

Inside Dallas

D Magazine

U * P * D * A * T * E

THE WACO DA STRIKES BACK For two years, McLennan County District Attorney **Vic Feazell** was the focus of highly publicized investigations by the FBI, the Texas Department of Public Safety, the IRS, and the Waco Police Department. Feazell was indicted last September on charges of bribery, conspiracy, and mail fraud ("War in Waco," October 1985).

Before his indictment, Feazell was also the subject of a series of investigative reports aired by WFAA-Channel 8. The reports, filed by reporter **Charles Duncan**, accused Feazell of taking payoffs in exchange for not prosecuting DWI and drug cases. Throughout, Feazell insisted that the investigation and subsequent indictment against him were in retaliation for his questioning the manner in which the Texas Rangers, an arm of the DPS, had conducted the infamous Henry Lee Lucas investigation. By proving that many of Lucas's confessions were bogus, Feazell says, he "stepped on the wrong toes." And, since filing a \$34 million libel suit against Channel 8 a year ago, Feazell has publicly claimed that the Dallas station's reports were tied in with the investigation.

In July, an Austin federal jury found Feazell innocent of all charges after hearing testimony from sixty-five government witnesses. Now, Feazell is ready to strike back. A week after being cleared, Feazell and his Tulsa-based attorney Gary Richardson met in Dallas to discuss plans for pursuing the suit against Channel 8.

"I've seen the reports that [Charles] Duncan did, and

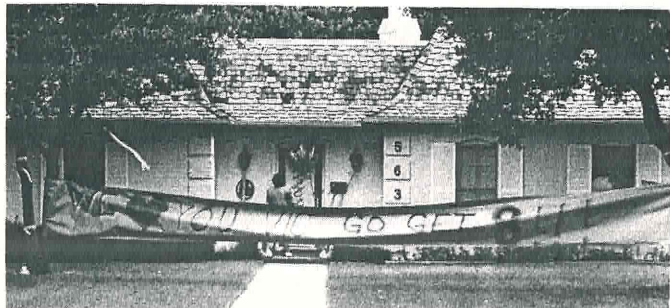
there's a great deal of distortion that went on and innuendos made that are not, in our opinion, supported factually," says Richardson. "We think that it is obvious that Duncan was an arm of the federal government."

Feazell says the case he and Richardson plan to present will establish a connection between Duncan and the Department of Public Safety. He points out that during the testimony of one of the key witnesses, DPS investigator Sgt. **Ron Boyter**, it was revealed that Boyter had played tapes of Duncan's reports for the federal grand jury in Austin in July of 1986.

Channel 8 was the lone representative of the Dallas media community to file regular reports from the six-week-long Feazell trial in Austin. The station also did a lengthy post-trial report from Waco, providing reaction to Feazell's acquittal. **Brad Watson** covered the trial, and WFAA was also represented in the courtroom by paralegals who took notes on the proceedings.

Watson, Duncan, and other Channel 8 staffers refused to comment on Richardson's allegations, as did **John McElhaney**, one of the attorneys representing the A.H. Belo Company, which owns Channel 8.

Feazell says that friends of his who followed the reports of the trial on Channel 8 "were under the impression we were going down the tube in a big way. They would be stunned when I told them how well I had felt things had gone in court that day. From what people have told me about what aired on Channel 8, it wasn't the same trial I sat through." —*Carlton Stowers*



Waco District Attorney Vic Feazell is suing Channel 8. His attorney believes that reporter Charles Duncan was "an arm of the federal government."

Noted And Quoted

Sam Donaldson of ABC News: "One week after I failed to get the ghostwriter's job with [H.L.] Hunt, I threw in the towel on getting rich and went back to what I knew best. I applied for work at KRLD-TV, the CBS affiliate in Dallas, and was hired. I've been in this business ever since."

From *Hold On, Mr. President*.

