

Waco DA says DPS tactics smack of 'Nazi Germany'

By DEBI DERRICK
City Editor

The McLennan County district attorney who first discovered faults in confessions by accused mass murderer Henry Lee Lucas Tuesday said things happening to citizens in Texas today under the auspices of the Texas Department of Public Safety "smacked of Nazi Germany."

In testimony not allowed to be heard by the jurors, Vic Feazell said Col. James Adams, state director of the DPS, "is the most powerful man in the state, more than the governor."

Feazell was one of four witnesses whose testimony, either all or in part, was not allowed to be heard by jurors in the trial of an \$18 million civil lawsuit filed by Orange County Sheriff James Wade against Lt. Charles "Chris" Dorbandt, former Orange area office sergeant, and Col. Adams.

Feazell said Adams learned his trade "at the feet of (the late FBI director) J. Edgar Hoover," for whom Adams served as deputy director. Feazell said when he first discovered that Lucas' confessions could be faulty and that Texas Rangers allegedly coached him into making them, his revelations brought down the wrath of Adams and the DPS.

What followed, Feazell said, was an investigation begun against him that included harassment, illegal

wiretaps and rumor-spreading.

A federal grand jury convened in Austin in August is still investigating him, Feazell said.

Jurors were not allowed to hear Feazell's testimony and that of other witnesses because it was not directly relevant to the lawsuit Wade has filed, according to the judge hearing the case.

Feazell said his problems with the DPS began when he had Lucas taken to Waco to investigate confessions into three murders. While there and out of custody of the Texas Rangers task force, Lucas was given polygraph tests. Those tests revealed deceptions by Lucas, who ended up recanting many of his previous murder confessions.

Feazell said he claimed publicly something to the effect that what had happened with Lucas was "unethical or improper — and those words came back to haunt me."

He said he asked Col. Adams to personally take over the investigation into the Lucas killings, disband the Ranger task force, form a new one and get to the bottom of the situation. If Adams would do so, Feazell said he would disband his own grand jury, convened in April 1985, that was investigating the matter, in order to assist in "saving face for law enforcement."

"Col. Adams was not receptive," Feazell said. In the same meeting, Feazell asked whether Adams had authorized an investigation of

Feazell himself and was told it was true, the McLennan County DA testified Tuesday.

He said Adams wouldn't tell him what he was being investigated for and said although he understood the DPS did not conduct investigations for retaliatory purposes, by "every indication that's what it was to me."

He said he also discovered the FBI was involved in the personal investigation in which he found evidence of illegal tapping of his telephone.

Feazell said that at one point, Adams asked him how the DPS could get Lucas back in custody in Georgetown (where he was kept before going to Waco) so officials could go on to "business as usual," which Feazell said he took to mean back to clearing murders by Lucas' confessions.

Feazell said rumors that began to be spread about him included such things as him taking payoffs not to prosecute DWIs and even accused him and his wife of throwing nude swimming parties, although the two did not have a pool.

"I think the hardest part to live with (because of the investigation) is the misinformation and rumor mill," he said.

Wade's attorney, Harris Butler, asked if the alleged harassment of Wade when he was a DPS trooper, who allegedly was vocal in his criticism of DPS policy, was similar

"It's very indicative of the way the DPS responded in handling me," Feazell said.

He said he saw Col. Adams at the McLennan County courthouse before Adams was due to testify to the grand jury and Adams was "obviously upset to see me." Feazell claimed Adams made a statement to the effect that "more is in store for you."

He also said a Texas Ranger had told him he would wish he had never been born.

"It's been frightening," Feazell said. "I considered not even coming here today because I know I'll probably get myself in deeper."

Outside the courtroom, Feazell said he came to Wade's trial voluntarily in hopes that enough people will hear of Adams' methods.

"Jim Adams ought to be fired," he said, "and the DPS revamped."

"The majority of troopers are good, solid, law-abiding people, but it only takes a few rotten apples to spoil the whole barrel.

"I support the DPS, but not Adams."

