobar is found not guilty? It wouldn't affect him much. "If Escobar did it, sure, he should go to jail," Garcia said. "But to us, Gregory Escobar doesn't mean much. He was one of hundreds of gang members someone could've paid to do the hit. We were real glad when he was caught, but because we saw him as a piece of the plot." To Garcia, a guilty verdict was potentially harmful: the pressure on the state's attorney to investigate further would be greatly reduced.

Garcia showed me a press statement that would be read once a verdict was reached: "Whichever way this trial came out, the conclusion would still be the

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same: the state's attorneys have done little, if anything, to investigate this case."

"It was one of the few murder cases I've ever tried," said Craig Tobin, who defended Escobar, "where the victim's family stood for, or symbolized, everything that our entire system of jurisprudence stands for....What they were after was the truth."

* * *

A ten-minute sprint from City Hall, down the Dan Ryan Expressway, lies the expansive Mexican barrio. Those who knew Rudy Lozano best say it was this he lived and died trying to save. The barrio is west-side but not black, as in Chicago west-side connotes. Starting at around 16th Street and the Dan Ryan Expressway, it snakes vaguely southwest to 31st Street and the Cicero border: that would make the barrio a candidate for southwest-side, but in Chicago parlance that means white. The barrio, no more than ten blocks wide at any point, has no place in Chicago geography. Some people will tell you it was intended that way, and that the barrio's 100,000 Latino inhabitants—most of them Mexican or Mexican-American, and many of them in the country illegally—have been deliberately segregated into a sort of buffer zone separating black from white. Politically, the barrio has long been invisible. It falls mostly in two wards, the 22nd (76 percent Latino and 8 percent black according to the 1980 census) and the 25th (65 percent Latino and 16 percent black). When Rudy Lozano died, Vito Marzullo ruled the 25th Ward as alderman and committeeman, and Frank Stemberk held both posts in the 22nd Ward.

Arguably, though, that lack of political representation Lozano was fighting against takes a distant second, if that, on a long list of problems besetting the barrio. For the barrio is plagued by corruption and crime that are scarcely credible in this nation in this century. The area is home to what drug enforcement officials called the nation's largest heroin operation. (The issue last made the news in 1978, at the time of a major bust. But though federal and local police are reticent to talk now, there's small reason to think things have changed. Indeed, federal officials concede that old heroin distribution channels have easily made the switch to today's drug of choice, cocaine.) Local community leaders say that Mexican organized crime controls much of the business in the barrio, licit and illicit alike, and that many factory owners have reduced their employees to a state of slavery. "Eighteenth Street is the distribution center for a lot of stuff," a barrio activist told me. "They broker heroin, they broker women, they broker labor, weapons..." He claimed that businesses around the barrio act as fronts for these activities—just as the olive oil business was, and maybe still is, used by the Italian Mafia.

photo/Marc PoKempner

Emma Lozano, Jesus Garcia, Lupe Lozano

The activist is one of two principal informants who have come forward over the past two years. Both told stories that helped convince Lozano's friends and family that his murder was prompted by his knowledge of corruption in the barrio. But neither seems to have persuaded investigators, to the dismay and outrage of Lozano's family and associates. The activist, a man with a reputation of being in the know, told an elaborate story that may or may not point to the identity of Lozano's killers but at the very least presents a persuasive and appalling picture of business as usual in the Mexican ghetto.

The activist's source was a foreman at a *tortilleria*—tortilla factory. The foreman (who has been interviewed by the FBI, sources say) claimed he overheard his boss speaking with the owner of another *tortilleria*. "You are having a labor problem," his boss supposedly said. "If something is not done, we will go down together. We can take the leader out of the picture."

The foreman told the activist of his *tortilleria*'s illegal activities. He claimed he had helped maintain the company's illegal books, and had paid off cops. He said a police car sat outside the factory when early-morning drug shipments were due. The *tortilleria* distributes drugs all over the midwest, the foreman said. The activist himself told me he had seen its scales, and other equipment used to process drugs.

Critical to the *tortillerias'* success has been their undocumented workers, the activist said. These are the expendable cadres who can be blackmailed into dirty-

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ing up their hands some—especially the ones who have been aided over the border. The activist told of an ongoing debt peonage scam at the foreman's *tortilleria*. Mexican peasant families forever in debt to landowners are supposedly deceived into believing economic freedom can be won by sending a family member up north. (The relationship between Mexican plantation owners and the peasants sounds much like that between landed whites and black sharecroppers in the old south: with time, the blacks only fell deeper into debt.) Up north, the peasants are led to believe, they can earn enough to pay off their debt, and return to Mexico. They are directed to select businesses in the U.S. with family ties back to the old country, the activist said. Here they are paid barely enough to live. Many fall into debt to their U.S. bosses. "[The owner] pays a debt for somebody," the activist said. "Then he's got a guy locked in. Then it's easy to get someone to participate in a little snuff. The poor bastard has no choice. . . .

"What will you do to get out?" he asked rhetorically. "You'll kill, sell drugs, whore around. You'd do anything to get out of debt peonage. . . .

"They're exploiting the Mexicans, and it's not the white boys doing it," he said. "The same people who fuck them in Mexico fuck them here."

"It's amazing," said Jesus Garcia, the chairman of the Lozano Commission, "how owners of small factories—these sweatshops—can manipulate, how they can make people believe that they're so powerful. . .they own them. There's a system of slavery that exists here. I've seen it, I've heard people talk about it. I've heard the undocumented workers talking about the conditions they work in. The bosses tell them, 'Hey, you're lucky you're eating, you're lucky we're letting you sleep here,' and it's a barn floor with 30 others."

The activist also described what he called a "60/40" scam: undocumented workers forced to work 60 hours, and bosses paying only for 40. The wages are paid in cash, he said, and the taxes deducted from the workers' checks are not reported to the IRS. "So Rudy's trying to organize the tortilla industry," he said, "and you've got workers chronically being screwed out of pay. So they say, 'If we only had a time card!' Aha, but then it will become taxable, reportable.

"In his beautiful naivete, Rudy Lozano thought there was some sort of resolution to all this."

"I guess I've known a long time," Jesus Garcia said, "about a lot of the stuff Rudy was on to—not the specifics, not the extent to which he knew. But I don't know if I realized how much it mattered. We thought it was more of a side activity. . . .

"There's for a long time been an attitude in the community," he said, "that because we're discriminated against, because we're at a disadvantage in so many ways—a lack of money and leaders and institutions and educational and employment activity—being involved in criminal activity isn't so bad. The thinking was you have to get started somehow in order to make progress. I think that's an attitude a lot of people have taken: well, it's not that bad because these people are eventually going to help, they're going to help their own. Eventually, they're going to go legit and leave the illegal stuff alone.

"The problem is, it doesn't happen that way. Once you become rich and powerful . . .you don't just draw the line and say, 'I'm going legitimate, I'm going to help my people, I'm going to invest money in things that'll help my people. . . .'

"I think Rudy saw that all this corruption, if it continued, meant the self-destruction of the neighborhood," Garcia said. "Corruption's been running this neighborhood a long time." Lozano realized that the drug peddling and other illicit activity were not being run by punks, Garcia said, but by members of the barrio establishment. "I think he saw, before any of us—Rudy had a way of being there way ahead of the rest of us—that this all matters, if it continues you'll have a ghetto here. . ."

* * *

He was born in 1951 in southern Texas, one of six children born to Guadalupe, a steelworker, and his wife Anita; Rudy's sister Emma Lozano recalls their father as a union man who never missed a meeting. By Rudy's first birthday, the Lozano family had moved to Chicago and settled in Pilsen. While attending the west side's Harrison High School in the mid-60s, Lozano helped organize a student walkout—he believed the history courses ignored the Latino people, and that there were too few Latinos on the school's staff. In 1971, he organized a sit-in in the chancellor's office to pressure the University of Illinois at Chicago into creating an affirmative action program for blacks and Latinos. And while studying at Circle, he was a part-time organizer for the Pilsen Neighbors Community Council, drumming up support for a new high school in the barrio.