"I'm drivin' that big pink truck for Mary Kay
The whistles and the winks I get
Lord, what can I say
Just because my rig is pink
Pardner don't you think
I'm not a man in every way
I'm drivin' that big pink truck for Mary Kay."

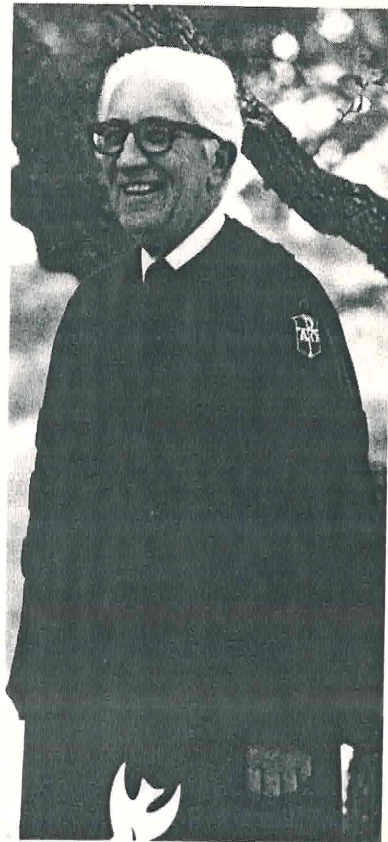
From "That Big Pink Truck," a song about the men who drive the Mary Kay Cosmetics eighteen-wheeler trucks, written by Dallasites Neil Scanlan and Ken Sutherland.

Mayor Ed Koch of New York, trying to justify his city's crime problem: "The FBI puts out an index of the top twenty-five cities. We're fourteenth down in crime. Dallas is number one, and then you have Detroit, Boston, Denver, Los Angeles, Washington, D.C. Sure, there's crime in this city. I'm not proud that we're fourteenth. I'd like to be twenty-fifth. But nevertheless, there are thirteen other cities that are less safe." (Actually, the FBI placed Dallas at number two.)

From "This Week with David Brinkley," June 21.

DALLAS EXPLAINED

Recently the headlines were full of the doings of the panel of Methodist bishops who were trying to clean up the mess that Governor Clements and his gang made of SMU's football program. Which raises the question: what's a Methodist bishop, anyway? Well, these men and women are the highest-ranking clergy in the United Methodist Church, seeing as there's no such thing as a Methodist pope. And they do much more than write reports about payoffs and coverups. Once bishops are elected—for life—the church gives them an episcopal area; every eight years, as a rule, they're rotated to another fiefdom. Within their territory, they get to appoint the ministers. Our very own Dallas-Fort Worth bishop, John Russell, picked the five-bishop panel that embarrassed Governor Clements and so many Dallas bigwigs. Shown at right, wearing official regalia, is Bishop O. Eugene Slater. Now retired, he is the bishop in residence at Perkins School of Theology. —*Serena Young*



The War in Waco Heats Up

A year ago we reported on the investigation being conducted into allegations that McLennan County District Attorney Vic Feazell had, among other things, taken payoffs from lawyers in exchange for not prosecuting DWI and drug cases ("War In Waco," October 1985). At the time, Feazell insisted that the joint investigation by the FBI, the Department of Public Safety, and the Waco Po-



Feazell: Indicted but undaunted—and still popular in Waco.

lice Department was nothing more than a retaliatory measure prompted by his and Texas Attorney General Jim Mattox's questioning of the hundreds of confessions taken from accused mass murderer Henry Lee Lucas. Many of the charges against Lucas unraveled and were eventually dropped, thus removing him as the handy, catch-all killer who could be blamed for every unsolved murder in the state.

Feazell also blasted a series of WFAA-Channel 8 reports that raised questions about his handling of specific cases. The outspoken DA accused Channel 8 of being involved with the investigating agencies and eventually filed a \$34 million lawsuit against WFAA and reporter Charles Duncan. Feazell insisted that he had done nothing illegal. But he felt he would, in all likelihood, be indicted.

