Chicagoland

Section 2 ★ Chicago Tribune Sunday, March 19, 1989

Candidates tell where they stand

By R. Bruce Dold

There's a little secret in the campaign for mayor buried in a batch of unassuming spiral-bound notebooks and manila folders. These guys have some ideas about running the city.

It has been difficult at times to tell that from the campaign rhetoric. One candidate says the public wants to talk about issues, then identifies them in nebulous terms of "strength" and "leadership."

Another says the public wants to talk about issues, then conjectures about which of Chicago's last two departed mayors was a hero and which was a "pharaoh."

Chicago voters won't get a chance to see how the candidates measure up side by side because Cook County State's Atty. Richard M. Daley, the Democratic nominee, has declined an invitation to debate Republican Edward Vrdolyak and Harold Washington Party candidate Timothy Evans.

But if they did get the chance, they might hear some very different views. Sifting through the rhetoric for some nuggets of specificity, here is how the candidates compare.

Education

This is an issue where the politics balances on money. Evans supports a state income tax increase to finance education reform. Vrdolyak says he's not convinced a tax boost is needed, and Daley says he won't commit to higher taxes until he sees proposals for how the money would be spent.

Daley wants to create a deputy mayor for education to work with local school councils and link other city services, such as police and health, to the schools. He supports mandatory drug rehabilitation for students and inspections of student lockers for drugs.

"Daley talks about education, but he's unwilling to say how he would change that system," Evans said. "I've been very specific

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Tribune photo by Walter Kale

29 arrested in protest

Police drag protesters out of North Michigan Avenue near the Chicago River on Saturday after they sat on cars and lay in the street. They were among about 700 people who demonstrated against U.S. aid to El Salvador. Police arrested 29 and kept about 20 counter-demonstrators away.

City schools may ban bus firm

By Patrick Reardon

A North Side bus company involved in a bribe-paying scheme faces the loss of millions of dollars in business under a proposal by Chicago School Supt. Manford Byrd Jr. to ban the firm for a year from transporting public school children.

Byrd recommended the prohibition against Student Transit Corp., 7240 N. Rogers Ave., after co-owner Bernard Cohen admitted last month in federal court that he paid bribes to a top school official.

The action, to be considered next month by a Board of Education committee, would be a heavy financial blow to Student Transit, which will be paid $3,913,252 under contracts for the present school year.

The move also represents the most exacting penalty yet proposed by school officials in their effort to crack down on bus firms and clean up the school system's scandal-plagued transportation program.

And it is a penalty that also is being considered—albeit in a more limited fashion—against as many as four other bus companies that, according to a preliminary audit, overcharged the school system for transporting public school children to special-education programs at private schools.

"We expect people who are providing service for us to provide that service," said Orpen W. Bryan, assistant superintendent for school support. "If these things are not happening, we have a right—in fact, an obligation—to take whatever action we deem appropriate."

Tessa Gaines, transportation director for the school system, said the penalties "will be a big step for the board to do."

"This will be a signal out there," Gaines said. "It definitely will be a message."

That message is much different from the one the school system

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Abuse trial focuses on child's mother

By Jerry Shnay

The drug habits of a young mother became the focus Saturday of opening arguments in the child sex abuse case of Sandra Fabiano, the suburban operator of two day-care centers.

Fabiano, 42, of Palos Hills, was indicted in 1987 on 15 counts of sexually attacking four children in the day-care centers she operated in the southwest suburb.

But the trial that opened Saturday before Cook County Circuit Court Associate Judge Frank W. Meekins in the Markham court house involves three counts of sex abuse of one girl.

"The only issue is whether or not Sandra Fabiano sexually assaulted [the girl]," Assistant States Atty. Mary Ellen Cagney told the nine-man, three-woman jury, in warning them that they could hear testimony that the mother of the girl was a cocaine user and "began to use it a little bit more" after the alleged incident took place in April, 1987.

"She sought help," Cagney said, adding that the woman "checked herself into a hospital" and is now drug-free.

Defense attorney Stephen Komie said the real key to the trial is not his client, but the 24-year-old mother. "You will find the center of the case is [the mother]," he said, contending she was "bingeing on cocaine just weeks before the trial."

"Does a mother show concern for her child by spending all her money on nose candy?" Komie asked.

Cagney, the chief of the Cook County State's Attorney's sexual crimes division, tried to focus the jurors' attention on the specific charges and statements made by the girl that Fabiano molested her. Komie countered by trying to weave together the main elements of the defense: the mother's drug habits; the contention of a poor investigation by the Mass Molestation Task Force; and the question of medical evidence.