Lozano once planned to attend medical school. He abandoned the idea, his widow Lupe said, because "he felt waiting until his early 30s to help the people was too long." In 1974, at the age of 22, Lozano founded a Chicago chapter of CASA, a California-based organization created to defend the rights of undocumented workers. He later taught at Latino Youth, an alternative high school, many of whose students were dropouts who'd been involved with gangs.

He joined the International Ladies Garment Workers Union (ILGWU) as an organizer in 1979. He rose quickly. In 1981, he became the union's midwest regional organizing director, the youngest person ever to hold the title. That promotion empowered him to call his own shots. The tortilla industry was the first he targeted. Never in its history had the ILGWU strayed from the textile industry, but that did not matter to Lozano. He saw what he believed to be the exploitation of workers, and he went in to organize them. Lozano began with the Del Rey Tortilleria, the city's largest *tortilleria*, employing in its two barrio factories 110 or so workers. (Del Rey was not the *tortilleria* the activist/informant claimed was connected to a wide-scale drug operation.) Most of the workers have been Mexicans and Mexican-Americans, and all have been employed in unskilled tasks.

Lozano knew organizing the *tortilleria* workers would be rough—they could easily be replaced from the barrio's large pool of unemployed. Making his task even more difficult was the presence of undocumented workers. Del Rey threatened to call the Immigration and Naturalization Service (INS) and report any union advocates and sympathizers who were undocumented. Apparently, the threat was not an idle one: two weeks before workers were to vote on whether or not to recognize the union, the INS raided Del Rey for the first time in five years. Eighteen workers were arrested.

That a garment workers' union would get into such a fight to organize workers who mix vats of flour, water, and lime tells us something about the man willing to pick it. "He was blind to bureaucratic concerns," said Lou Montenegro, a Chicago-based vice-president of the ILGWU. "Rudy's only concern was with the people, and he felt the tortilla factories were treating the people like subhumans."

Montenegro spoke pensively of the endless debates the two had had over the *tortilleria* strategy, and of other fights outside the garment industry that Lozano chose in the barrio. "Rudy had a way of convincing me of things," Montenegro said. "I went along with the Del Rey decision [and others]. . .but only on the condition that Lozano would defend his decision before the ILG board, instead of me. I was too embarrassed to do it myself."

Montenegro viewed Lozano as a protege, and during our interview he had trouble concealing the disappointment he felt when Lozano began looking beyond union organizing to electoral politics. "He could run a helluva campaign, Rudy could," he said. "A mind like a computer—could remember everything. Really did his homework. A great speaker. He'd fire up people's enthusiasm. The people, they loved him. There was something about him that people would trust right away. . . . He could've been one of the best."

The Del Rey organizing campaign, Lozano's last as it turned out, was particularly

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intense and hostile. Montenegro said he and an ILG lawyer met once with the owners of Del Rey. He said one member of the Del Rey contingent, someone who had not spoken during the three-hour meeting, now asked: "What do these people mean to you? Why do you care about a bunch of *mojados*—a bunch of wetbacks?" It was at that point, according to Montenegro, that the meeting broke up.

A Chicago cop who moonlighted as a security guard at Del Rey told detectives shortly after Lozano's murder of the numerous fist fights between workers in favor of unionization and workers against. There were threats on Lozano's life. In November 1982, Lozano, fellow organizer John Garcia, and a few workers were talking in front of Del Rey. Garcia says a worker came to the door and ordered them away at gunpoint. He threatened to use the gun the next time they came around.

"I remember being real worried about him then," Lupe Lozano said. "He was so tense. . . . A lot of the time he'd be out of the house by 4 AM to catch the night shift getting off work. A lot of the time he'd go by himself because the other people wouldn't wake up, or whatever." He'd always make it? "Rudy—he'd always be there. He'd sometimes get home at one, two in the morning, and then be up at four. It was especially crazy when he was running for alderman." In early 1983, Lozano took a leave of absence from the ILGWU to run for the office. By this time, the Del Rey workers had voted in favor of the union, but Del Rey was refusing to acknowledge it. Charging that Lozano had tampered with the election, the *tortilleria* brought him and the union before the National Labor Relations Board. But not only did the NLRB dismiss as unfounded Del Rey's complaint, it cited Del Rey for 15 separate violations of the law.

As Lozano campaigned for alderman, he was helping organize a boycott of Del Rey's tortillas and meeting with workers. "The workers were still going through a lot then—court proceedings, conditions were real bad, they really came down hard on the workers, in retaliation," Lupe Lozano said. "He was so frustrated—there was always something else that would happen when it looked like he was getting somewhere."

In the winter of 1983, Lozano ran for 22nd Ward alderman against two-term incumbent Frank Stemberk and three other challengers. Remarkable though Lozano's candidacy was—for electoral politics belonged to a different world, a gringo world with room only for a few Latino *vendidos*, sellouts—it was not completely unexpected. A progressive, anti-machine candidacy in a ward now three-quarters Latino was inevitable—in '83 or someday soon. And Lozano was a natural: well spoken, a leader, a hyperpolitical figure who saw politics as a way of educating the people. To talk with Lozano, one had to figure a way to relate on a political level. His sister Emma talks about parties she would give that invariably turned into didactic political sessions. "I'd tell him, 'Please Rudy, no politics, this is a party.' And what would always happen is everyone'd be in a corner arguing politics."

No one was surprised that Lozano so easily made the broad leap to electoral politics. There was something unique about this charming, gregarious leader. People remembering Lozano today talk of his quick and engaging smile, his practical jokes, and his odd, frequent laugh. He was no prima donna—he'd do his share of the grunt work in the campaign and around the house. "Campaign workers would come to the house, everyone'd be talking politics, and there was Rudy folding baby clothes, or washing dishes, or giving the kids their bath," his sister Emma Lozano says. "His friends would look at him: 'Rudy, what are you doing, let Lupe do that. . . .'

"Rudy would always say, 'Everyone cuts cane.' Everyone does office work, everyone goes door-to-door, no one is above any work."

The aldermanic race brought Lozano new death threats. Lupe and Emma Lozano say one came from the bodyguard of a local political figure who wanted Lozano to endorse him for office. Lozano refused, and the bodyguard said something like, "You have a wife and kids. What if I come to your house?" Lupe and Emma also claim that Lozano was warned to back off at Del Rey, if he knew what was good for him.

Jesus Garcia specifically remembers three threatening calls from the days when he was managing Lozano's run for alderman. One, Garcia himself answered at the campaign office. Lozano is going to die, Garcia says the caller said, because he is "messing with things better left the way they were."

"Rudy probably got other calls he didn't tell anyone about," Garcia said. "He didn't want to scare people into thinking, 'Hey, we're up against something real heavy here, something unbeatable and not worth fighting against.'"

Lozano missed a runoff against Stemberk by 17 votes. He probably would have gained a runoff if he had not publicly endorsed Harold Washington, and asked campaign workers to hand out Washington's literature with his own. Washington finished a distant third in the mayoral balloting in the 22nd Ward. But that was Lozano. He believed strongly in a black-Latino alliance, and he believed elections were a way to teach the people. If something he believed in cost votes, and an election, so be it. Besides, the way Lozano saw it, his people were in for the long haul. Emma Lozano asked her brother how he felt about losing. "He says to me, 'What are you talking about, we didn't lose; we won.' He says, 'Look how many people we got involved, look how many people we got to realize things could change. It wasn't a loss, it was one step closer to victory.'" When he died he was already looking forward to 1984 and running against Stemberk for committeeman.

* * *

"I've always felt that Rudy learned something a couple of weeks before he was killed," Lupe Lozano told me. "Something that I think frightened him. I say that because the weekend before he was killed"—Lupe's voice wavered, and she had to fight for composure every few words—"the weekend before Rudy was killed I would keep catching him in a daze. Where he'd be off in his own world, thinking. Rudy was seldom like that."

