

McLennan's DA acquitted, but the troubles aren't over

Trial fails to change minds of many in legal system

By CHET BURCHETT
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WACO — The bribery and racketeering trial of McLennan County District Attorney Vic Feazell may be over, but the tribulations enveloping the criminal justice system in this Central Texas town continue.

Feazell was acquitted in Austin last week by a federal jury. The charges against him have hung like low, dark storm clouds over the courthouse here for two years.

But when the controversial DA strode triumphantly back into his office on Tuesday, the thunderclaps weren't far behind.

Feazell immediately called for the ouster of Waco's police chief.

He said recent drug stings at public schools "turn his stomach" and criticized the arrests of students who supplied drugs

"to someone they thought was a friend." He called the courthouse a "dragon's nest."

And he said it's his job to keep "us from becoming a police state. Not everyone who's arrested is guilty; not everyone who's guilty needs to be prosecuted."

For its part, the legal community was depressed. Said one lawyer, "We feel like we've been raped."

Feazell was indicted on charges he took about \$19,000 in bribes from defense attorneys in return for dismissing certain criminal cases.

The DA claimed that the investigation and indictment were in retaliation for his criticism of the Texas Rangers following a McLennan County grand jury probe into the confessions of Henry Lee Lucas, a confessed mass murderer who now says he lied to lawmen about the killings.

Feazell's conspiracy theory held that he

had become an enemy of the Waco police chief, who had been hired by the city manager who was a long-time friend of Col. Jim Adams, head of the Department of Public Safety and Texas Rangers.

Feazell said that Adams, formerly a ranking official in the FBI, was the one who brought in the federal investigators.

During his trial, Feazell was unable to use the angry Ranger defense, but he mentioned it several times.

Two jurors told reporters after the trial they thought the DA had been framed by state and federal authorities.

The verdict of not guilty that vindicated Feazell, however, failed to change the opinions held by many in the legal community.

The courthouse was described as being a "tomb" or "morgue" on the day the



Post photo by Chet Burchett

See Many/page 4D Vic Feazell gives the thumbs-up sign after his acquittal by federal jury.

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Many say Feazell returning to DA's office with a vengeance

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verdict was announced.

Later in the week, elected officials were answering by rolling their eyes or giving curt "no comments" to questions about Feazell.

"We've been called liars, shysters, and now we're stuck," said one attorney. "They raped us and left us, and now we have him back."

At least part of the concern among the legal community is that Feazell is returning with a vengeance, and despite his contention that retribution is best left to God, many fear Feazell's wrath.

"He's going to come at us," said one judge, who asked his name not be used because "I'm going to be crossways with him soon enough."

A former courthouse prosecutor said some attorneys are trying to maintain optimism, choosing to believe that "truth, justice and the American way will win out. But it didn't Monday" when the verdict was returned.

Feazell and his wife, Berni, see things differently.

"The people at the courthouse,

they've had their fun," Berni Feazell said. "Now they don't quite know what to do."

But Feazell — an ordained Baptist minister in his second four-year term of office — said he knows what to do, and he's wasting no time.

"Get back to work," Feazell said, and "see what happens. . ."

Among the things Feazell wants to see is the resignation or firing of Waco Police Chief Larry Scott. Scott and his department were involved in the lengthy investigation into Feazell's office.

"I can't work with Larry Scott, and he has said he can't work with me," Feazell said. "I've won (two) elections and a court trial to keep this job. The people have spoken. I've never seen the people speak out for Larry Scott."

"When it's all said and done, the last guy standing is going to be me."

Scott didn't say much about Feazell throughout the investigation, but in the wake of Feazell's latest statements he indicated that despite the verdict of any jury, he still

doesn't trust the DA and tries to avoid having his drug cases prosecuted by Feazell's office.

"For the last couple of years, anything we can take (to) federal (court), we will take federal. That's still the policy," Scott said.

Also, the chief explained, any undercover or sting investigations will continue to be conducted away from the district attorney's office. He said that although it is normal in other counties to involve the DA in any continuing investigation, there is such "a lack of trust" that police hire outside attorneys to advise them in Waco.

And in the case of numerous recent stings, the city requested that special prosecutors be appointed by judges to handle the hundreds of resulting cases.

"With the number of manhours and money, we wanted to see that (sting cases) get the proper attention through the judicial system," he said.

Regarding stings, the district attorney railed against the arrest of students during drug sting operations at local high schools.

"It turns my stomach to see some of these stings where they bring in a little girl in a pollyanna dress in leg chains because she gave someone a marijuana cigarette, to someone she thought was a friend," Feazell said.

He differentiated between students providing small amounts of marijuana to other students and adults selling drugs, however.

"If you have some scum selling drugs to our kids, get him," Feazell said. Bring me a murderer, or a burglar or a rapist. We'll take him all the way."

But other attorneys were alarmed at such a stance being held by the county's top law enforcement officer.

One asked, "Who does he think commits most burglaries? Dopers looking for money."

And Ralph Strother, a defense attorney appointed as special prosecutor in a number of the sting cases, said that as a father and citizen, such comments by the district attorney distress him.

"I don't like drug trafficking. I don't like drugs in schools. And I

don't like seeing them called petty crimes," he said.

Strother, one of the few defense attorneys in town willing to allow his name to be used, said justice in McLennan County is in trouble.

"The criminal justice system, if you compare it to a wheel, has ground to a halt," he said.

"I'd like to give Vic the benefit of the doubt, but I haven't seen any indication that he's" willing to put the investigation behind him.

"He has an inability to forgive and forget," Strother said, explaining that Feazell's biggest problems are his "ego, vindictiveness and vengeance."

"The first day he's back he calls for the resignation of the chief of police. I think he has fired the first salvo in a renewed offensive."

"He'll pick another target next. . ." Strother said. "You're going to find a lot of people very cautious. There's a real fear of him."

Also cautious is the 54th State District Court, where Judge George Allen now orders a pre-sentencing investigation for most plea bargains involving probation.

Allen confirmed that his court is doing the PSIs routinely and that it is a departure from his practice in the past.

Although he declined to comment on why he made the change, one attorney in the courthouse said it was an indication that faith in judgment of the district attorney's office is low.

But that opinion isn't shared by everyone. A walk outside the courthouse with Feazell finds a continuous stream of honking horns and well-wishers. The voters of McLennan County who elected Feazell after his indictment on bribery charges still love him, the DA said, adding that his support in the community is at an all-time high.

Feazell said he doesn't care what the legal system thinks of him, the only opinion that counts is that of the old women and young men who stop their cars and cross the street just to shake his hand and congratulate him on his victory in court.

"I don't serve a system. I serve the people," Feazell said.