Time and again, Cagney used the phrase "Sandy, her teacher" in discussing the charges against Fabiano. Cagney said there would be testimony that the girl, who was younger than 4 years old at the time, began to show symptoms of "post-traumatic stress," including crouching in corners, refusing to go to school, nightmares and bed-wetting.

After the opening arguments, testimony began Saturday and will continue Monday. The trial will be heard six days a week until the sequestered jury is asked to make its decision. Most estimates are that the trial will last two to three weeks.

Allegations against Fabiano surfaced in early May, 1987. After a three-month investigation, she was indicted on charges of assaulting three girls at the Mother Goose Pre-School Center, 9746 S. Roberts Rd., and a fourth child at the Kids' Stop Day Care Center, 11540 Southwest Hwy.

Fabiano has insisted she is innocent, and Komie said her "dreams had crumbled" in the nearly two years between allegations and trial.

Komie said he plans to show the young girl was not molested but suffered from a urinary tract

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Tribune illustration by Tim Williams

DAN WEBB: A former U.S. attorney "with a boyish image" and now a defense lawyer, Webb "will paint in broader strokes. . . . He's more flamboyant."

And in this corner . . .

Sports-agent trial spotlights 2 heavyweight lawyers

By John Gorman

In one corner, dressed in blue pinstripes, stands Tony Valukas, tenacious and precise. In the other corner, also wearing blue pinstripes, stands Dan Webb, wily and quick-footed.

For two weeks, the two have slugged it out in front of a packed house, jabbing, counterpunching, dodging and weaving.

Their ring has been the Dirksen Federal Building, as familiar to them as their own back yards.

And when the legal punches have started to slip below the belt, it has been up to Judge George Marovich to act as referee as he presides over the trial of sports agents Norby Walters and Lloyd Bloom.

In this case, Valukas is battling for the federal government, while Webb is defending one of the agents, who are accused of illegally persuading young, talented college athletes to sign contracts with them.

Valukas and Webb were not always adversaries. As young prosecutors in the early 1970s, they were part of the elite "Kiddie Corps" assembled by then-U.S. Atty. James Thompson, now Illinois governor. That corps helped convict the likes of Ald. Thomas Keane, Chicago Police Capt. Clarence Braasch, Cook County Board member Floyd Fulle and loan shark Steve Annereno in a series of spectacular cases involving a variety of crimes.

In 1985, Webb, who is now 42, stepped down as U.S. attorney and handed the baton to Valukas. Since then, Valukas, 45, has finished up the cases Webb left behind and has launched his own investigations. Few have grabbed as much national attention as the current sports agent trial.

In the indictment brought by Valukas and co-prosecutor Howard Pearl, Walters, 58, and Bloom, 29, are charged with defrauding several universities by persuading athletes to sign representation agreements in violation of eligiblity rules and concealing the agreements' existence.

Now Valukas must prove the allegations. Webb, representing Bloom, must convince the eight-woman, four-man jury that the proof isn't there.

The style with which they have sought to sway the jury is a study in contrasts.

Veteran defense attorney Sam Adam has watched the two since their early days as prosecutors.

"Valukas is more meticulous, more given to detail and not at all flamboyant," Adam said. "He's like an Impressionist painter making small points here and there, but when he's through, the picture will be recognizable."

"Now, Webb will paint in broader strokes, but will also get there. He's more flamboyant," Adam continued. "It's like a radio announcer and an accountant."

A former prosecutor who worked under Webb and Valukas heaped praise on both as "terrific and very aggressive attorneys."

"Webb is perhaps quicker on his feet, a very bright guy with a boyish image," he observed. "Tony is not just prepared, he's prepared down to the commas in each question. There is no detail he is not prepared for.

"Both are very smart and cagey tacticians. If Tony has a flaw, it's a tendency to appear stiff and formal. If there is an edge, it might go to Webb's ability to relate to a jury," he said.

Illustrating, perhaps, the contrasting styles was an exchange last week between the two. Webb was cross-examining one of Valukas' key witnesses, Michael Franzese, a New York mob chieftain turned government informant.

Franzese had testified that he gave $50,000 to Walters to launch his sports agency business at Walters' Manhattan offices. But Webb wanted to question Franzese about an FBI memo and statements he had made earlier on the

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Tribune illustration by Tim Williams

ANTON VALUKAS: The prosecutor is "like an Impressionist painter making small points . . . but when he's through, the picture will be recognizable."

