

Testimony focuses on 'enemies list'

By TOMMY WITHERSPOON
Tribune-Herald staff writer

Discussion of the so-called Vic Feazell "enemies list" highlighted Monday's testimony in a multimillion-dollar libel suit Feazell filed against a former Dallas television reporter.

Courtroom action centered on episode nine of former WFAA-TV reporter Charles Duncan's 10-part series aired on Channel 8 in 1985 about the former McLennan County district attorney's performance in office.

Feazell, who resigned as district attorney three years ago, is seeking \$52 million from Duncan and the Belo Broadcasting Co., which owns WFAA, claiming Duncan's series was filled with malicious inaccuracies.

Duncan, now a Dallas private investigator, has spent much of his eight days on the witness stand defending himself against questions and allegations from Feazell's attorney, Gary Richardson.

Series' 9th episode shown at libel trial

Duncan has continued to argue that his series was a balanced, accurate report on a public official.

In segment nine, which aired in July 1985, Duncan reports that three former Feazell employees told him that Feazell maintained an "enemies list" and that those people were treated differently in their contacts with the office.

"They're mostly political enemies, but we're told there are other names on the list. In addition, there's information about an individual's spouse and family members, and the reason the person has made the list is also spelled out," Duncan said in his broadcast.

Duncan acknowledged under questioning from Richardson that he never saw the list but was told it existed by Darla Sadler, a former secretary whom Feazell

fired; George Merilian, an investigator Feazell fired; and former prosecutors Gary Butler and Bill Johnston.

Richardson said that despite the publicity about the reported list, local, state and federal investigators never found one despite the fact that they searched the trash in the DA's office for several months and searched Feazell's office and home after they arrested him on federal bribery and racketeering charges in 1986.

A federal jury in Austin acquitted Feazell after a six-week trial.

Bob Payne, manager of J.C. Penney's in Waco, also told Duncan he had heard about the enemies list and had been told that his name was on it because he had criticized the way Feazell's office handled shoplifting cases.

Richardson played a taped phone con-

versation between Duncan and Payne in which Payne also told Duncan about a shoplifting case involving one of his former employees that was not handled the way he would have liked.

The case in question, Richardson said, involved an 18-year-old girl who had been sexually abused as a child and who was ordered to seek psychiatric counseling as a condition of her "desktop" probation.

In desktop probation, a prosecutor holds a case on his or her desk for a year and if the defendant stays out of trouble during that time, the case is not filed or dismissed.

Richardson asked Duncan if he knew about those elements before he included the case in episode nine. He asked Duncan how he thought the case should have been handled.

Duncan said he was unaware of the girl's past, but said that the manager was upset about how the case was disposed of and that is what he put in his report.