On September 16, he was. The twelve-count indictment charges Feazell with violation of the Racketeering-Influenced and Corrupt Organizations Act and mail fraud.

As waiting television cameras (including those of Channel 8, which had arrived the night before) filmed the event, Feazell was surrounded, handcuffed, and escorted into his courthouse annex office. His attorney, Gary Richardson, a former Oklahoma federal prosecutor, says he has never seen an arrest conducted in such a manner.

Following his arrest, Feazell's office, home, and automobiles were searched. Among the materials taken from his office, he says, were documents he had been gathering in preparation for his case against Channel 8.

The assault on Feazell has not let up since his arrest; if anything, it has intensified—and Feazell's accusers seem determined to use any means at their disposal.

On September 25, the day before he pleaded not guilty at his arraignment, an FBI inventory report was filed with the U.S. District Clerk's office in Austin, stating that among the items found in the search of the Feazell home were syringes, none with needles, and a water pipe containing marijuana residue.

Berni Feazell, who was at home during the search, said one of the disposable syringes

was taken from her four-year-old son's toy box. A nurse in the office of Dr. Pat Pryor, a Waco physician, remembers giving the syringe to young Greg Feazell after administering a vaccination shot last April.

Another syringe was given to Mrs. Feazell by the family veterinarian to use in giving liquid medicine to a sick dog. "I suggested the need to get some liquids into the dog's stomach, and gave Berni the syringe," says Dr. Robert Barkley of the Barkley Animal Clinic in Waco. Additionally, federal agents removed

a syringe from a gag plaque that had been given to Feazell during his prosecution of a capital murder case. Mounted on the wooden plaque were a horseshoe and the syringe, to represent lethal injection.

The water pipe, Feazell told Channel 8, had been brought to him by a neighbor who had found it in his yard "two, maybe three years ago." Feazell told the

neighbor, E.B. Hawthorne, who died recently, that he would take it to his office and have it disposed of. "I forgot about it," Feazell says. "But if I was smoking dope and aware that I was being investigated, don't you think I would have known where that pipe was?"

Joyce Bursleson, a bookkeeper in the offices of Dr. Richard Kleiman in Waco, says she recalls a visit by Hawthorne

shortly after he found the pipe in his yard. "A bunch of kids had apparently had a party in the neighborhood the night before and he had found the pipe in his yard that morning. I asked him what he had done with the pipe and he said he had taken it to the district attorney." Kathy Radle, a former insurance clerk in the office, recalls the same conversation.

There was no mention of drug use in the indictments against Feazell. On the day of his arraignment, however, Feazell voluntarily went to the McLennan County Adult Probation office and paid \$30 to have a drug screen run. The test showed no evidence of marijuana, cocaine, or amphetamines.

The case against Feazell has taken strange twists. Reporters interviewed defendants involved in several of the DWI cases listed in the indictment, in which Feazell allegedly took payoff money from a Waco attorney. However, Virginia Shookman, James Kolachek, and James Fauver, each charged with DWI, denied they had been asked to pay bribe money.

Kolachek said there was never any mention of Feazell or bribe payoffs in his conversations with his lawyer. He also said he was never questioned by the FBI or asked to appear before the federal grand jury investigating Feazell.

Though Feazell could face a maximum of ninety years in prison and \$560,000 in fines if convicted on all counts, he appears to have strong support in Waco. Recently, a local doctor conducted an informal poll, asking patients whether they favored Feazell or his GOP opponent, Paul Gartner, in the November election. The results: Feazell sixty-one, Gartner one.

—Carlton Stowers

THUMB AWARD

Uncommon Achievement



Thumbs up to Common Ground, a unique force in low-income housing, for receiving one of seventeen national Special Merit Awards from the U.S. Department of Housing and Urban Development. Under the inspired leadership of John Fullinwider, Common Ground has rescued scores of houses from demolition, renovated dozens of others, and offered hundreds of poverty-level Dallasites a taste of the American dream by making it possible for them to own their own homes.