Lupe and I talked a few hours seated at the kitchen table in her two-bedroom apartment. A few feet away was the spot where her husband lay in his blood. She was in the next room, in bed, when the murderer knocked on the back door, and piercing her dreamy haze, the conversation struck her as odd. "The voice asked, 'Where's your wife?'" Lupe told the jury that found Escobar guilty. "That's when I lifted my head to listen closely." She said the visitor spoke with her husband in a "familiar, relaxed way, like they knew each other." Ever since, she has racked her brains trying to place a voice that still eludes her. Lupe thought at first the gunshots were firecrackers popping; only when her mind registered her son David crying did she realize what had happened.

During the interview, David ran in and out of the room. He was in the kitchen when his father was murdered, and probably witnessed the killing. He is 4 now; he was 2 at the time. For a while, he acted out the scene he had witnessed; the finale had him stretching out on the kitchen floor pretending to be *Papi*. One day soon after the murder, Lupe lay on the couch with her eyes closed and a warm towel draped across her forehead. David screamed when he saw her. He thought his mother was dead, the towel hiding a gunshot wound to the head. "Pepe, my middle son [now 7], has been badly affected, too," she said. "It's made him negative. He says he's going to find the man who killed his father when he grows up." The oldest, Rudy Jr., 9, plans on one day occupying the mayor's office. "They all want to be candidates. Sometimes they draw political posters, put on their suits, and walk around the house campaigning. When they're mad at each other, they withdraw endorsements.

"I remember the Sunday before he was killed," she continued. On Lupe's face,

transparent, was the determination to forge on, to not allow pain to stand in the way of telling people of her husband. "Don't cry mommy," David told her. "The Sunday before Rudy was killed we were going to Emma's house. Usually on Sundays we would go to Emma's—his parents would be there, we'd eat dinner, watch videos, and stuff like that." Before they left home, she said, the phone rang, Rudy answered, said nothing after a hello, and hung up. "I thought it kind of strange, especially for Rudy, because whenever that phone rings, forget it. He's on it forever and you can't get him off.

"But I didn't say anything to him, we just got in the car. We didn't talk on the way to Emma's. He was, like, distracted, always concentrating. Usually Rudy was always singing in the car, and talking, playing. He was rarely quiet. Even a couple of days before that, he was real quiet. I remember feeling then like he knew something, like he had seen something and others knew it."

Rudy Lozano was murdered the morning of June 8, 1983. At around 9 AM, he was readying himself for the day when someone came to the back door, the door used by the Lozanos and those who knew them. Still shirtless, he invited the caller into his two-bedroom apartment. Pretending to feel ill, Lozano's caller asked to use the bathroom and phone. Lozano was still at the sink, where he'd just poured him a drink of water, when the visitor emerged from the bathroom and shot him three times at close range. One bullet lodged in Lozano's brain. Another tore through his heart. The third bullet punctured his lung and lay beside Lozano on a kitchen floor full of blood. Each wound, separately, would likely have killed Lozano. "That was a very professional hit, wouldn't you say?" Jesus Garcia said. "By someone who knew how to kill, or was well taught." Other than David, there was no eyewitness. However, Lupe's father, Domingo Ochoa, emptying his trash a few doors down, was drawn to his daughter's apartment by the firecrackers he thought he had just heard. As he walked down the alley toward the Lozano home, a young Latino wearing a faded baseball cap turned backward peddled past him on a ten-speed bicycle. Ochoa did not get a good look at his face.

Within hours of the murder, hundreds of mourners had flocked to the Lozano home, like pilgrims to a shrine. His bloody body still lay inside. Within days, Lozano's face was staring out from the plate-glass windows of most stores around the barrio, on a poster bordered in black. "*Un Hijo del Pueblo*," it said—a son of the people. The Monday of the funeral, thousands marched three hours in a procession through the barrio. Harold Washington spoke; so did other dignitaries. A friend sang a song he wrote: "It is better to die on your feet/than to live on your knees./ Brother Rudy Lozano/your death has not been in vain. The ideas that you left us/I have them here in my hands."

The pressure on the police was considerable. A "heater case," law-enforcement people call a crime like this one. At least 15 detectives were assigned. Certainly the force's top brass closely monitored the investigation; murder is an everyday occurrence in Chicago, but not one involving a friend of the mayor's. There were external pressures. The media did not report the shooting with banner headlines, but they closely followed the case. The community outpouring likely weighed heavily on the police.

Three weeks after the shooting, detectives learned the whereabouts of the murder weapon. The tip came through an anonymous call to Channel 7. The gun and its owner, Kenny Fuentes, 27, were easily found. Ballistic tests confirmed the tip: it was the .38 caliber gun that killed Lozano. Fuentes claimed he had lent the gun to a friend, Alfredo "Fritz" Olvera, the day before Lozano's murder. Olvera returned it to him the day after the murder. Olvera, 36, was picked up and questioned. After failing a polygraph test, Olvera confessed: he had borrowed the gun from Fuentes to lend it to his young friend Gregory Escobar. Olvera claimed Escobar said he had needed it to use against a rival gang riding his turf. Escobar was hauled in the afternoon of July 3, and early on Independence Day confessed to the murder. The police closed the case four weeks after it opened, and proudly awaited the applause they would never hear.

"We are shocked to learn that the Chicago Police Department has adopted an 'Oswald/lone nut' theory of the assassination, and are prepared to close the case with a single indictment," Jesus Garcia said as chairman of the group now formed, the Commission for Justice for Rudy Lozano. The Commission, which has expanded over its 22 months, included the Lozano family, a number of aldermen, and community leaders from around the city. To them, the capture of the alleged triggerman was only a start—how did it come to be that an 18-year-old gang-banger would arise one morning, get high, and peddle his bike over to Lozano's home, where, with Lozano's wife and infant son at home, he would shoot a man who was arguably the city's single most important Latino political figure? The reason Escobar gave for the murder certainly did not assuage their belief that he was assassinated. Escobar told police that Fritz Olvera had paid him to kill Lozano—for $1,000 worth of cocaine up front, and $4,000 promised in cash—because Lozano had welshed on a $7,000 cocaine debt. To anyone who knew Rudy Lozano, this was incredible: Lozano was so straight he disapproved of rock 'n' roll because it was too drug-oriented.

The police themselves refused to believe Escobar's professed motive. Said Rudolph Nimocks, commander of Area Four Violent Crime, which was assigned the murder: "After a thorough investigation into Mr. Lozano," the Police Department has "determined him clean as the Board of Health."

But if the police did not believe Escobar, they were willing to embrace another theory—that Lozano's murder was gang related.

Escobar belonged to the 2-6 Boys, one of the barrio's more menacing gangs. They claim as theirs a plot of land south and west of 26th Street and Pulaski Avenue. Their bitter rivals are the Latin Kings, who stalk a piece of turf north and east of the same coordinates. Two Latin Kings worked in Lozano's aldermanic campaign. One detective explained that by allowing Kings into his campaign, Lozano unwittingly gave them leverage over the 2-6'ers. And this motivated a crazed, doped-up gang-banger to take revenge, a *bato loco* with three dots tattooed to his arm after the gang's motto—"Lovers, Players, Killers." "You have to understand..." the detective told me, asking that his name not be used, "that gangs look for revenge when they cross each other's territory. Escobar, in his warped mind, blamed Lozano for the intrusion." It was tragic, of course, but tragedies like this occur when an innocent man gets snarled in a gang rivalry.

The police learned of the crazed gang-banger theory from Fritz Olvera. After a lie-detector test indicated Olvera knew more than he was telling, Olvera wrote out for police his rendition of the germane events preceding and following Lozano's murder. He portrayed Escobar as a kid anxious to murder. Olvera described an evening when he and a couple of friends were getting high in his kitchen a few days prior to Lozano's murder. Olvera was bitching about a guy who was pressuring him about money Olvera owed for cocaine. "That's when Greg [Escobar] walked into the kitchen...." Olvera wrote. "I made a remark saying, 'I['d] like to off the dude.' That's when Greg opened his mouth and said, 'Do you want me to off him for you?'

