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Feazell fends off charges

Ex-DA denies being paranoid, vindictive

By TOMMY WITHERSPOON
Tribune-Herald staff writer

Vic Feazell fended off allegations Friday that he is paranoid, vindictive and lucky to have escaped federal bribery charges four years ago.

Feazell spent most of the day under cross-examination from Belo Broadcasting Co. attorney John McElhaney, as the fifth week of Feazell's libel trial against WFAA-TV and former Channel 8 reporter Charles Duncan came to a close.

The former McLennan County district attorney is seeking \$63.5 million in damages. He is claiming that Duncan's 10-part series in 1985 created the necessary public outcry to allow federal and state investigators to launch an official investigation into allegations that he took bribes.

A federal grand jury indicted Feazell in September 1986 on bribery and racketeering charges. He was acquitted the following year after a six-week trial in Austin. Several jurors said at the time that they thought he had been "framed."

McElhaney asked Feazell about general concepts of law, such as the burden of proof in criminal cases whereby a defendant must be found guilty beyond a reasonable doubt.

"All that really means is that the government failed in its burden to convince that jury on that day that he was guilty beyond a reasonable doubt. Isn't that right?" McElhaney asked.

Feazell said, "The same legal principle applied in my case, but if you are talking about what the jury said in my case and what they did in that jury room, I have to disagree."

McElhaney introduced into evidence judgments against four Waco attorneys — Don Hall, Dick Kettler, Ron Moody and Ken Crow — who said they had paid Feazell money to get cases dismissed for their clients.

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ment agents, who reviewed their tax records over several years, held tax violations over the attorneys' heads to get them to testify against Feazell.

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However, Boyter testified in the libel trial that he never told Duncan that because the FBI investigation didn't start until months later.

Feazell contends that Duncan and law officers worked together to discredit him for his role in exposing Henry Lec Lucas as a liar and a con man.

State officials were embarrassed by a Waco grand jury, led by Feazell, that cleared Lucas in three McLennan County homicides and began to unravel his confession hoax, Feazell has claimed.

U.S. District Judge James Nowlin, who presided over Feazell's trial in Austin, kept Feazell from using the Lucas-retaliation defense in his criminal trial. The judge based his ruling partially on Boyter's testimony at a pretrial hearing that the FBI investigation of Feazell began in June 1984, nine months before the Lucas grand jury.

Gary Richardson, Feazell's attorney, produced an FBI memo that indicates Boyter and FBI agent Bob Zane made "preliminary inquiries" beginning in May 1985 but showed that the FBI did not get official clearance to launch a "full field investigation" until July 30, 1985.

The Lucas grand jury in Waco convened in April 1985.

Feazell told McElhaney that had he and Richardson had access to FBI files and other information in 1987 that they gained for the libel trial, Nowlin probably would have allowed the retaliation defense and the outcome of his criminal trial would not have even been close.

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... really is a very, very long list of people who, you say, are somehow ganging up on you, isn't there?" McElhaney asked.

Feazell said that until April 1985 and the Lucas probe, the answer would have been no. After that, he said, "It was like I was in the water wounded, and the feeding frenzy had begun."

Duncan's series had a "bandwagon effect," Feazell said, adding that distortions in the reports had many believing Feazell was a crook, and "they" came after him.

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"Who is they?" McElhaney asked. "A lot of times paranoids talk about 'they.'"

Feazell laughed and said, "I don't think I am clinically paranoid, Mr. McElhaney. You know the old joke, you're not really paranoid if they really are out to get you."

Feazell will continue his testimony Monday.

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