

Feazell to resume testimony as libel case enters homestretch

By TOMMY WITHERSPOON
Tribune-Herald staff writer

4/15/91

Jurors hearing a multimillion-dollar libel suit filed by Vic Feazell against a Dallas television station heard Friday that the case should be in their hands this week.

The former district attorney will resume his testimony this morning, as the trial enters its sixth week in 19th State District Court. Feazell, 39, began his testimony Tuesday afternoon and faced cross-examination from Belo Broadcasting Co. attorney John McElhaney most of Friday.

Feazell is seeking \$63.5 million in damages from former investigative reporter Charles Duncan and Belo, which owns WFAA-TV, Channel 8, in Dallas. Feazell alleges that Duncan's 10-part series about him in 1985 was filled with lies and helped pave the way for a formal FBI investigation of Feazell.

Duncan, who is now a private investigator in Dallas, spent 10 days on the witness stand defending his series, which painted Feazell as a lax prosecutor who could be bought to dismiss a case.

Duncan admitted at least twice that viewers could have concluded from watching his series that Feazell took bribes.

Feazell has claimed that Duncan's episode and the subsequent FBI investigation into bribery allegations came on the heels of Feazell's role in an April 1985 McLennan County grand jury investigation that cleared Henry Lee Lucas in three local homicides to which he had confessed.

After the grand jury, news media scrutiny and other police investigations, Lucas' bogus confession spree came to an end, embarrassing the Texas Rangers and other police agencies.

Feazell has said that he became the target of investigators out to retaliate against him for the Lucas grand jury.

Duncan testified that a state investigator told him that the FBI began investigating Feazell in the fall of 1984. The officer, however, testified in the libel trial that he could not have told Duncan that because the official investigation did not begin until months later.

McElhaney and his co-counsel, Tom Leatherbury, said Friday that they were unsure how many witnesses they would call. Court records show that they have subpoenaed U.S. District Judge Walter S. Smith Jr. and McLennan County Court-at-Law Judge David Hodges as potential witnesses. Many witnesses on Belo's list have been called by Feazell and his attorney, Gary Richardson of Tulsa, Okla.

McElhaney said the trial should end this week.

Richardson said he might call one or two brief witnesses after Feazell. He and Feazell said Friday that they are confident in their case.

"It was good to get to tell my side of the story," Feazell said. "I just wish more people could have heard all the evidence in this case."

"We feel that the truth will be shown by the jury's verdict, and we continue to feel good about the way the case is going," Richardson said.

The standards to prove that a public official has been libeled are more stringent than for a private citizen.

For Feazell to win the case, the jury must conclude that Duncan and Belo aired information that was false, defamatory and malicious. The courts have defined malicious as broadcasting or printing a willful untruth or having a reckless disregard for the truth.