The Pamela Smart Media Circus: Sensationalizing Crime In Televised Media

by

Sara Elizabeth Guernsey
Class of 2015

A thesis (or essay) submitted to the faculty of Wesleyan University in partial fulfillment of the requirements for the Degree of Bachelor of Arts with Departmental Honors in Theater

Middletown, Connecticut April, 2015
Table of Contents

Acknowledgements........................................................................................................3
Pamela Smart and Media: An Introduction.................................................................4
The History of Television and It’s Developing Bias...................................................7
The Pamela Smart Murder Trial and The Media Frenzy Surrounding It.............11
The Media’s Continued Presence and The Many Characteristics of Pamela Smart...21
Conclusion....................................................................................................................34

Appendix: The Visiting Room......................................................................................37
Bibliography..................................................................................................................49
Acknowledgements

Many thanks are due to the following people, without whom this project would not have been possible:

To the entire theater department for believing in me and supporting me through this entire adventure especially my advisor, Professor Ron Jenkins, those Professors who came to my rehearsals, Anne Swedberg Yuri Kordonsky and Cláudia Tatinge Nascimento and of course to Rebecca Foster who helped me solve every "crisis” and made sure I smiled through out the entire process.

To my incredible advisor Professor Cláudia Tatinge Nascimento, for dealing with me the past four years through my constant chatter, casting me in a musical when I have no dance skills and reading my ten thousand emails a day. I don't know how I would have survived without you.

To the designers and crew of The Visiting Room, especially Linsin Smith, thank you for all of your creative ideas, determination and working to make my show a success despite our technical issues. You made my dream production come true.

To Daniel Maseda, my thesis mentor, for all your hard work, constant encouragement, and hours of editing.

To the inmates, especially Pamela Smart, for letting me share your stories with the world. I hope I did them and you justice.

To my friends and housemates, for listening to me complain when I was frustrated, and for jumping up and down for me when I was celebrating.

To my uncle and my family, for your constant love and support. This was all for you. We'll never be able to fully forget the past six years and I never want to. However, lets close that door and fully immerse ourselves in this new chapter of our lives. Thank you for everything.

And finally, to my grandfather, Charles Exley, for making my entire education possible.
Introduction

Television as a mass distributor of entertainment and information has had a rapidly increasing influence on the American public and is thought of as an essential part of American culture. Even as we move further into the age of technology and the discovery of the Internet, television is still one of the most popular media outlets and most Americans, of all ages, still receive their news from television. However, America’s growing dependence on television as a news outlet has become controversial as a result of television networks’ bias affecting how the public thinks about a wide range of topics such as the quality of our president’s work or what stock to invest in. These biases can be especially problematic when dealing with criminal trials, one of the most frequently reported news stories on local news stations. Although the influences on crime may seem trivial, they can have a severe impact on people’s lives.

In order to better understand the media’s influence on criminal cases, it is important to examine its origins: the first trial to ever be aired on television from start to finish, the Pamela Smart murder trial. Pamela Wojas Smart was a twenty-two year old woman and aspiring newscaster living a normal life with her husband, Gregory Smart, in Derry, New Hampshire. A college graduate working at local schools, she

---

was accused of plotting to kill her husband, having an affair with a fifteen-year-old boy and convincing three teenage boys to carry out the murder. In the end she was convicted of two counts of murder in the second degree and tampering with a witness, which accounted for her of twenty five years to life sentence.\(^3\) Smart was the first person whose life was drastically altered by the media as a result of the media’s extensive relationship with crime. This trial is a crucial entry point into the study of televised media bias: it demonstrates how media bias in televised news has developed into what we know it to be today. Smart’s trial was the first to ever be aired on television from start to finish. The media coverage leading up to, during and after her trial, captivated the nation, painting Smart as an evil temptress, a Mrs. Robinson type character before she was given the opportunity to defend herself. The media available to the public at the time of the case presented the community with negatively biased news stories concerning Smart even before the proceedings began. Those involved in the case, both directly and indirectly, were overwhelmed by the fame and media attention they received leading to a level of influential bias that had never occurred in the judicial system before. As a result of this all-consuming media presence, there was a stronger possibility of a biased jury and judge, which led to an unfair trial for Smart.

When the media becomes so heavily involved in a case at such an early stage, it runs the risk of the defendant not being given the benefit of the doubt because the verdict, in the minds of the jury, has already been decided. The assumption that all are innocent until proven guilty would no longer apply in this situation. In particular,

\(^3\) “Inmate Population Information”, *Department of Corrections and Community Supervision*, March 12, 2015 http://nysdoccslookup.doccs.ny.gov/GCA00P00/WIQ3/WINQ130.
with Smart’s case, it was the pretrial publicity to which the community was exposed that predestined her to have a guilty conviction. A full analysis of this case is necessary in order to understand how the media may have affected it. Although varied types of media outlets have covered the case, there has been limited academic discussion, which leaves scholars with unanswered questions. This case is worthy of scholastic discussion because it is critical for understanding the origin of today’s media culture within the United States. In examining the dynamics of the media’s impact on the Pamela Smart murder trial, its outcome, and its aftermath, I hope to establish two things: first that the trial was heavily influenced by the negative portrayals of Smart in the media and second that this trial set the precedent for a new kind of over involved relationship between media and criminal trials that overtime became a normal part of today’s courtroom atmosphere.