Band strikes divisive chord among Latinos

By Constanza Montana

Anti-Castro Cubans are vowing to prevent a 14-piece Cuban band from appearing at a city-sponsored Latin music festival scheduled for this summer.

Members of the vocal faction contend that Orquesta Aragon represents the communist regime of Fidel Castro, their archenemy, and must not be permitted to appear at "Viva Chicago."

The controversy already has led to veiled threats of violence and a possible boycott of the event or its sponsors. Some of Chicago's 17,000 Cubans feel it is an insult to invite a musical group that they say represents and supports a repressive communist regime.

On the other side of the dispute, Salima Rivera, "Viva Chicago" coordinator, said she may resign if the city breaks its contract with Aragon. For her and some other Latinos, including some Cubans, the dispute centers on 1st Amendment rights.

"To me, the real issue is my right as a citizen to hear different bands from different places, regardless of where they live," said Maria Torres, former executive director of the Chicago Commission on Latino Affairs and now a professor at De Paul University. "But increasingly, it is the obsession with Cuba and Fidel Castro that limits the Cuban community from joining hands."

Others see the issue as a misuse of public funds in support of a Marxist regime. "We're opposed to any band from communist Cuba and taxpayers having to foot the bill," said Dr. Frank Yanez Jr., a member of the Chicago chapter of the Cuban American National Foundation.

Earlier this month, three singers were banned from a music festival in Miami's Little Havana community because they once performed in Cuba.

The situation is the reverse of what happened in 1987 during the 10th Pan American Games in Indianapolis. The leader of the

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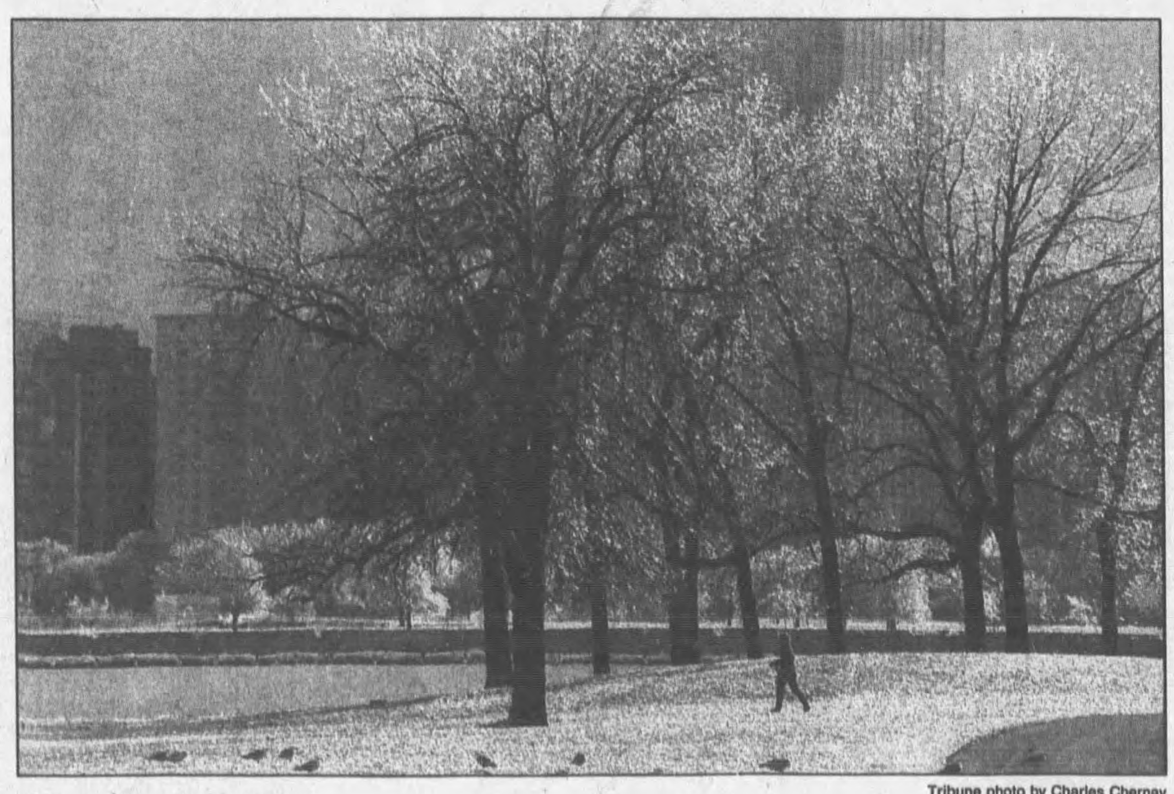

Tribune photo by Charles Cherney

Silver and gold

The setting sun creates a golden glow in trees and grass covered with ice from freezing rain Saturday afternoon near Montrose Harbor. Saturday's high was just 27, the Central Weather Service said, but a high in the 30s was expected Sunday, with a growing likelihood of snow.

