

38

THE BOSTON GLOBE • WEDNESDAY, MARCH 27, 1991

Tight budget could force Ch. 2 to cut local shows

TELEVISION
Continued from Page 33

thing," but the newsmen at "The 10 O'Clock News" was rife with rumors. These rumors range from outright cancellation of the three programs to reconfiguring them into lower-budget packages. "The 10 O'Clock News" achieved some national attention during the Gulf War when it combined forces with "Frontline" for a nightly program. After the war, it attempted to switch to a single-issue format. A similar format, minus most or all of the reporters and production team on staff — as a way of shrinking the news program's \$2 million to \$3 million budget — is one rumor making the rounds. A talking-heads program would be much less expensive to produce than one that makes extensive use of field reports.

"The fact is," said Hopkins, "that we are in a budget process and we are looking at where things stand in the coming year. I suspect things will be more difficult than in years past because of the economy. Local production is the most expensive part as opposed to the national side, which is a separate financial setup. We have been in the process for the last year or so of looking at the local program service and thinking what kind of service we ought to be providing if we're looking at tough financial times."

Hopkins did say that "We are certainly committed to providing a local service reflecting local issues and local communities. But it would be premature to suggest any other scenario until we know what our financial situation is."

With no word from management, there is plenty of speculation within

WGBH to fill the vacuum of real information. "There are two factors here," said one source. "One is budgetary and the other is the general, changing context of television news from CNN to Channel 66 to 'Nightline' to 'Frontline.' It's a changing mix of things and we're always wondering about what is the future of news on public television."

"The other factor is money. My guess is that both are involved, but the philosophical one is probably the more important right now."

National production, said Hopkins, is in relatively good shape and the station is going forward with several projects. But it is impossible, she added, to divert money from national to local programs because these programs are funded by corporate underwriters for specific programs. In other words, Mobil isn't about to let WGBH switch money from producing "Masterpiece Theatre" and "Mystery" to "Say Brother" and "La Plaza" even if WGBH wanted to do so.

"We didn't do as well as we hoped during the recent pledge drive. We went into it with a bit of a deficit, and we still have a deficit," said Hopkins, who didn't have the figures.

All three programs are semi-institutions locally. "Say Brother," which has been on the air for 21 years, is the longest-running black community-affairs program in the country, and "The 10 O'Clock News" has been operating since 1976. "La Plaza" is about 12 years old.

Meanwhile, the mood within the station continues to be, as one reporter said, "concern, uncertainty ... panic."

VOLUNTEER OPPORTUNITIES

The American Cancer Society: Volunteers needed to answer phones for its SkinCareers '91 hotline. Thousands of Massachusetts residents will be calling to register for a free skin cancer screening provided by more than 150 volunteer dermatologists statewide from the American Academy of Dermatology. Each shift is four hours, April 22-May 3, Monday-Friday, from 9 a.m. to 7 p.m. Hotline is located on Bear Hill Road in Waltham. Training and food provided. Call Karen O'Rourke at (800) 522-7994.

International Educational Forum: Families are needed to host students from Spain who will be in the Boston area for the month of July. Call 601-2965.

Heritage Plantation of Sandwich: Volunteers needed to conduct general tours of this historical museum.

Call (508) 888-3300, ext. 22.
Center for Creative Arts Therapy: Volunteers needed to staple, label, sort and cart the quarterly newsletter. Call 292-4183.

Greater Boston Association for Retarded Citizens: Help promote acceptance of children with disabilities through interaction. Call R. Hoyt, 292-4220.

Care Visiting Nurse Association: Seeks volunteers to offer companionship to elderly patients and provide companionship for young mothers. Call 585-9222 or (508) 746-0215.

Project Commitment Inc. Creative: Volunteers needed to help plan and execute awards banquet in May. Call 388-9897.

The Arnold Arboretum of Harvard University: Volunteers needed to guide school groups through Field Study Experiences. Call 324-1718.

WILLING MR. WITHERS
Puzzle Books, Puzzles, Games
"MURDER AT CAPE HORN"
Cantigny & Nelson
Dinner/Shows: Thurs-Sun

5TH SMASH YEAR!
TONIGHT 8PM-10PM 2 & 8
WINNER!
MUSENSE
TELEPHONE: 352-3284

THE 1991 EDITION
THIS IS A FABULOUS SHOW!
HUNTINGTON THEATRE COMPANY
IT'S WONDERFUL!
"SHEER DELIGHT!"
LEGAL BAR ROOM DINNER-DANCE
FACED BY NEW ENGLAND
357-8384

A CHORUS LIFE
The Broadway Tour of America
Through March 31st
The Wang Center 275 Tremont St. Boston 021
(617) 482-9988

SHEAR MADNESS
CHARG-TIX: 542-8511
Box Office: 456-2722 Group: 456-6444
First: 528-2312 Second: 528-3123
Chester Playhouse 275 Warren St.

