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Reporter disavows distortion

Research style remains at issue

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Former Dallas television reporter Charles Duncan spent a sixth day on the witness stand Thursday denying that he distorted his 10-part 1985 series about Vic Feazell in a "gross, conscious disregard for the truth," as alleged by Feazell's attorney.

Gary Richardson, who is representing the former McLennan County district attorney in his \$52 million libel suit against Duncan and the Belo Broadcasting Co., played the sixth and seventh episodes of Duncan's series and his taped telephone interviews.

As he has with the previous segments during the eight-day trial, Richardson picked apart Duncan's investigative techniques and continued to contend that Duncan came to Waco with a "mission" and a preconceived story line designed to ruin Feazell's credibility. Duncan, now a private investigator in Dallas, has continued to defend his series and assert that it was fair, accurate and balanced reporting about a public official.

In episode six, Duncan told viewers that "criminal activity is up and officer morale is down due to lax prosecution by the local district attorney."

In another part of the segment, Duncan says, "Waco police say

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two other suspects accurately predicted on the night of their arrests that they would get four-year probated sentences. But each said it would cost them \$12,000. Police undercover agents say word is out that it's easy to deal in drugs and stay out of jail in McLennan County. And they say drug dealers from throughout the country are taking advantage of the opportunities."

Duncan told Richardson that two sources for the report were former Waco police drug agents Dean Priddy and Donnie Tidmore. Richardson said both had "axes to grind" because of past differences with Feazell.

"Isn't one of the first things a good investigative reporter does is to learn how reliable his sources are?" Richardson asked Duncan.

Duncan agreed, adding that he knew the men had "concerns" about prosecution in the county but didn't think they had an ax to grind.

In a taped interview with one of the drug defendants Duncan said had predicted his fate, Brad Sublett told him that he paid his attorneys, Ken Crow and Ron Moody, \$4,000.

Sublett was placed on four years' probation, but nowhere in the tape did he tell Duncan that he predicted his sentence on the night of his arrest. He said, however, that it was common sense to think that a first-time offender caught with 4 grams of cocaine would not get penitentiary time.

Richardson said Duncan implied that something "sinister" had transpired by airing the \$12,000 figure when he knew that Sublett paid far less.

"You extrapolated from this conversation what you wanted to derive from it and plugged it into your preconceived story line, just as Mr. Feazell told you you would, didn't you?" Richardson asked.

Duncan said No.

Feazell declined a request for a taped on-camera interview with Duncan, telling him that he feared he would edit it to make him look as bad as possible.

"Why didn't you put in there that it only cost Mr. Sublett \$4,000 instead of \$12,000?" Richardson asked.

"It was a journalistic decision," Duncan said.

"You had a mission, didn't you, Mr. Duncan," Richardson said. "It was to slam dunk Vic Feazell and his office, was it not?"

"Absolutely not," Duncan said.

In episode seven, Duncan reported that he had discovered "unusual circumstances surrounding the dismissal" of four cases involving assaults on Waco police officers.

Duncan reported that a 24-year-old man attempting to escape police backed over an officer with his car. Four days later, Duncan reported, he assaulted another officer.

"The suspect got a probated sentence recommended by the DA in one case and was not indicted on the other assault," Duncan said in the report.

Richardson produced court records that showed Harold Montgomery was

arrested in August 1982, about four months before Feazell took office. The case remained pending until March 1983, when Feazell's office recommended three years' probation.

A grand jury chose not to indict the man in September 1982 on the second complaint, three months before Feazell took office.

Richardson asked Duncan why he didn't tell viewers that the grand jury no-billed the man instead of saying only that he was not indicted, implying that Feazell's office declined to prosecute the case.

A third police assault case to which Duncan referred involved a \$7,000 out-of-court settlement between the officer and the defendant. The officer, who was not seriously injured, did not press for criminal prosecution as part of the settlement.

Duncan, who interviewed the defendant, Al Smith, in at least three taped telephone conversations, told in his report about the settlement and said, "a few days later, the district attorney's office said the criminal case would not be prosecuted."

"The suspect said his legal fees ran almost \$4,000 in addition to the \$7,000 settlement. But he has refused to say how he managed to escape all criminal charges," Duncan said in the broadcast. "He said, 'If I talk, they'll put a contract out on me.' He did not elaborate."

Richardson asked Duncan why he didn't ask the man to explain what he meant or who he thought might hire a hit man to kill him. Duncan said he thinks he might have asked him those questions in a later, untaped talk.