Edwards says he won't quit health post

By Jacquelyn Heard

Dr. Lonnie Edwards, Chicago's controversial health commissioner, denied Saturday that he plans to resign, saying that pubished reports about his resignation came as news to him.

"I'm as enthusiastic about my work as I was the first day on the job," a baffled Edwards said in a telephone interview from his home. "I don't know how in the world that news got out. I have not written a letter of resignation, and I do not intend to write a letter of resignation.

"We're now working on health plans to take Chicago into the next millennium," Edwards said.

But Edwards is not expected to last into the next year. All three mayoral candidates in the April 4 election have said they would fire him.

Monroe Anderson, Mayor Eugene Sawyer's press secretary, first discussed the resignation Friday,

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Abuse

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infection that was not properly reported until early this year. He said that if investigators had done their job properly, no charges would have been filed.

In addition, both sides said there could be testimony about a test for gonorrhea given the girl a year before she attended the Mother Goose school. Cagney said it was "a clerical error."

The first two witnesses called Saturday afternoon were the girl's grandmother and a former cook at the school.

In her testimony, the grandmother said the child showed a "dramatic" change after Fabiano took over the school.

"Her personality changed so dramatically," the woman said about her granddaughter. "From a smart little girl she regressed. She became frightened of monsters and became withdrawn."

Under cross-examination, she said she was "personally upset" and "angry" at Fabiano around the time of the incident.

Elsie McCaffrey, 68, the school cook, insisted she saw Fabiano hit a child with a book, opening the kitchen door "just in time to see her take a swing."

McCaffrey said she was hired in 1980 by the previous owner, and when Fabiano took over the school in the first week of April, 1987, McCaffrey was asked to stay in the kitchen instead of spending part of her time with the children.

"I guess she [Fabiano] didn't want me," McCaffrey said.

Bus

Continued from page 1

has sent in the past.

Each year, the school system hands out $60 million to $70 million to bus firms to transport 43,000 children, but, as a Tribune investigation detailed last spring, the system's transportation program was long characterized by an almost total lack of controls, a pattern of routinely falsified invoices and a frequently cozy relationship between school officials and the bus firms.

Indeed, the man who led the transportation department until mid-1987, Donald Sparks, pleaded guilty Feb. 28 to charges that he and another board employee, who was acting as an undercover federal informant, accepted more than $200,000 in bribes from Julius Polan, the former owner of Northtown Bus Service Ltd., Lincolnwood.

Sparks also is the official who, according to court documents, received an undisclosed amount of bribes from Cohen, the co-owner of Student Transit. In his plea agreement, Cohen acknowledged that he "made cash payments to Donald Sparks with intent to reward him in connection with Student Transit Corp.'s business."

In addition to prohibiting Student Transit from bidding on school bus contracts for a year, Byrd also has proposed canceling any multiyear contracts that the firm has with the school system. Typically, the contracts for transporting children to special-education programs in private schools are for three years.

Asked about the proposed contract ban, Miriam Miquelon, lawyer for Cohen and Student Transit, said, "At this time, we're still reviewing the matter."

Bryan said a similar ban has been proposed against Polan but not against the recently sold Northtown company, which has $1,352,787 in transportation contracts from the city schools for this school year.

"Since Northtown is no longer owned by the same owner, we will not sanction the new owners," he said. "However, if this owner [Polan] were to acquire a company or have an interest in a company, the same sanction would apply. The sanction is against the owner."

Byrd said he also is considering a partial ban against the four firms that were cited for overcharges in a draft of a recently completed internal audit of the private school special-education program.

According to the draft report, the companies charged the school system on at least two occasions each for buses that were never provided. School officials met late last week with representatives of the firms to discuss and double-check the findings.

In the draft report, Gaines recommended that the four companies be barred from bidding on next year's private school contracts but not excluded from seeking other transportation contracts from the school system. In addition, she warned that a permanent ban against the firms be considered if a pattern of such overcharges continues.