"That's when I told him no....I told him that's why Roscoe [one of those present] is here—to make sure I don't get hurt."

Later in Olvera's statement, he introduced the gang motive for Lozano's murder—while offering himself as a kindred spirit of Lozano's, someone also concerned with the Latino people's plight. "We were getting high [in the kitchen] when Greg brought up the subject about Lozano. He started saying that he's wrong in bringing up the Latin community by using the Latin Kings. That's when I told him it's about time somebody is doing something for us....

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"That's when Greg came out with saying, '[Lozano will] get paid back for doing it because we don't need no Kings around the neighborhood.'"

The police latched on to Olvera's story as if it were a gift—a neatly wrapped-up case. With few questions asked, the gang theory quickly ascended from a tale told by a wholly suspect character to the place it still holds today as law enforcement's Official Version. But consider the circumstances under which Olvera offered his statement: he had been hauled in to police headquarters suspected of murder; the gun had been traced to him. Olvera is the only source of the gang-related theory, yet nowhere in the thick police file on the case is there any indication that detectives questioned its plausibility. Was there, in fact, a general Latin Kings incursion onto 2-6 turf that Escobar may have misconstrued as being due to Lozano? The aldermanic election was held in mid-February, three and a half months prior to Lozano's death. If Escobar's murder mission had been motivated by two Latin Kings going door to door on 2-6 turf, or putting up posters, then why the lag? Detectives never poked around the community to determine the role the two Latin Kings played in the campaign. Did they ever actually cross into 2-6 territory?

The police were no more curious about Olvera. Escobar had said Olvera hired him to kill Lozano. Yet police released Olvera after a cursory check into his background—his arrest record. "It seems to me that...you'd want to find out why Escobar would tell them such a thing," said Matt Piers, a lawyer who has worked closely with the Lozanos throughout and is now deputy corporation counsel in the Washington administration. "We were told by police officers that they were not going after Olvera because they needed him in their case against Escobar. If they came down too hard, they'd lose that cooperation. We were also told that in regard to Kenny Fuentes."

Emma Lozano has no trouble explaining why the police have clung to the gang-related hit story. "Gangs have only been an excuse not to investigate further," she said. "Saying it's gangs makes their job simple—a drugged-up gang member equals senseless killing. But if they looked at the way gangs are used in this neighborhood—gang members are hired all the time to make hits." Their valuable services can be bought cheap: just give them the name.

Meanwhile, there was the elaborate tale of drugs, abuse of undocumented workers, and the rest offered by the first key informant to step forward, the activist I talked to who told his story to Lozano's family at the funeral and to the police the next day. The police took his information seriously, as they did all tips offered. Detectives discounted little, even the seemingly frivolous. For example, one call that came into police headquarters implicated a Lozano campaign worker in the killing. The caller's basis for the hunch, according to the police report, was an expression the precinct worker habitually used, the same one the youth jumping on a bike had mumbled to Lupe's father as he peddled off: "See you later, man." The police scoured the neighborhood for the man, interrogated members of his family, and showed him in a police lineup before letting him go.

(One name conspicuously absent from the police records is that of 22nd Ward Alderman Frank Stemberk. The Lozanos claim they told the police more than once about a call they received from someone claiming to work closely with Stemberk. The caller claimed a contract on Lozano's life originated in Stemberk's office. Stemberk was never brought in for questioning, but State Representative Juan Soliz was questioned at length after an anonymous caller said Soliz had arranged the murder because of an internecine rivalry between the two.)

When Escobar confessed, the Lozano investigation came to an abrupt conclusion. Some leads followed prior to Escobar's arrest had led detectives to all sorts of side streets that would remain unexplored. In particular, detectives abandoned their inquiry—based on the activist's tip—into a possible conspiracy of three *tortilleria* owners. Detectives had done some digging, and after a couple of weeks became suspicious enough to ask the three to submit to polygraph tests. According to the police report: "[Two of the *tortilleria* owners] stated they would be willing to take a polygraph examination, because they were telling the truth when they denied having anything to do with the death of the victim." After consulting with lawyers, these two owners changed their minds and refused, as did the third owner. It didn't matter, for by now Escobar was in custody, and the investigation was closed.

Tipsters and informants occasionally approached the Lozanos. The activist who tied the murder to *tortilleria* factory owners was the first. Even more interesting than his story was a letter Lupe received last July. It came from a man claiming to be one of 40-odd people selling drugs for the owner of a *tortilleria* (not the Del Rey). He claimed to have been privy to some of the plotting to kill her husband. He wrote: "Let me start by telling you the guy they got for killing Rudy is the wrong guy. I don't know the name of the guy who did it, but he was one of Rudy's students, and he's out there on the street still enjoying life anyway. I know who paid him to kill Rudy, and the reason why, but you must not tell nobody I know because I've got a family." He invited her to meet with him to learn more.

Lupe accepted the informant's offer, in part because his credentials were tarnished enough to seem credible, and also because at that point she was desperate for anything that would keep the investigation alive. That he was who he purported to be was buttressed by the fact that he was now serving time on drug-related charges. Lupe drove downstate to the informant's prison, bringing along the family's most aggressive sleuth, her sister-in-law Emma. By dint of hard work, acquired acumen, and moxie, Emma has managed to unearth some valuable clues. Since her brother's murder, she heeds, as a matter of habit, talk of gang-bangers for hire and of who's dealing what drugs around the barrio. When a tip leads her there, she slogs down into their world. She now suffers from migraine headaches that never plagued her before her brother was murdered. "If I didn't do it, who would?" she asked. "The state's attorneys? The police?"

Wasn't she fearful of a setup, driving through the boonies hours from Chicago? "We were followed by a second car," Emma told me. Was anyone carrying a gun? She laughed. "*Nooo*, none of us have guns." A pause. "I don't know, I guess if they started shooting, the people following us could've driven back and said these are the guys who did it." She laughed again, this time with a nervous edge.

The informant told the Lozanos (and later me) his story: in the bowels of the *tortilleria*, he overheard a snatch of conversation that stopped him in place. He listened out of sight as a plot to kill Lozano was being constructed. Talking in a back room were the *tortilleria* owner (whom he's indicated he sold drugs for), a banker, and two people known around the barrio as willing to perform any act if paid accordingly. The banker's bank had been in the news earlier that year when another high-level officer was convicted of laundering mob money. One of the two hit men was to kill Lozano. The other was to frame a gang-banger named Gregory Escobar. The banker would see to it that $30,000 was deposited in his bank in an account set up in Escobar's name. More evidence might be needed to frame Escobar.

Now the informant's tale became vague. A character we'll call Vaco learned of the plot—the informant did not say how—and tried to parlay that information into money. He concocted a blackmail scheme that backfired, the informant said; instead, the conspirators threatened to kill Vaco.

This piece of the informant's story tallied with something another informant had told the Lozanos months before. This informant, Emma said, was driving home at dawn the day of the murder. Across from his neighbor Rudy Lozano's home were Vaco and three others. One of the

others, Emma said, was Fritz Olvera. Later that day, when this informant learned of the murder, he visited his friend Vaco. He found Vaco packing his belongings, and very nervous.

(Emma Lozano claims the police were told at least three times of this earlier informant, though nowhere is he mentioned in the police report on the case. No one from law enforcement spoke with him—he was murdered New Year's Eve 1983. His sister, who also knew the story, was murdered by her husband last November.)

The drug dealer/informant also told the Lozanos of a foreman at the same *tortilleria* who knew too much about its various illegal business activities. A year before Lozano was murdered, the foreman was gunned down in his home. The killer fled on a bicycle, according to an eyewitness, as Lozano's would.

* * *

The prosecutors argue that the Lozanos never provided them with a single tip that would give them cause to investigate further. "Many times they've said, we have this theory, we have that theory, we have people who have information, and blah, blah, blah," said someone from the State's Attorney's Office. "We've run those down, the police have run those down, the FBI have run those down—and there's never anything."