Similar testimony came from Pat Barber, Mitchell County district attorney, who said a 1982 investigation into jail beatings there turned up two state troopers who would not come forward with what he believed to be the truth.

After receiving no response to his efforts to have the troopers tell the



Staff photo by Dave Cruz

LIVING MEMORIAL — Members of the Junior Historians-Young Scientists Club at Bridge City Junior High School sort out markers to be placed with trees being planted on the school campus as a Sesquicentennial project. Seven of the trees will honor the crew of the space shuttle Challenger who died when the craft exploded during launch. The markers with the names of the crew members will be placed below the selected seven trees. The markers are being placed by, (from left) Wendy Slaydon, 11, sixth grade; Charlotte Stout, teacher and club sponsor, and Kim Titus, 14, eighth grade. The club was assisted by Wal Mart of Bridge City, Andam's Nursery

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truth or be transferred, he talked to Col. Adams and said he would not prosecute cases where the word of the individual troopers was the key to winning the case.

He said Col. Adams told him the DPS would simply go straight to the grand jury which they began to do the next day.

He said when he had the chance later to talk to grand jurors and say why he did not feel the troopers were credible, the individuals under investigation were no-billed.

The stand-off worsened, Barber said, and a December 1982 conversation with Col. Adams made him realize "whatever final decision he made would be adverse to me."

Another witness, Robert Butler, now a police officer in a city near San Antonio, also testified that efforts to speak out against what he perceived as wrongdoing met with resistance by DPS officials.

He testified that when he told superior officers that an arrest made by a trooper could lead to a lawsuit because those arrested were left at the jail where sheriff's officials ended up releasing them, the response he received was that he "couldn't get along with the troopers."

He said after reporting other incidents, such as troopers taking items from a truck involved in an accident, he began to have constant difficulties from superior officers. He said he was removed from a rifle team and claimed his sergeant "was building a file so he could have me transferred for speaking out against him and his troopers."

He noted he was never formally charged and was transferred to Rockport "for the good of the service," without a chance to appeal.

He also said he had discovered that if he wrote 10 tickets a day, two warnings and arrested three to four drunk drivers a month, he would stay "out of hot water with the sergeant."

Robert Butler is currently involved in litigation with the DPS with Harris Butler as his attorney.

Testimony allowed in front of the jurors Tuesday included testimony from retired DPS Capt. B.F. Wade, who was district office captain over Wade when the sheriff was a DPS trooper.

Capt. Wade, who recommended Trooper Wade be transferred or fired, said he did so based on inspection reports when an inspector went through the district and said there was a morale problem centering on Wade, on other feedback, the complaints he'd received about Wade and his day to day activities.

Capt. Wade testified that when Trooper Wade was taken off the road and placed in what was described by Wade in earlier testimony as a small room with the only assignment to answer a telephone, that Wade had been assigned to warrants and police demand orders (PDOs) and that Wade originally was placed in the room with the two officers who handled those while one of the two was on vacation and had a vacant desk.

Trooper Wade was assigned to a conference room alone, he said, when the other man came back because "it was impractical to put three men in the other office."

He also said he relied heavily on the recommendations of then-Sgt. Dorbandt because he was Wade's "direct supervisor."

He also testified that 32 troopers who appeared at an August 1982 federal hearing concerning Wade's transfer were from throughout the district.

Capt. Wade also said the first he had heard about Trooper Wade's dissatisfaction with the alleged ticket quota system was when his comments were picked up by the news media.

A former trooper, Lee Johnson, now an attorney in Beaumont, also testified and backed up previous testimony about a quota system and Wade's vocalility against it.

He testified, though, that of the troopers brought in to the August hearing concerning Wade's transfer, most were from the northern portions of the district with some of the ones who came down that day not knowing what they were there for.

He said he was told they had been called by their sergeants the night before and that his impression was they were under orders to be there.

That portion of Johnson's testimony, along with testimony claiming he was harassed for testifying in Wade's behalf at the August hearing, was not allowed in front of jurors.