Byrd said he will carry out Gaines' recommendations against any firm that cannot explain adequately the apparent overcharges, and he said he is considering other actions as well. He declined to detail those.

Such penalties, he said, "really are attacking the malfeasance and attempting to make the punishment fit the crime."

The private school transportation program represents only $13.4 million out of the school system's total $67.6 million transportation budget for the 1988-89 school year.

An additional $19.5 million of the budget is used for the busing of special-education children to public schools in the city while $31.6 million is used under the school system's options program to transport children to magnet and other schools to improve integration.

School system records indicate that, in previous years, bus firms routinely overcharged for service, particularly in the options program. "I believe all of them were doing it," Gaines said.

For example, one-day spot checks in late spring of 1987 by internal auditors found that the school system was billed $6,074.75 for 50 bus trips that never took place.

This year, Gaines instituted the first-ever systemwide control system for the options program buses.

Under the program, monitors, often parents, have been hired to work an hour in the morning and an hour in the evening at 150 large schools to check on the arrival and departure of the buses. The monitors are paid $6 a hour, and the total cost of the effort is $250,000, Gaines said.

Because of the new system, "there's been a vast improvement over last year," Bryan said.

School board member Ada Lopez said: "I don't think it's perfect. I still get a [complaint] call once in a while, but the monitoring system has helped."

The monitoring system, Gaines said, has let her make sure the buses show up on time or penalize them for failing to do so. During the first three months of the year, bus firms were fined a total of $35,746, mainly for showing up late, she said.

The apparent overcharges in the private school program occurred, she said, because that program doesn't yet have a monitoring system. Such a system is to be instituted next fall, she said.

An internal audit of the options program to determine how well the monitoring system is working is now underway.

Also next fall, the school system is planning to require all bus companies receiving contracts to submit, at least twice a month, a roster listing the names, license numbers and license expiration dates of each driver. Right now, the companies don't have to provide that information.

Band

Continued from page 1

Cuban delegation demanded that the pop music group Miami Sound Machine be barred from performing because lead singer Gloria Estefan's father was a former body guard for the wife of President Fulgencio Batista, who was overthrown by Castro in 1959.

Last fall, the Mayor's Office of Special Events asked a committee comprising a cross-section of the city's Hispanics, including Cubans, to draw up a list of artists that would showcase the best of Latino music.

The panel decided to invite acts that ranged from salsa star Ruben Blades to percussionist Pete Escobedo, said Victor Parra, a member of the committee and host of WBEZ's "Mambo Express" show.

But missing was "an act where all this music came from, the real McCoy," Parra said.

"That's how we came up with Orquesta Aragon, who this year are celebrating their 50th anniversary," he said, emphasizing that the band was in existence long before Castro took over in Cuba.

Sparks started flying when the artistic lineup was presented to Jose Lamas, general manager of Spanish-language television station WSNS-TV, who had expressed an interest in sponsoring the event until he saw Orquesta Aragon on the list.

"Channel 44 cannot be part of an event that we already know will be very divisive," Lamas said. "This is not censorship. This is common sense. What sense does it make to tell Cubans that we're going to bring them a Cuban group that with every musical note they play reminds them that Castro has been in power 30 years?"

Lamas said he would reconsider sponsoring the event if the city were to cancel its contract with Aragon.

But festival coordinator Rivera concedes she is less worried by Lamas' pullout than by the withdrawal of other sponsors for the two-day event, budgeted at more than $300,000, a third of which is to be paid by the city.

"But the bottom line seems to be that the main sponsor, G. Heileman Brewing Co., is now being pressured by certain segments of the Cuban community," said Rivera, who declined to identify individuals. A Heileman spokesman said he could not respond to questions concerning the controversy.

And earlier this week, a man identifying himself as a reporter called Rivera's office and warned that "within the Cuban community, there are people trained in guerrilla warfare and trained by the CIA" who may set off bombs at the homes of members of the program selection committee, Rivera said.

Orlando Miranda, a radio host on station WEDC, said he understands such feelings. "We're going to take all the measures necessary" to make sure Aragon doesn't perform in Chicago, he said. "We'll picket and do what we have to do. I'm not a participant of violence. But what happens when an individual who has lost his brother or father and remembers that that government killed his family? It's a great provocation for the Cuban community."

Miranda conceded that he was invited to participate on the committee that selected the artists. He said he declined because he doesn't like meetings and didn't like the political leanings of other members of the panel. "Do you think one person can be against a whole group of people who call themselves progressives?" he said.