Assistant State's Attorney Ray Garza provided one example. Last November, highly irritated, the police and the state's attorneys interviewed the informant from the *tortilleria* who supposedly overheard the plot to murder Lozano. They were angry because they had learned of the existence of the informant—now out of prison—from reading a *Tribune* article a few days before Fritz Olvera was supposed to go on trial for conspiracy in Lozano's murder. "Lo and behold . . . what we learn from him is what he told the Lozanos was a lie," Garza said. "What he told us had nothing to do with what he told them."

Maybe he feared law enforcement, given his hints he dealt drugs for his boss? "Why would he be scared of us?" Garza said. "I don't understand that. If he's got information . . . don't you think he knows he can parlay that information into favors from police. Come onnnn—all you have to do is watch *Hill Street Blues* to see all these guys, they can't wait to run to the police to parlay information into favors.

"How believable is he when he tells a different story to law enforcement?"

He's cast doubts on himself, sure. But his credibility has not been wiped out, which is what Garza argued. The police did not approach the informant shrewdly; their behavior brings into question the genuineness of Garza's claim that law enforcement has badly wanted to ferret out any and all conspirators in the murder.

If the informant's story is true, he took a great risk coming forward with it. "Here's a guy who cooperated with us, cooperated with the FBI, cooperated with you—from what I can tell consistently telling the same story," Matt Piers said. "So what do the police do? They . . . snatch him at his home, take him down to police headquarters, and tell him, 'Tell us what you know or we'll violate your probation.'. . .

"Now, maybe he's a liar, maybe he made every word of it up," Piers said. "Maybe every bit of it's true. But the point is . . . there was no reason to treat him like that."

The informant still sticks to his original story, the Lozanos say. They claim he is furious over the way he was treated, and that's why he was uncooperative. (The first informant to step forward—the activist—complains of similar treatment. "I'm sorry I ever talked to anybody," he said. "What I should have done is blown some brains out myself.")

From what I could see, the informant from the *tortilleria* is not particularly slick or crafty. Upon being released from prison late last summer, he told his story over beers, on the corner, all over the barrio. He spoke with me for no tangible gain. He was scared, he said, but he wanted to help Lupe Lozano solve the case because he liked her and believed her husband to have been a worthy man.

What was the difference between what the informant told the police and state's attorneys and what he told the Lozanos and, it seems, the FBI? (The FBI tends to be quiet about such matters, but Piers says an agent told him the stories pretty much jibed.) The informant had told the Lozanos, and he later told me, that Fritz Olvera was one of the four men in the back room of the *tortilleria*. He told police that Olvera—for reasons I do not know—was standing beside him listening. A major discrepancy in the context of Olvera's trial, which ended in an acquittal.

"It always amazed me why some of this stuff wasn't followed through," said Craig Tobin, Gregory Escobar's lawyer. Tobin recently left the public defender's special homicide unit after four and a half years and "at least 100 murder cases." Certainly not a disinterested observer, Tobin has looked through the police reports "one thousand times, at least," and is probably the best source available to corroborate holes in the police's case. "I don't see lots of questions having reached a dead end," he says. "I suppose it depends on how you define dead end. Is it a dead end because they couldn't find someone at the factory to confess to the crime?"

Tobin said he's shocked by the police's failure to investigate Kenny Fuentes, the owner of the murder weapon. Police believe Fuentes's blue ten-speed is the bicycle on which the killer presumably escaped the scene; it matches Ochoa's description. The day of the murder, Fuentes signed in at work at 9 AM, but he admitted under cross-examination at Escobar's trial that he actually arrived at work after 10. As with Olvera, only Fuentes's arrest record was checked. There is no mention of any closer investigation in the hundreds of pages of police documentation. Said Tobin: "If ever God said, 'Here, folks, here's a great suspect,' this is the guy."

Given the strong suspicions that Lozano's murder was a conspiracy, Fuentes should have been a strong middleman suspect. "When you confront law enforcement with this," Matt Piers said, "they say, 'We believe Fuentes is innocent of any involvement here because he told us of the gun.'" As Fuentes was being led from work by police, he told them the gun was in his desk drawer. "OK, but what if, hypothetically, Fuentes is framing Escobar, and he *wanted* the police to find out about the gun?"

Fuentes lied at least once to police, Piers said. Fuentes claimed he did not know Lozano, but Lupe Lozano found among her husband's papers a personal note from Fuentes to Lozano. "I told the police about it," Piers said, "but they never expressed any interest in seeing it."

Detectives didn't seem to be interested in more suspects. Nothing would cast doubt that Escobar was the killer. Consider the botched voice identification. Lupe Lozano was asked to police headquarters to see if she could identify Escobar's voice as that of the murderer. Escobar, whom Lupe knew to be the prime suspect, was placed in a voice lineup. Each member of the lineup was asked to repeat the few lines Lupe remembered hearing: "Where's your wife?" and so on. They were also asked to state their names. "That smells foul to me," Piers said. "Any police officer worth his salt knows that's an impermissible voice ID." It was so silly a gaffe that Tobin later made detectives seem foolish in his cross-examination. "In the view of police," Tobin told me, "it wasn't a gaffe. It was their way to ensure a positive identification of the man they knew to commit the crime." (He learned of the tainted voice ID when interviewing Lupe for the case, not from police records.)

This is the way police sometimes work, Piers said, when confronted with a "heater case." "They got themselves a possible gunman, a defendant," Piers said, "and then they fought tenaciously against all those people who raised questions that either would require them to go out and arrest more defendants or, heaven forbid, release the one in custody and go find another one. . . .

"A conspiracy would have required much more investigating. It would've required, arguably, tracking down leads that may have led to some powerful people in the community."

So this was the case the police handed the two state's attorneys assigned to

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convict Gregory Escobar and Fritz Olvera. Prosecutors Ray Garza and Ernest DiBenedetto could have ordered the police to reopen the case. They could have requested their own office's investigators to dig deeper. They did neither; not only were they satisfied with the police investigation, they lauded it—a "bang-up job," Garza called it. It is unquestionably the state's attorneys for whom the Lozanos' ire is greatest.

* * *

The Lozanos sometimes wonder why they ever bothered with the state's attorneys. The two sides met intermittently, but never toward any end. "Every time I'd raise anything having to do with Rudy's death not being the result of gang violence," Lupe Lozano said, "Ray would ask, 'You really believe that, Mrs. Lozano?' He wouldn't let us off the subject of gangs. It got real ridiculous. They'd ask what I thought about something, I'd tell them, and they'd get all upset. And then they'd explain about gangs again."

Lupe often speaks of their one and only meeting with State's Attorney Richard Daley, a few weeks after Escobar's 1983 arraignment. Ray Garza, there at his boss's side, thinks the meeting a good example of what he and his office were up against from the start: "It was if they wanted the Escobar trial to be the forum to uncover some conspiracy.... They wanted it to be he died a political martyr, trying to organize the garment workers or the tortilla owners [sic]. If we weren't going to prove that, it was as if they didn't want to listen."

The Lozanos believe the Daley meeting highlights what *they* were up against: an office concerned only with its immediate problem—convicting Escobar. The image they most vividly recall came near the meeting's end: a scarlet-faced Daley, trembling mad, thrusting a pointed finger jauntily back and forth to punctuate his point: which was, in effect, to impose a media gag order on them. Said Lupe: "We offered our assistance, and instead we were threatened."

I spoke at length about the meeting with three of the four Lozano Commission members present. I interviewed each separately, and all three stories jibed pretty much exactly. I requested a few minutes with Daley for his side of it, but instead I was passed to David Devane in the press office for a secondhand account. He relayed Daley's version of the meeting, but only after I agreed that it was all to be strictly off-the-record—no quotes attributed to an unidentified source. Garza agreed with most of what the Lozano Commission members said about the hapless meeting, but claimed their portrayal of Daley losing his composure was "absolutely false, absolutely false. He was firm, but he had to be."