SHARING!
your time and talents as a volunteer can be satisfying and fun.
Call the VAC at 482-8370
United Way Voluntary Action Center

IPHIGENIA
A masterpiece of classic Greek drama
FINAL 5 SHOWS
Call (617) 266-9800
SPECIAL SHOW TIME
SUN 5 PM
HOT 77. Play will end at 10:30 PM
Call two hours before curtain.

PHIPHIGENIA
HUNTINGTON THEATRE COMPANY
IT'S WONDERFUL!
"SHEER DELIGHT!"
LEGAL BAR ROOM DINNER-DANCE
FACED BY NEW ENGLAND
357-8384

PHIPHIGENIA
HUNTINGTON THEATRE COMPANY
IT'S WONDERFUL!
"SHEER DELIGHT!"
LEGAL BAR ROOM DINNER-DANCE
FACED BY NEW ENGLAND
357-8384

PHIPHIGENIA
HUNTINGTON THEATRE COMPANY
IT'S WONDERFUL!
"SHEER DELIGHT!"
LEGAL BAR ROOM DINNER-DANCE
FACED BY NEW ENGLAND
357-8384

PHIPHIGENIA
HUNTINGTON THEATRE COMPANY
IT'S WONDERFUL!
"SHEER DELIGHT!"
LEGAL BAR ROOM DINNER-DANCE
FACED BY NEW ENGLAND
357-8384

PHIPHIGENIA
HUNTINGTON THEATRE COMPANY
IT'S WONDERFUL!
"SHEER DELIGHT!"
LEGAL BAR ROOM DINNER-DANCE
FACED BY NEW ENGLAND
357-8384

Why I voted to convict Pamela Smart

By JUROR

Continued from Page 33

We either lied to the court or were too stupid to turn off the TV when the news came on or to not read the newspapers.

I got the distinct feeling that I was not alone in treating our legal responsibilities seriously. One juror told us how his wife would intercept the morning paper and cut out every article relating to the case — often leaving him with little more than the sports and classifieds. Another juror who was taking a night class in English at UMI said he asked his classmates to avoid the case as a subject for papers or discussion.

Although no juror really took a stand during that first day of deliberations, I had a sense nonetheless of where everyone was at, right from the start. There were three who were convinced of Pam's guilt: a young woman who made her position known early and often, a well-educated elderly man who patiently led the rest of us air cut doubts while he simply said it was clear to him there was a possible verdict, and a bearded 30-year-old whose accent revealed him to be a product of the same town and schools as the three juvenile killers we had heard testify, though he obviously ended up eight-years beyond them in intelligence and maturity.

On the other hand, there were three other jurors who came right out and said that they had far too many doubts to even contemplate a "guilty" vote: a young computer programmer who approached every issue with a sharp mind and was always ready to step into the devil's advocate role, our forewoman who wanted to be stampeded by evidence before she could let herself believe such preposterous accusations, and a woman in her 30s who thought the defense had suggested plausible explanations for almost everything that had happened.

Personally, I really didn't know which way I would go. My general impression was that Pam was somehow involved, but my doubts were more than reasonable enough to merit a thorough review of the evidence.

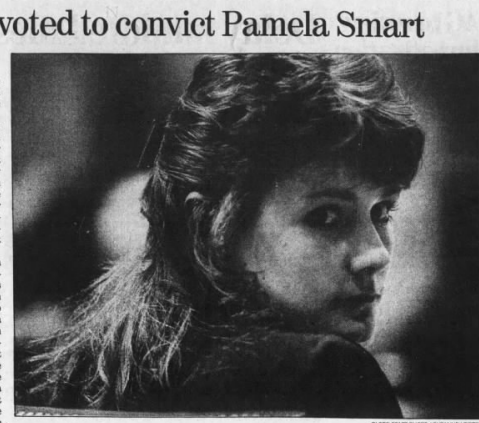
That was where we stood at 5 p.m. last Wednesday when the judge came in and told us that we would be sequestered the next night if we hadn't come to a verdict. He also told us that we could continue on as late as we wanted, but we knew that the next day would be a long one, so we decided to break for the day.