That left one Cuban on the selection committee, Juan Montenegro, general sales manager of radio station WIND. "I'm as anti-Castro as Jose Lamas," Montenegro said. "I really didn't think it would be controversial whatsoever. I thought people would be excited to see Orquesta Aragon. It's a totally nonpolitical group. They just happen to live there and not here."

Montenegro and others said they were surprised by the hostile reaction. Cuban bands have performed twice before in the Chicago Jazz Festival without incident.

The city's contract with Orquesta Aragon is legally binding, Rivera said. "The corporation counsel has informed us that if the contract is canceled without due process, the city could end up in court," she said.

For Rivera, it would also mean the end of her job. "If the band is pulled from the roster, without a legal reason for doing so, I will resign in protest," she said. "We're expressing artistic integrity at this festival. I didn't want it to become a political football. But if Orquesta Aragon is pulled, where does it stop?"

Lawyers

Continued from page 1

matter.

With Webb facing Franzese, Valukas rose to his feet, stood as straight as a Marine Corps drill instructor within arm's length of his foe and objected, interrupting Webb in mid-sentence.

Glancing over his shoulder at Valukas, Webb promptly re-interrupted Valukas, turned to Marovich with a quick smile and pleaded to be allowed to continue.

In the end, Valukas won that round: Marovich asked Webb to move along to fresh ground.

The complexities of the battle were underscored during the first day of testimony.

On that day, former University of Iowa running back Ronnie Harmon testified that he took $2,500 when he was signed by Walters and Bloom before his senior year, a violation of both Big 10 and NCAA regulations. The jury also listened to a tape that Harmon had made secretly in which Walters can be heard making his staccato pitch to Harmon and his father.

But when Webb cross-examined Harmon, he read at length from Harmon's college transcript, which showed the star athlete had not been a star student, taking such courses as billiards, soccer and bowling. The summer before his senior year, he took a course in watercolor painting in an effort to get off academic probation. The D he got helped little.

In a carefully orchestrated series of questions, Webb selectively brought out Harmon's grades, contending that he should never have been allowed to play his senior year because the school should have found him in violation of Big 10 eligibility standards.

Valukas, Iowa and the Big 10 cried foul. They all contended that Harmon had indeed been eligible, that his average, though below a 2.0 average, was still above the 1.85 he needed.

Webb contended, through his reading of NCAA rules during his questioning of Harmon, that Harmon was not making "satisfactory progress toward his degree," as stated in the rules.

Iowa contended that Harmon was making that progress, though he testified that he never graduated.

Clearly, Webb had loaded up for Harmon. But just as clearly, Valukas had his own arsenal waiting.

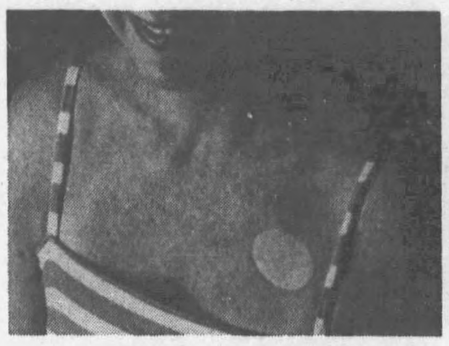
As the trial continued last week, Valukas brought to the stand a startling contrast in witnesses. One day, Rev. Theodore Hesburgh, the University of Notre Dame's president emeritus, was called. The next day, Valukas called Franzese, a convicted mobster serving a 10-year sentence in federal prison.

Lost in the attention being paid to Webb and Valukas have been two crack New York defense attorneys representing Walters, Robert Gold and Ethan Levin-Epstein. Both are former federal prosecutors themselves.

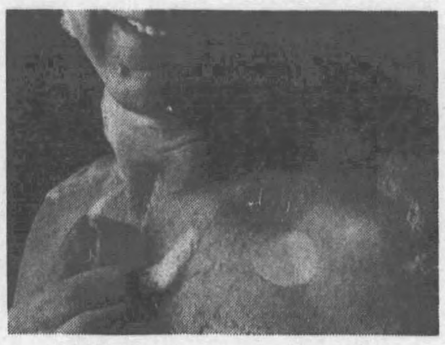
In another month or so, the jury will get its say when the final round is over.

Sam Adam had perhaps the best prediction of the outcome:

"In the end, the winner will be the one with the facts."



"I want one that's less noticeable."



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