

Houston Chronicle
Houston, Texas

NOV 6 1986

Fezell's wife: Win in election clips credibility of indictment

By ROY BRAGG
Houston Chronicle

WACO — Embattled McLennan County District Attorney Vic Fezell's election victory shows that residents here think federal racketeering charges against him are groundless, his wife says.

"The people here are trying to tell them (federal prosecutors) that everyone's tired of it," Berni Fezell said Wednesday.

Mrs. Fezell said her husband is the closest thing to a populist hero in Waco.

"People here love him because they wish they could fight," she said. "And because he does fight. He's the people's champion here."

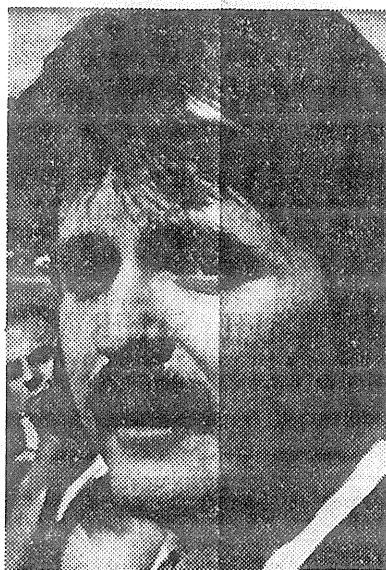
Fezell, 35, won re-election over Republican Paul Gartner with 53 percent of Tuesday's vote. The final vote count showed Fezell winning 23,838-20,863.

An ordained Baptist minister running for his second term, Fezell won in spite of a 12-count federal indictment handed down Sept. 17 that charged him with bribery, mail fraud and racketeering.

Fezell couldn't savor the victory, however, said John Ben Sutter, his administrative assistant.

"Under normal circumstances, a candidate would rest for a couple of days after a campaign," Sutter said. "Vic can't do that."

Sutter said Fezell went to Austin with attorneys Gary Richardson and Jeff Kearney to look over evidence for



Vic Fezell

Fezell's Feb. 2 trial. He couldn't be reached for comment.

The 17-page indictment against Fezell alleges he took \$19,370 in bribes from Waco-area defense attorneys in return for dismissing or reducing to a lesser charge drunken driving charges against their clients.

According to federal prosecutors, the defense attorneys increased their fees and kicked the extra money back to Fezell in return for leniency for their clients.

Fezell contends the indictment was revenge for his investigation, via a McLennan County grand jury, that dis-

proved the ever-rising body count of confessed murderer Henry Lee Lucas.

The probe, which questioned Lucas' ability to commit the hundreds of murders attributed to him by state police, held the Texas Rangers and Department of Public Safety up to ridicule.

Lucas later recanted most of the confessions.

The result, Fezell said, was an attack against him that included a two-year-long federal grand jury probe, wiretaps on his home and office telephones and surveillance of his house.

Federal and DPS officials deny the vendetta allegations, saying the case against Fezell is solid. The grand jury probe, they add, was under way before the Lucas controversy began.

But Mrs. Fezell and Sutter say the timing of the indictments and subsequent events clearly indicate a smear campaign against Fezell.

His office was burglarized several weekends ago, for example, and evidence Fezell intended to use in his case was taken, Sutter said.

Affidavits from unidentified attorneys, outlining how the bribery scheme worked, remained sealed in the federal courthouse until a week before the election, when they were released to the public, Mrs. Fezell said.

"This thing has become a sideshow," she said.

Fezell's never trailed in the race, Sutter said, although the lead diminished in late returns because the last boxes counted were in traditionally heavy Republican precincts.