The Lozanos were granted the meeting with Daley in the summer of 1983. They wanted to convince him that the murder investigation needed to be reopened and its scope broadened. There was a second issue, too, what Emma Lozano has labeled the "double assassination" of her brother—the second being a drawn-out character assassination. By the time the case was handed over to the State's Attorney's Office, the Lozanos were enraged by the drug and gang rumors. They blame the Police Department for this. "Right away the police were asking leading questions about Rudy's drug use," Emma Lozano charged. "People would tell us, 'Hey these two detectives asked us to confirm rumors Rudy was selling drugs.'" (And this was before Escobar and his cocaine-debt story surfaced.) One woman who asked her name not be disclosed said detectives "came right out and asked me about what I knew about his drug use. Not *did* he have a problem, [but] how bad was the problem they had heard about?"

Around the barrio, there were people who began wondering aloud about the darker side of Rudy Lozano. This his survivors told the prosecutors. "We felt we had to go public with what we knew—that the police had evidence saying Rudy's death was connected to his politics," Emma told me. "We saw going to the media as the only way to fight back against all the stuff we'd been hearing around the community."

At first the Lozano contingent sensed sympathy from Daley. But mention of press conferences quickly changed the mood of the meeting. Daley warned them not to go public with anything that might interfere with the prosecution of Escobar. That included any criticism of the police investigation, and any talk of Lozano's murder being politically motivated—anything that could raise doubts that Escobar was the gunman. Ray Romero, an attorney with the Lozano Commission who had long been the dead man's friend, was angered by Daley's threat. He said he told him, "Look, I don't like the whole attitude you're bringing to this thing, and I don't like your tone. You're trying to intimidate members of the family."

Here is where Daley reportedly lost his composure. Here, too, is where Garza's version of the meeting departs radically from that of the Commission members. "His face turned red, he spoke in a pretty high-pitched voice," said one of the three members of the Lozano faction. "He was shaking his finger, kind of sputtering, 'If you get in our way, if you get in our way...'—he repeats that a few times....

"[Daley] says to [Romero], 'Look if you blow the prosecution of this kid, I'll come after you.' Then [Romero] says somethir g like, 'In effect, you're laying the groundwork so we take the rap if you guys blow the conviction.' This is where [Daley] really blew up. His eyes were popping out of his head, he was shaking. '*You* go public,' he says, 'and I'll go after *you* and your license if we blow this conviction. I'm going after *you*....'

"Daley tells us, 'We're going to convict that kid. Once he's convicted, then maybe we'll look into this thing further.'"

(Garza denied Daley said this: "It's absurd that Mr. Daley would say something to that effect.")

The Lozanos say that before they met with Daley, they already knew the prosecution had a strong aversion to talking of possible conspirators behind the murder, and different motives. This same point, they say, was stressed at an earlier meeting with Garza and DiBenedetto. "Garza got all excited when we started talking of people who might have wanted Rudy dead," Emma Lozano claimed. "He says, 'Don't even talk that. Don't even think like that.' He said we'd be a perfect something or other for the defense." But this attitude is what prompted them to turn to Daley. The news now was that the county's chief prosecutor not only concurred that they must be silent, but insisted on it in a threatening way. The meeting dashed their hopes that the investigation would be reopened.

The state's attorneys argue there was good reason for caution. First, there's the legal requirement that all leads, no matter how unreliable, must be passed on to the defense. "They could be total baloney," Garza said, "but if it for some reason casts doubt on the prosecution of Escobar, we'd be under obligation to disclose that to the defense [and] that unreliable information could possibly lead to an acquittal....

"That's what Mr. Daley was telling them—'Be wary. You're not skilled investigators.'"

Besides, Garza and DiBenedetto argue, their job didn't require them to figure out why Lozano was killed. "A motive is not the element to consider here," DiBenedetto said shortly before the start of the first Escobar trial a year ago. "Crimes in general occur without explanation. The question to consider here is, Did [Escobar] do it? Not why he did it."

"In this case, the police and state's attorneys both... went for the least they thought they could. Their approach was case clearance...." Piers said. "The cops saw their job as getting the bust. They didn't want to hear about 'what-if?' and 'what about these guys, too?' The state's attorneys saw their job as getting a conviction."

Ray Romero does not criticize the state's attorneys for failing to arrive at the conclusions he personally believes—that Lozano's assassination was tied to business, or politics, or mob activity, or all of these things; he finds fault with the state's attorneys for failing to ask the questions raised by the family and informants. "In

law school, we learned that lawyers can generally shape the answer by asking the right question. The state's attorneys' question was limited to, 'Did Gregory Escobar kill Rudy Lozano?' We were asking a bigger question, 'Who was behind the murder of Rudy Lozano?' Those are two very different questions."

"If your ultimate objective is your conviction rate, then, yah, the state's attorneys did their job on the case," he said. "If your ultimate objective is to find out who was responsible for the murder, then..." Romero abruptly ended his sentence. He had already said he was uncomfortable speaking on the record against the State's Attorney's Office. Already there was an obstruction-of-justice threat hanging over him. He hastily concluded, "Let's just say that's where we differed philosophically."

* * *

The most interesting thing about last April's Gregory Escobar trial was the crowd that packed the courtroom each day, the many who came in *solidaridad* for a lost brother. They also came to offer themselves as a collective symbol of the community's dissatisfaction. A conviction would answer none of the questions that concerned them most. An acquittal would be attributable to the prosecution's refusal to widen its investigation and establish a motive.

That the jury was still deadlocked when it was dismissed after three days of deliberations underscored the argument that the prosecution was insufficient. That 11 of the 12 jurors were pushing for an acquittal drove it home.

The prosecution's case was Escobar's confession. There was little other evidence, but, as Garza said, "What more would you need?" (Lawyers stopping in to catch some of the trial, and journalists writing about it, established a betting line of a conviction in four hours. Few bet on the long side, figuring a jury would need little time to convict a confessed killer.) In his closing statement, Garza posed the jurors' choice: either believe the validity of the 19-page signed confession, and convict Escobar, or indict the cops who took it as "the most evil, lying monsters on the face of the earth."

To Craig Tobin, on the other hand, the confession was coerced by a police department under great strain to solve a murder. Detectives admitted under cross-examination that they employed many psychological tactics to break Escobar. They handcuffed one of his arms to a ring in the wall. They denied him sleep. He was picked up at 3 PM and his confession was taken by a court reporter 18 hours later, at 9 the following morning. (According to police, he confessed to them at around 4 AM.) "Once you begin looking for a statement, once you begin looking for a solution, you don't stop," Tobin said in his closing argument. "That's the problem." (Months later, when I spoke with Tobin, I expressed cynicism about the idea a confession could have been forced from Escobar. He said, "I've got four friends who I'll put you in a room with, and I guarantee you'll confess to *anything* after four hours.") Tobin also pointed out that Escobar never described the killing in his own words. Every detail that only the killer and police would know was posed as a yes-or-no question in the confession. Like, "You told me earlier, didn't you, that Rudy Lozano was bare-chested when he came to the door?"

Tobin battered at other parts of the state's case. Where the prosecution skirted evidence that did not point to Escobar, Tobin dwelt upon it. Lupe's father had described the man on the bike as five feet, six inches tall and in his mid-20s. Escobar is over six feet tall, and he was 18 when Lozano was murdered. Unidentified fingerprints were found in places the killer likely touched, like the bathroom doorknob. They were not Escobar's. Nowhere in the apartment were his prints found. Lupe had testified that her husband spoke with the killer as if he knew him. The prosecution could not prove that Escobar and Lozano ever met.

Tobin also hammered away at the lack of a plausible motive. Periodically he would remind the jury of this, and the prosecution would quickly object: a motive is not technically required to prove a defendant's guilt. The question was raised nevertheless, and may have helped persuade all but one juror to vote for acquittal. The prosecution presented two Rudy Lozanos. It stressed that Lozano was a good man, indeed a great man, but the evidence it presented was of a man not so worthy. There was the mention of a $7,000 cocaine debt, which was read to the jury with the rest of the confession, and made headlines, although the prosecutors put no particular stock in it. The debt belied the man, and paying $5,000 to kill him for it belied logic: a politician with Lozano's promise could be blackmailed for far more than $7,000. The prosecution also hinted at a gang-related motive. "They asked the jury to believe the confession," Tobin said, "but in the next breath they'd be talking about Lozano angering Escobar because he used Latin Kings in his campaign. It was like they were saying, 'OK folks, if you don't like the drug parts of the confession, here's an alternative—maybe Gregory Escobar killed Rudy Lozano because he used Latin Kings. That's how preposterous it all became."