We returned the next morning at 9 a.m. and several of us reported that sleep had not come easily the night before. For every piece of evidence there was doubt, for every witness there was a question of motive and credibility. In fact, we were all of the jurors, the testimony of the three boys who did the actual killing and were the state's "star" witnesses was all but discounted because we so disliked them and what they had done. Even Bill Flynn — Pam's lover and the one who had admitted pulling the trigger — was so emotional and, for many, so believable as the witness stand, was found so distasteful by at least four of the jurors that they would not consider anything he said as credible evidence against her. But one of the older male jurors said that his mind had essentially been made up when he heard Bill testify that Pam had told him not to kill Gregg in front of the dog because "it would traumatize her." That, he said, has "the ring of truth" to it.

That, he said, has "the ring of truth" to it.

Back in our state room, we started rehearsing details that were still nagging some of us. Someone wanted to know if Bill had been lying about getting money from Pam to buy the bullets, and if so, why? Another juror didn't know what to make of Gregg's friend Brian corroborating some of Pam's explanation of her intimidating behavior on the tapes. And one juror wondered if the testimony of the woman to whom Cecelia had mentioned that she "had a friend named Pam" who wanted to have her husband killed" was by itself enough to find Pam guilty.

Everyone needed to be convinced of his or her own level of proof. One while listening to the tapes, we reached a point where Cecelia said something like, "and you had your husband killed," and Pam responded,



Pamela Smart during her trial on charges that she conspired to murder her husband, Gregory Smart.

"These tapes were of the conversations between Pam and her friend Cecelia Pierce. The most damaging ones were the two in July when Cecelia was wearing a body wire. Some of the exchanges were inane (Cecelia talking about her Uncle Buddy who had been "killed to death" when a log hit him in the head "until his brains came out"), and Pam's language was atrocious, leading one of us to comment "I think we have no choice but to find her [replete] guilty."

That morning, we went through every second of these tapes several times. When asked about the tapes, Pam had testified that she had been trying to extract information from Cecelia about what had happened to her husband while trying to prevent her from going to the police so that her affair with Bill would remain secret. This defense, which sounded conceivable in a vacuum, could hold no water when we started to compare that claim with what we heard on the tapes.

We looked hard to find examples — and we gave every benefit of the doubt — but they simply were not there. Slowly, the doubts that several jurors had as a result of the inconsistencies and alternatives that the defense had pointed out in the tapes were simply overwhelmed by the sound of the defendant subtly, and not so subtly, incriminating herself. We could find only one honest explanation for statements like, "If you tell the [replete] truth ... you'll send me to the slammer for the rest of my [explosive] life" and "if it comes out that I did it, I'll admit to it, but I'll never admit to having anything to do with the murder. Then it will just be J.R.'s [Vance Latimer Jr., 16-year-old, in-the-slammer-for-life word against mine. No jury will convict me on that."

In the silence that followed, we looked around the room at each other and knew that we had just taken the first and most difficult step to finding Pamela Smart guilty.

Around noon the bailiffs brought our lunch in, and we were all thankful that we wouldn't be at the mercy of the same sub shop for much longer. Afterward, they took us for a few laps around the building, and it was here that we started to feel the pressure of the world awaiting us. The parking lot looked like NASA ground control, bristling with satellite dishes and microwave trucks. There were cameras set up all over, and reporters scurrying around trying to find someone who wasn't a reporter or interview.

Back in our state room, we started rehearsing details that were still nagging some of us. Someone wanted to know if Bill had been lying about getting money from Pam to buy the bullets, and if so, why? Another juror didn't know what to make of Gregg's friend Brian corroborating some of Pam's explanation of her intimidating behavior on the tapes. And one juror wondered if the testimony of the woman to whom Cecelia had mentioned that she "had a friend named Pam" who wanted to have her husband killed" was by itself enough to find Pam guilty.

Everyone needed to be convinced of his or her own level of proof. One while listening to the tapes, we reached a point where Cecelia said something like, "and you had your husband killed," and Pam responded,

"Yeah, well everything would have been fine if Ralph hadn't told." We stopped the tape there, and let the implications of the statement sink in. Then one of the older women, who I had noticed did not always seem to follow what was going on, picked up on our pregnant pause and said dully, "Ah ... that was a double negative!" In the end, she came to the same conclusion the rest of us did.

By 3 p.m. on that second day of deliberations, I knew that a consensus had essentially been reached. But two of the women and one of the men would not commit to anything until they had "slept on it." To those for whom the decision had been cut and dried, this seemed self-indulgent, since it would cost the taxpayers several thousand dollars to feed and house us while we were sequestered just so that a few of us would feel a little better about our verdict. But one of the women had been waiting for someone to mutter just such a protest, and when it happened, she snapped self-righteously. "Do you have anything better to do?"

