

Feds tried to coerce testimony, officer says

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A McLennan County probation officer, whose 1984 driving while intoxicated arrest was featured in a WFAA-TV news series, said Tuesday that federal authorities tried to coerce false testimony from him at Vic Feazell's 1987 bribery trial.

Henry Mendez, testifying outside the presence of a jury hearing Feazell's libel suit against former reporter Charles Duncan and the Belo Broadcasting Co., said that

Assistant U.S. Attorney Jack Frels threatened to reopen his DWI case if he didn't cooperate in the federal case against the former McLennan County district attorney.

"I felt they were pressuring me to say something that was not true," Mendez testified.

Mendez was arrested in February 1984 and charged with driving 95 mph on State Highway 31, just outside Waco. A breath test indicated his blood-alcohol level at 0.15. The law states someone is legally drunk at 0.10.

Mendez said he went to Austin under subpoena while Feazell's federal bribery and racketeering trial was under way and talked to Frels, who prosecuted Feazell. FBI agent Bob Zane and Department of Public Safety investigator Ron Boyter were in the room during his conversation with Frels, Mendez said.

Zane and Boyter teamed to lead the investigation into allegations that Feazell was accepting bribes to dismiss criminal cases. Feazell was acquitted of the charges after

a six-week trial.

Mendez said he paid Waco attorney Don Hall \$3,500 to handle his case, which was dismissed, and to make sure the record of his arrest was expunged from court files. His was one of more than a dozen criminal cases named in a multi-count indictment against Feazell.

Duncan said he got a copy of Mendez's case from DPS officials after filing an Open Records Act request. However, a copy of the re-

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quest introduced into evidence by Feazell's attorney, Gary Richardson, was dated after Duncan had obtained the arrest reports on Mendez.

Frels told him that if he didn't cooperate, they could make sure that his records get "unexpunged," Mendez said. If he cooperated, his records "would stay hidden forever and ever," he testified.

"I told them that I couldn't tell them anything," Mendez said. "It appeared that they didn't like what they were hearing."

Frels, who works in the U.S. attorney's office in San Antonio, denied Mendez's allegations during a telephone interview Tuesday.

"That is just not so. He was very hostile to us, but that is just not so," Frels said. "We don't operate like that. We didn't then and don't now. That is just not the way we conduct our business. What he is claiming is

absolutely not so."

Mendez, who said he had his cruise control set on 70 mph and had drunk four beers, said he was prepared to challenge the trooper's radar reading and the breath test results.

He said the fact that his supervisors and other county officials contacted the district attorney's office on his behalf had more to do with getting his case dismissed than Hall's representation.

He said Hall even refunded his money to him after about six months of inactivity on his case. He said he paid Hall the agreed amount to complete the paper work on his case.

Duncan, who is now a private investigator in Dallas, led off his 10-part series about Feazell in June 1985 with details of Mendez's case. Feazell is seeking \$52 million from Duncan and Belo, which owns WFAA-TV in Dallas, claiming that Duncan's series was libelous.

Duncan, whose testimony lasted 10 days, said his series was accurate

and a balanced account on the operation of a public official's office.

Feazell is claiming that Duncan maliciously "distorted his prosecution record and became a willing tool for local, state and federal investigators trying to discredit him for leading an April 1985 grand jury investigation of Henry Lee Lucas.

The grand jury cleared Lucas in three McLennan County homicides to which he had confessed, and that started to unravel his confession spree that once totaled more than 600 murders.

Mendez and Al Smith, who was arrested in December 1983 for assaulting a Waco policewoman, both testified Tuesday that Duncan inaccurately reported facts surrounding their cases and made them appear worse than they were. Both said Duncan denied offers to meet them personally to discuss their cases.

Smith said he detected a "pattern" in Duncan's questioning that indicated he was trying to paint Feazell in a bad light.

Both Mendez and Smith said they

were contacted by Zane and Boyter shortly after hearing from Duncan. Smith testified that the investigators' "game plan had a similar pattern" to Duncan's.

In other testimony, Channel 8 anchorman Tracy Rowlett testified about his "Perspective," a two-minute opinion segment he aired after Duncan's series on Feazell.

He said he based his commentary solely on Duncan's scripts, adding that he conducted no independent investigation nor tried to corroborate information Duncan had gathered. He said his "Perspective" was clearly stated as an opinion.

Under questioning from Richardson, he said that it "perhaps" would have affected his opinion of Feazell if he had known that many sources for Duncan's series now are testifying at the trial that Duncan either lied to them, mislead them, quoted them wrong or reported erroneous information.

"My personal opinion was based on reports that I thought to be true," Rowlett said.