Matt Piers has no doubt that the lack of a single compelling motive was the glitch that hung the jury. "In a case where there are eyewitnesses... the motive helps, but you don't need it," said Piers, a criminal defense attorney for five years. "In a case where there are no good eyewitnesses, and there are serious questions about whether or not the defendant did it—as in this case—I think jurors want to know why it happened. Juries... want to know before they call someone a murderer why this guy would want to commit such an extreme act."

Piers thinks Escobar was convicted in his second trial, a month after the first—the jury deliberated around eight hours—because the prosecution junked the gang-related argument and stressed the drug angle. Tobin said the biggest factor working against his client the second time was a jury more suburban and more middle-class. Garza scoffs at both notions.

Most Lozano supporters are angered by the prosecution of Gregory Escobar insofar as it has done damage to Lozano's reputation. "Lozano slain for dope debt, jury is told," read a headline in the *Tribune*. According to another *Tribune* article: "No clear motive for Lozano's murder was established although there was speculation that it was the result of an argument over a debt involving a drug deal or participation of gang members in Lozano's aldermanic campaign."

Drug allegations tend to linger longer than other things written about Lozano. A few friends of mine asked, when I mentioned Lozano's name, "Wasn't he that Latino leader killed over drugs?" The Lozanos periodically feel the slap of this kind of remark. The Commission is trying to get city officials to change the name of 26th Street to Lozano Avenue. "I was out with petitions one day," Lupe told the *Sun-Times*, "and one of the merchants came up to me and said, 'We don't want our street named after a drug dealer.' That hurts. It hurts me, it hurts my children. I try not to get angry when people bring it up to me. I tell them they didn't know my husband and that's their loss."

The Lozanos understand that Escobar's confession needed to be presented at his trial. But if the prosecution had not tried to prevail in the most convenient way, they charge, a truer motive might have emerged. They raise questions about a prosecutor's professional responsibility. The trial was not an ordinary one, and the Lozanos say it should not have been treated as such. "When you're dealing with a public figure, like Mr. Lozano certainly was, it's very important you not try your case merely on what you think will work, but also on what you think the truth is," said James Chapman, state president of the IVI-IPO and another attorney-member of the Commission. "As a prosecutor, you're a public servant, you have a certain responsibility beyond winning."

* * *

Ray Garza has never worked on a case more personally troubling. It's been one protracted, baffling, frustrating bother. He's prosecuted hundreds of murder defendants in his eight years with the State's Attorney's Office. And he's run the gamut, he'll tell you—"from cop killings

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to straight-out ghetto murders over a bottle of wine to child murders." Over the years, he's grown accustomed to the victim's family chatting with him each day before the start of proceedings. To their rooting him on loyally from the sidelines. To the bond that always seems to develop between the prosecution and the family, important to him and important to them. "It helps for the family to see that the prosecutors are working hard to see that justice is done," Garza said. "It helps them to overcome their grief." There's his friendship with the mother of a slain fireman. Years later, they still speak regularly over the phone. "You may think it strange in a professional relationship," he said. "But I like to think I'm doing something for the community, for these people."

Garza's moods when discussing the Lozano case swung between sympathy and resentment, and anger, with lots of strong emotions in between. He sometimes whined, he sometimes lashed out; he even asked me to please pass along his point of view to the Lozanos. "You'd like to think you're doing something for the victim's family," he said, "and to get the kind of reaction we have is frustrating." One thing he wanted to stay away from when we talked, he said, was who's lying about what. Later on, though, when I repeated a Lozano charge, he became suddenly irritated and said, "They're lying, plain and simple." (For the record, the Lozanos have not been reluctant to label Garza a liar, and lots of other things.)

"I think what I did is make too many attempts to talk with them and kept getting spit in the face," he said. It was always Garza, and not DiBenedetto, who spoke with the family. He was shipped in for the case from the state's attorney's south suburban Markham office, presumably because he is Mexican-American and would better relate with the family. "Maybe I should've kept quiet and quit trying to talk with them. I didn't. I chose to think maybe they'd understand, maybe they'd come around to our position."

The problem, as he sees it, was that it was up to him to convey the bad news—there's no proof that Rudy Lozano died a political martyr. The Lozanos blame his office, and sometimes him personally, only because of the unenviable role he had to play. "I feel for Mrs. Lozano, because I understand the frustration she feels in her heart," he said. "In her heart, she believes more people are responsible for her husband's murder. Somehow, we're the only ones she can vent that frustration on."

It's been his most personally frustrating case, and also his strangest. He found it "absolutely incredible" that the Lozanos spoke as much with Craig Tobin during the Escobar trial as with them. "That's how screwy, that's how bizarre this all became," he said. "Sometimes I got the impression it was if they didn't care about Escobar because he doesn't solve the whole picture." (I wonder if Garza knows that Emma Lozano occasionally speaks with Escobar's sister, to see if she's uncovered any evidence that would help spring her brother from jail.)

What most angered the two state's attorneys was the presence of Matt Piers. The prosecution's first meeting with members of the Lozano Commission was in Piers's office. "He started injecting himself no more than ten minutes into the meeting," Garza said. "From the start, it was if they were saying, 'You guys just aren't doing what you should, we're not going to listen to you, we're not going to talk with you—if you want to talk with us, talk to our lawyers.'" DiBenedetto felt that another lawyer "looking over my shoulder all the time" was a detriment to the case. DiBenedetto asked rhetorically, "Don't they know we're on their side?"

All these troubles have led Garza to the conclusion that the Lozanos have their own agenda. "It's gotten to the point," Garza said, "that I think all they're trying to do is keep an avenue open, for whatever reasons." What those reasons are, Garza won't say. But someone else from the State's Attorney's Office said, not for attribution, that the Lozanos are trying to milk the murder for everything it's worth politically.

"There are individuals who would like to come out of this clothed in the banner of Rudy Lozano, to have his political legitimacy transferred to them," he said. "Such an individual, or individuals, would have a great interest in keeping the thing going and always having his name—or her name, or their names—continuously linked to the ongoing Lozano investigation and be viewed as the heir apparent, or the anointed successor. . . .

"There's no question in my mind that they've been politically motivated," he said. "Whether or not it was a political murder, I don't know. But it has certainly been a political case since. . . .

"Maybe they'd have a right to continue this if there were some doubts about the murderer's identity, or if no one had been prosecuted, or if someone had been found not guilty. Then I could see their point. . . . [But] it's been over one and a half years—why keep it going? I'm almost reluctant to say anything that will keep the pot boiling. In a sense, it's in their interest to keep this high profile." And what about me? I ask him. What does he think of my spending so much time investigating the Lozanos' charges? "You're being used, buddy."

* * *

Ten o'clock on a Thursday morning late last November, and 40 or so people have disposed themselves into several small groups just outside the courtroom. A few huddle around Lupe Lozano and talk softly. Eyes dart to the courtroom's thick wood doors each time they open with a heavy breeze and shut with a creak. In part it's a reflex, but also they're looking for the prosecutor. At last Ray Garza emerges, and eyes dart from him to Lupe and back. Most focus on him. Garza's jaw muscles bunch up as he studies the crowd...

Not another blasted showdown...

Minutes earlier, Lupe was climbing the damned wooden pews, she was so furious with what Garza had told the judge. The occasion was day one of Fritz Olvera's trial. But Garza was not opening his case. Instead, he was asking for a postponement. And he blamed Lupe for the delay. He told the judge she had been withholding information possibly relevant to his case. He was incensed that, reading the *Chicago Tribune* a few days earlier, he had learned of the informant who could possibly connect Fritz Olvera to Rudy Lozano's murder.

