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Ex-reporter spends 4th day on stand

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Former Dallas television reporter Charles Duncan continued Tuesday to fend off allegations that he came to Waco with a "mission and a preconceived story line" for a 10-part series he put together about McLennan County's then-district attorney.

Duncan spent his fourth day on the stand defending the way he put together the series, which questioned the way former District Attorney Vic Feazell ran his office. Feazell attorney Gary Richardson played for the jury conversations Duncan had with Deanna Fitzgerald, who at the time headed Feazell's misdemeanor section, and raw interviews with former Waco Police Chief Larry Scott and former Waco City Manager David Smith.

Duncan and Belo Broadcasting Co., which owns WFAA-TV in Dallas, are on trial in a \$52 million libel suit brought by Feazell, who charges that Duncan worked with law enforcement officials to smear his reputation with the series because he questioned convicted murderer Henry Lee Lucas' confessions to hundreds of unsolved murders.

The confession spree began to unwind after an April 1985 grand

jury session that cleared Lucas in three homicides to which he had confessed. Later, more of Lucas' confessions and the Texas Ranger task force that handled him were called into question.

Belo attorneys contend that the 10 reports and a commentary by WFAA anchorman Tracy Rowlett were fair comment on the performance of a public official.

The second episode of Duncan's series, which led off with "It pays to know people in the DA's office," detailed Fitzgerald's relationship with Groesbeck lawyer Benjie Reed, who was her cousin. According to the report, numerous DWI cases handled by Reed were dismissed by Fitzgerald.

In the conversation, Fitzgerald said she handled some of her cousin's cases, but she didn't handle many of the cases in question.

Richardson ridiculed Duncan because just before the tape was played Duncan said he didn't know if Fitzgerald was head of the misdemeanor section or if she would sign off on all misdemeanor cases.

"That would have been important to know if you had been interested in a fair and impartial story about the relationship between Benjie Reed and Deanna Fitzgerald, wouldn't it?" Richardson said.

"No, we got all the facts from the public record and from other people who talked to us," Duncan said.

Richardson also criticized Duncan because he failed to take Fitzgerald up on an invitation to spend a day at the DA's office to find out how the DWI cases he was asking about fit into the larger scheme of things.

"A good investigator that's not on a mission would have gone right across the alleyway here and spent a day with Deanna Fitzgerald, wouldn't he?" Richardson said.

"No, we asked her for an on-camera interview and she declined," Duncan said.

Duncan used a clip of Smith saying that the perceived lack of prosecution was "devastating to the morale" of Waco police officers.

In the full interview, Smith said that the relationship between the district attorney and the police department was "fractious" but was "the nature of the beast." Smith did not comment on allegations that Feazell did not vigorously prosecute drug defendants, the subject of future reports.

"Did I do it all right for you?" Smith asked Duncan after the interview was over. "I apologize. I wanted to do it in an effective way."