So we were herded into a police van and whisked off to a motel on Route 1 in Hampton where we each got our own room with a TV and a telephone — both of which had been disconnected. To compensate for the fact that we were essentially being held prisoner, we took advantage of our expense account status and made dinner a veritable feast. Word was passed on to us by one of the sheriffs that the judge had OK'd two drinks per juror, though the state wouldn't pick up the tab for alcohol.

The novelty of the situation made dinner a festive affair, but the tension and concentration expended that day took its toll — and by 10 p.m. there were only two of us still awake watching television under the supervision of the sheriffs.

That night the evidence kept playing through my dreams as if it were an endless loop of film.

We met again for breakfast, but our conversation was more muted and appetites less enthusiastic than the night before as we anticipated the verdict. The van returned us to the courthouse, and we silently followed the familiar maze back to our deliberation room. Some insisted led us all back to the exact seats we'd been in the last two days, but there was a new feeling in the room. Those who had "slept on it" were ready to take the step they had been dreading, while those who had made up their minds already saw that the end was in sight.

There were still a few doubts people wanted addressed. Though we had yet to take a vote on either the conspiracy or the accomplice charge, we all knew where we were going, and each of us wanted to be reassured that we were doing the right thing. We all stalled. We decided to wait until lunch, though only one of us was able to eat. The several of us wanted to take a walk, and that if we felt we were being harassed we should feel free to call the sheriff's office.

Finally, there was nothing left to do but vote. There was "conspiracy to commit first-degree murder." There was no talking as our forewoman tallied the votes, nor was there any surprise when she said, "Twelve votes guilty." The result was the same as the first ballot — an accomplice to first-degree murder.

The juror who had said the least during deliberations suddenly spoke up and asked if everyone could live with their vote. We all said, "Yes." He asked if we needed more time, and everyone shook their heads no.

So the forewoman walked to the banner that called the sheriff and handed it. When he arrived, she pushed him the note with our verdict on it. He opened it and said, "Don't say anything more to me than a simple 'Yes' or 'No.' Were these unanimous decisions on all three counts?" When she said, "Yes," he told us that there would be a 15- to 20-minute wait as they tried to move the mob outside into the courtroom with minimal casualties.

Once the verdict was on its way to the judge, I had a horribly helpless feeling that there was no turning back now. At the same time, you could feel the relief from everyone that it was over. While we waited, we talked about how unfair it was that the three boys, who in my opinion are vicious, amoral monsters, got to cut a sweet deal with the attorney general, and that Cecelia Pierce, not only got off scot-free, but stands to make \$100,000 when they make this verdict affair into a movie.

But we had done all that we could to do justice out of this tragedy, and I said, "Should I ever find myself on trial, I hope I get as a jury." Everyone agreed, except someone who said, "Well, you won't because I'm never doing this again."

We fled back into the courtroom as we had dozens of times before, but now all eyes were on us, and there was a charge in the air unlike any I have felt before. Before we were told to be seated, I glanced over at Pam. Her face was set tensely, as if it had been for most of the trial, with only her eyes, and her hands, skittering over the table, betraying her nervousness.

With a virtual tidal wave of press looming behind her, her entire town despising her, the state having humiliated her for the world to see, and the Smart family waiting with sadistic anticipation for a guilty verdict, it practically broke my heart to see that in Pam's eyes, we were the only one left who had not turned against her. Seconds later, the verdict was read and she was all alone.

Our justice system is based on the principle that 12 people can take on a responsibility that truly and fully rests only in God's hands. Even when divided 12 ways, that is a heavy burden to bear. When we returned to the deliberation room, several of the women were crying, everyone who smoked was smoking, one woman was struggling to get the cap off her aspirin bottle, one of the men was starting at the floor and pacing, and I was trying to convince my hands to stop shaking.

A bailiff asked us to wait because Judge Gray wanted to talk to us. Even without his black robes on, he was an intimidating man — tall, stern, with a perpetual frown on his face. He closed the door behind him, and said, "Juris always asked me how I would have decided a case. I'm not going to tell you. Suffice it to say, I thank you for your diligence and attention. I think you did an outstanding job, and I think justice was served. You can all sleep well tonight."

He told us to expect a press blitz, and that if we felt we were being harassed we should feel free to call the sheriff's office. He obviously found the media's feeding frenzy distasteful, but as he left, he couldn't help cracking, "I hope Clint Eastwood plays me in the movie." That night, for the first time in a long while, I slept well.