

Unaired Feazell reports revealed

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Former Dallas television reporter Charles Duncan prepared rough drafts of scripts indicating that former McLennan County District Attorney Vic Feazell was a draft dodger who prosecuted innocent men in the Lake Waco triple-murder case, testimony revealed Tuesday.

Feazell is suing Duncan and his former employer, the Belo Broadcasting Co., which owns WFAA-TV, Channel 8, in Dallas. Feazell claims in his \$52 million libel suit that Duncan's 10-part series and an editorial commentary by Channel 8 anchorman Tracy Rowlett in 1985 were malicious, erroneous and designed to ruin Feazell's career.

The trial enters its 12th day when testimony resumes this morning.

Court hears early drafts of TV scripts

Duncan, 55, and his attorneys contend that Feazell suffers from "kill the messenger" syndrome and have said that Duncan's series was balanced, objective reporting on the performance of a public figure in office.

In a draft that Duncan described as "far from being ready for a final script," the former investigative reporter taped interviews with Russ Hunt and other defense attorneys involved in the Lake Waco capital-murder trials or appeals of the triple-murder defendants.

Duncan's testimony about his triple-murder investigation was heard outside the presence of the jury because Belo attorneys Tom Leatherbury and John

McElhaney filed a motion preventing Feazell or his attorney, Gary Richardson, from asking Duncan about it in front of the jury.

Hunt, who defended death-row inmate David Wayne Spence in 1984, has long believed that Spence was framed in the deaths of Jill Montgomery, Raylene Rice and Kenneth Franks. The teens' bodies were found at a Lake Waco park in July 1982.

Hunt has made no secret of his hatred for Feazell and was a source of other information the reporter used in his series, Duncan said.

The script draft pertaining to the Lake Waco case was dated a few months after

Duncan's series concluded in August 1985 and was marked "hold for indictment." Feazell was indicted on federal racketeering and bribery charges in September 1986. An Austin jury acquitted him of those charges in 1987.

In another script draft that Richardson introduced into evidence, Duncan said that, "In June of 1968, when most men Feazell's age were being drafted to go to Vietnam, Feazell went to work for the Austin Police Department as a file clerk. The job exempted him from the draft."

Richardson asked Duncan if he knew that Feazell, 39, graduated from high school when he was 16 and was 17 years old when he went to work for the Austin Police Department. Duncan said he

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learned those things later and did not air the segment.

In another note that Feazell and Richardson uncovered in trial preparation, Duncan instructed a Channel 8 artist to draw Feazell with his hand out taking a "big

stack of \$100 bills with another stack of \$100 bills on his desk." The drawing also never aired.

"And you don't call that a smear campaign and being on a mission to destroy this man?" Richardson asked Duncan.

Duncan said no, adding that the art assignment was not broadcast and merely "part of our research."

In other court action Tuesday, Richardson played Rowlett's "Per-

spective" piece for the jury in which the anchorman recaps what Duncan had aired in the previous 10 segments. Rowlett said that Feazell refused to talk with Channel 8 directly but called Duncan a "sissy" in published reports.

"Waco District Attorney Vic Feazell is supposed to be the top law enforcement officer in his county," Rowlett wrote in his commentary. "Apparently, though,

Feazell has a different idea about justice than do most of us. He also has a different idea about public-servant accountability."

Richardson also reviewed prosecution statistics that Duncan included in episode 10, statistics which Richardson and Feazell challenged as having no basis in fact. Richardson questioned Duncan about where he got his figures.

"Mr. Duncan, you never thought

the day would come when you would have to answer these types of questions, did you, because you thought Mr. Feazell would be locked away somewhere, didn't you?" Richardson said.

Duncan said he did not know how Feazell's criminal trial would conclude but added he stands by his figures, which he said he got from Waco police officials and the Texas Judicial Council.