The judge granted the continuance. The spectators sat for a minute or two, bewildered. One, then another, then the rest of the Lozano entourage left the courtroom for the corridor and milled about in hostile abeyance.

Now Garza forges into the crowd. Lupe stands to one side in resolved silence. Garza is telling the group pressing around him that he should have been told of the informant. His office, after all, is on their side and there to help...

Not this self-righteous concerned crap again...

"You mean I never told you that we had evidence saying my husband was killed because of his labor organizing?" Lupe asks incredulously.

"No," Garza answers.

But only because by now I've said to hell with the police, to hell with the state's attorneys. That's why when I heard from the man at the tortilleria, *I went to the FBI...*

And Lupe blurts out, in Garza's face, "You're full of shit."

The Lozano entourage stands hushed. Taciturn Lupe has astonished them. All eyes turn on Garza.

Why can't these people just let it go...

"I don't have time for this," Garza shoots back. "I've got a job to do."

"Yeah? A job on who?"

* * *

He swaggered to the witness box with his shirt collar upturned. The tongues from his untied gym shoes flapped outside his pants. "Yeah," he grunted in response to the bailiff's admonition to speak only the truth. Then he slouched into the witness chair, ready.

It was mid-December, and the Fritz Olvera trial was finally beginning. The first witness was Gregory Escobar, in his first of 40 years at maximum security prison in Joliet. It was as if he were playing it to the max for the boys back in the pen.

Asking him now to help their case—salvage their case—were the two state's attorneys who sent him to Joliet. Before DiBenedetto was done phrasing it, Escobar swatted away each question with a heckling "no comment." DiBenedetto turned to Criminal Judge James Bailey, the same judge that sentenced Escobar to 40 years. Escobar was even more obnoxious with him.

Bailey demanded that Escobar answer the question—did he know Olvera? Escobar refused. Bailey reminded him he could be socked with a contempt of court charge, meaning more time in prison. Escobar asked for the extra time. The judge threatened again, then a third time. Escobar reacted by jutting his chin out more. The judge capitulated; he told Escobar that for his own good he'd allow him a night to reconsider. Escobar got in the last word—he asked for the time now so he could go back to Joliet.

The scuttlebutt from the day Olvera was arrested, a few days before Escobar's first trial, was that he would never seriously be tried. He would walk away exonerated. "Why would it take them a year for them to decide they had something on this guy?" Tobin asked, and then provided an answer. He said Olvera's arrest was merely a trial tactic. "I assume their thinking was that I'd ask in court, 'If you believe the confession, then why isn't Olvera charged with murder?' I still asked the question, 'If you think the confession is worth the paper it's written on, why isn't he sitting here?"

Others believe Olvera was arrested to mollify the Lozanos: well, we tried to prove a conspiracy, but Escobar wouldn't talk.

Olvera's trial lasted under four hours, from the prosecutors' opening argument to their closing statement. There was no jury; the defense had opted for a bench trial. Escobar, the state's key witness, was never forced to testify. His own conviction was on appeal (where it remains today), and his attitude on the stand was a more showy way of taking the Fifth Amendment.

"The idea that you build a prosecution against Olvera around Escobar's testimony, while his case is on appeal, is absurd," Piers said. "It's plain stupid." Said the Lozano Commission after the trial, in a press statement read to me and a two-person camera crew from Spanish-language Channel 26: "Instead of waiting for the results of a publicly announced FBI investigation...the State's Attorney of Cook County proceeded with this trial.

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Lozano

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This shows us that he [Daley] was not interested in solving the crime, but rather interested in 'a quick conviction.'"

The prosecution based its case primarily on the fact that Olvera had admitted giving Escobar the murder weapon on the eve of the murder. "It's like you asking me to give you a butcher knife," the defense attorney said to Judge Bailey, "and then you're going around the corner and putting it in someone's back." So am I guilty too?, he asked rhetorically.

The prosecutors tried pointing out other parts of Olvera's statement to the police that they felt were self-incriminating. To do this, they resorted to blatant distortions of the statement. For instance, Garza argued that Olvera's discussion of "offing" Lozano "lends the court an idea of the conversation" that took place between Olvera and Escobar a couple of nights before the murder. Actually, Olvera wrote that he rebuked Escobar for suggesting that Lozano was to blame for Latin Kings being around the neighborhood. Olvera's guilt could be ascertained, Garza said in his closing statement, "if you read between the lines." Apparently choosing not to, Judge Bailey found Olvera not guilty.

So ended the state's attorney's involvement in the Rudy Lozano murder. The Chicago police and FBI are still officially on the case. For a time, the Lozanos were optimistic about the FBI investigation—whose rationale is that Lozano's murder violated his federally-protected civil rights. The chief investigator, James Garcia, was bilingual, and he aggressively pursued the case, the Lozanos said. But he was reassigned out of Chicago a few months ago, and his replacement has not yet contacted the Lozano Commission or any of the informants. The new investigator is white, and one source said she does not speak Spanish. The Lozanos laughed when I asked what they expect from the Chicago police, which reopened their investigation when they learned of the drug dealer/informant from the *Tribune*. The Commission is likely to announce soon that U.S. Representative John Conyers of Detroit will be pushing for a congressional investigation into the murder.

* * *

The murals of the barrio are what first capture the attention of a wayward gringo traveler. The murals, ubiquitous, are of suffering and of struggling, of wars in Central America and of demonstrations at City Hall. They are rich with color, but rarely do they convey happiness. Men toil in fields, while white bosses watch over them, guns drawn. Chains, and flames, and faces in macabre distortions. Here is the stoic visage of Zapata, and there Benito Juarez.

And here, near 18th and Racine, is a recent addition, a mural of a mustachioed barrio activist: a teacher turned union organizer turned politician turned, at 31, martyr.

The *vecinos* who do not forget Rudy Lozano, who have faithfully filled courtrooms in his honor, gather here as well, in the barrio. Imagine a cold February night, some 70 people assembled in a cement vest-pocket park, each holding chest high a thin white candle whose flame flaps in the wind.

A profound sense of purpose has imposed silence on this moment. Though now a sob violates it.

Who will take their suspicions seriously? Who will search beyond the surface? A year ago this night their champion had run for the City Council and, astonishingly, almost won. This ceremony is a commemoration.

"We're now in the midst of another struggle," a speaker says. The March 1984 committeeman race is a month away. It's an election Rudy Lozano had planned on winning. "So these candles not only symbolize the spirit of our brother Rudy, but also symbolize the passing of the torch—keeping the movement burning."

The torch has been passed to Jesus Garcia, Lozano's 1983 campaign manager, who is running in his stead. The year past has been a rough one for Garcia. Lozano was probably his best friend. Garcia's only brother died the month before Lozano's murder. His only child died less than a year before that. "He was incredible, he was so strong when Rudy was killed," Rudy Lozano's sister Emma later tells me. "He was telling us [the family], 'Be strong. Rudy would want us to fight back. To organize, not to mourn.' At the funeral, that's when Chuy [Jesus's nickname] finally broke down. I told him the same thing he told us, it was then I told him he *had* to run. There was no one else. We couldn't let whoever wanted Rudy gone, to win."

Now Emma tells the crowd, "Justice for my brother means electing Jesus Garcia.... Only then can we keep Rudy's name alive."

Garcia wins the committeeman race, by 59 of the over 5,000 votes cast. His victory proves something Rudy Lozano would have said: you can kill a man but not a movement.

* * *

Their job done, the judge and prosecutors leave the courtroom. Lupe Lozano continues to stare yearningly at Fritz Olvera, the acquitted defendant, who is pacing nervously at the defense table. It's as if she's trying to divine from him the elusive truth.

The 50 or so inveterate Lozano supporters make no move to leave. They might have been watching a movie that had just taken a new plot twist, when suddenly the closing credits scrolled across the screen. After a few minutes, a Cook County sheriff's deputy orders the group to clear the court. The trial is over.