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McLennan County District Attorney Vic Feazell, acquitted on bribery and racketeering charges,

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'Vic 1, Feds 0'

Lawyers fear retaliation from vindicated Feazell

By ROY BRAGG
Houston Chronicle

WACO — Some guys never learn.

For five weeks, the career and future of flamboyant McLennan County District Attorney Vic Feazell was in jeopardy as he stood trial on federal charges of racketeering and bribery.

When the jury cleared him of the charges, foes hoped the trial would soften the confrontational tactics and sometimes arrogant manner of the controversial Feazell.

It didn't.

"Screw them," a weary Feazell said of federal prosecutors two days after his acquittal.

"They took their best shot at me this time and they had to fabricate a case. I'm not going to do anything to get into trouble. They'd just have to make it up again. They didn't win last time. What makes them think they'd win this time?"

About attorneys who testified against him and those who fear retaliation in future dealings with the district attorney's office:

"If any of them would agree to mutual combat, no charges filed, I'll take any of them on," Feazell said. "Fist or baseball bat. I'd be pleased. But I'm not going to hurt an innocent party over the situation."

In his first week back on the job, Feazell also demanded that Waco Police Chief Larry Scott, with whom he has feuded in the past, be fired.

Local attorneys call it vintage Feazell behavior.

Feazell, 36, an ordained Baptist minister in his second term as district attorney, said federal and state lawmen were out to get him because he debunked the numerous confessions of convicted murderer Henry Lee Lucas and embarrassed authorities. Federal prosecutors said Feazell was taking bribes to dismiss cases.

"We had hoped — for better or worse — that when this trial was over, all of this would be put behind us," said Ralph Strother, a Waco defense attorney. "The only place he wants to bury the hatchet is between the eyes of certain people."

In the past, attorneys have claimed that Feazell had an enemies list — allegations that Feazell and his staff have repeatedly denied. Now, fresh from vindication in a trial, they say retaliation by Feazell is a distinct possibility.

"There's a fear among certain attorneys in town — on the list that doesn't exist — that he's going to retaliate and he's going to do it in any number of ways," said Russ Hunt, a longtime Feazell foe.

Feazell's combative style is the reason many attorneys fear retaliation.

That's apparent in the lobby of "Fort Feazell," the name coined by local attorneys to describe his third-floor courthouse office. On the bulletin board is a "Go Get 'Em Vic!" bumper sticker. Since the jury's decision, a new one has been put alongside it: "Vic 1, Feds 0."

The investigation against Feazell began two years ago amid allegations that he was taking bribes. According to the scheme outlined by federal prosecutors, certain attorneys were charging exorbitant fees to defend persons on driving while intoxicated charges. Some of that money, according to testimony by Waco attorneys Dick Kettler and Don Hall, was given to Feazell in return for dismissal of the charges.

Two days after the trial, an unshaven and visibly tired Feazell sat behind his desk and said the ordeal of the two-year investigation and five-week trial was unbearable at times.

"There were plenty of times that I would wake up in the middle of the night wondering if I would be able to see my little boy grow up," he said.

Feazell has always been a controversial figure. He portrays himself as a populist at election time, quotes the Bible often and has a courtroom style that takes full advantage of his evangelical training.

His problems began, he said, when he was able to prove that Henry Lee Lucas, convicted of a handful of murders, was lying when he confessed to hundreds more around the nation. Lucas, Feazell said, couldn't have been in places where the Texas Rangers said he was.

Feazell said the findings of the grand jury embarrassed

investigators and bureaucrats and they retaliated by trying to frame him. Federal authorities say the cases against Feazell were unrelated to the Lucas investigation.

He was indicted last Sept. 17. Five days before the 1986 general election, federal authorities released to the press the warrant detailing the search of his house and office.

He was re-elected.

Then came the trial.

"Once it was taken out of the hands of the bureaucrats and given to 12 people who could use their common sense, they threw it out," he said. "It's another David and Goliath story. The system didn't do this to me. The government didn't do this to me. But the system allowed a few very powerful and vindictive people to do what was done. I know I've put murderers behind bars who would have gotten out of prison before me if I had been found guilty."

For the future, Feazell says he won't be looking to seek revenge against attorneys who testified against him or those who have bickered with him.

"When they come in, they're probably not going to be offered a cup of coffee and treated really friendly, but their clients will be treated the same. I'm not going to discriminate against a defendant because I don't like his lawyer personally."

One attorney who testified against him in the trial, Ken Ables, has since fallen out of a golf cart and broken his hip. He's still hospitalized. "The pain's just as severe as if I had just broken his hip myself," Feazell said, sipping coffee.

A victorious Feazell means trouble, say courthouse regulars. One attorney's secretary was asked about the aftermath of the decision. "You mean the wake?" she said sarcastically.

Attorneys said they thought the case was airtight. Many said they knew of the bribes for years, although none of them participated. Attorneys who testified against Feazell couldn't be reached for comment or declined interview requests.

"I doubt they made anything up," said attorney Hunt. "It was common knowledge."

Another Waco lawyer, who asked not to be named in this story, agreed.

"A guy would come in, and you'd tell him it'd cost \$400 to handle his case and he could expect probation," he said. "The guy would call back a week later and say 'So-and-so said he could make the DWI go away for \$3,000.' I told him to take his business there and get the best deal he could."

Paul Gartner, who faced Feazell in two general elections and lost each time, said he's taking a wait-and-see attitude.

"It remains to be seen," he said of possible repercussions from the decision. "I'm going to keep doing what I always do."

Others weren't as optimistic.

"I think some guys are just going to be told to show up for trial," said the unnamed source. "They won't be offered any plea bargains for their clients. They'll just be shut out. They might as well close up."

In the past, Feazell has been mentioned as a possible candidate for higher office. Feazell says he's only interested in being a district attorney now but admits that supporters have approached about running for attorney general.

Hunt thinks those plans have been destroyed by the trial.

"I don't think Vic can win a state election," he said. "And I don't think that anyone would appoint him to anything."

Strother wants peace in the courthouse but doesn't think it will happen.

He cites as an example Feazell's call for the resignation of Police Chief Scott. Feazell says Scott wastes time on small-time cases — like recent drug and theft stings — and doesn't put enough emphasis on violent crime.

Scott says he's not surprised by the remarks.

"He's been saying that for eight years," Scott said. "If he's got a problem with the way I'm doing things, he needs to take it up with the city manager or the City Council."

Scott says Feazell drops cases if minor problems are found rather than sending them back to Scott's department for further investigation.

"We just want our case prosecuted," he said. "We don't care if it's Vic Feazell or Donald Duck doing it. But as long as I'm chief, he's not going to run my department."