In order to prove the effects on Smart’s trial and the overall change in the media-crime relationship, I have divided my paper into three sections: the history of television and its bias, the trial and the media surrounding it, and, finally, media forms that have continued to sensationalize Smart. In this first section, I prove that bias has developed over the past sixty years in television and that it can affect the opinions of the general public, perpetuating further bias within society. This section details today’s broader media patterns that were set in motion as a part of the change in media-crime relationships during Smart’s case. Next, I will explain the crime in detail, insinuate how the media affected the trial, and identify how the relationship between the media and criminal cases has shifted since this landmark case. Although this section serves primarily as evidence to prove my first claim, that Smart’s trial
was unfair due to media attention, it also helps the reader to look at this pivotal moment in judicial history as an important transition for the relationship between media and crime. Finally, I will look at three films related to the Smart case in order to identify their biases, examine the narrative interest that the general public has in the Smart story and demonstrate how the media can influence crucial points of decision making that can effect American society.

**The History of Television and Its Developing Bias**

Since its creation, television has taken over American households, acting as their largest news outlet and becoming a staple in their homes as one of the “greatest influences on America’s culture.”

Television was first invented in 1927 but did not reach “full scale broadcasting” abilities until 1947. From there it took the country by storm, with television sets in seventy percent of American’s homes by 1956. Even in the early years, television was what bonded the country together: the moon landing; the reports of the assassination of John F. Kennedy and others were all watched by the nation on one network. Americans were intrigued that they were able to get news stories from an audiovisual source adding a new dimension to the way people were receiving their information. The nightly news was an important part of this experience and became an integrated part of the American family’s daily routine.

Over the years, as the plethora of networks and television channels grew even larger, America began to stray from receiving their news from the one nightly news

---


5 Ibid
report. As a result, it became necessary for each of the networks to ensure that their news programs appealed to a more specific demographic in order to maintain viewership, consequently creating the rise of media bias. This has resulted in our once factual newscasts becoming the politically charged programs we have today.

Although all networks have some sort of political bias, a few of the popular biased networks are Fox News being a conservative network, 6 and both MSNBC 7 and ABC having more liberal tendencies. 8 The network’s political biases are a result of “politicians and governmental leaders [becoming] familiar enough with the working of television to be able to exploit the medium in their own ends” 9 and therefore shape the public’s views. In today’s media climate, it is increasingly difficult for the viewing public to access objective news reports, which prevents them from forming their own opinion on news stories. Instead, networks are, “summarizing, refining, and altering what becomes available to them from sources in order to make the information suitable for their audiences,” meaning that broadcasters manipulate their stories based on research detailing what pleases the members of their viewership. 10

This is a noteworthy issue because cable networks are “the most significant communication by which the average person comes to know the world outside his or

7 Ibid
A further examination of the strategies that create these biases is necessary to understand how it can affect people’s perspective on which candidate to vote for, what their moral view on the world should be, and more importantly for the purpose of this paper, their opinions on crime.

Newscasters today have a stronger interest in reporting what has come to be known as a “good” story, one that draws the audience in and will give them an increase in viewership and higher ratings. A “good” story can manifest itself in a number of ways: it can be that certain facts in a newscast are exaggerated to appeal to the researched influences of the expected audience, as mentioned previously, or it can be that certain stories or headlines are rapidly reported in order to continually capture the audience without giving the story the proper analysis. A prominent recent example of this first manifestation happened just a few months ago when local New York talent and trusted newscaster, Brian Williams of NBC’s Nightly News, falsely reported during a broadcast that he was on a Chinook helicopter that was shot down during his extensive coverage of the Iraq War twelve years ago. He alleged this statement in an attempt to thank the men and women of the United States Army who protected him that day. However, Williams’ exaggerations caused him and NBC to lose credibility with the general public and as a result Williams was suspended.

This idea of a “good” story could also be related to the way Greg Barak, writer of Media, Process and the Social Construction of Crime: Studies in

11 Ibid, 3.
13 “Brian Williams’ Apology”, YouTube Video, 0:54, Clip from NBC Nightly News with Brian Williams, posted by JFhsfohhMN, February 4, 2015, https://www.youtube.com/watch?v=33RSg9CBtUY.
Newsmaking Criminology, talks about news in its new commercial format: thinking of news as “symbolic consumer goods”. There is a creation of “goods,” new stories, by the news teams that the consumers, the viewers, devour in our daily news coverage.

As stated previously, one of the most frequently reported type of news is the report on crime, leading viewers to assume the world is plagued with crime and is overall immoral. Barak puts it simply, “news media audiences…are nurtured on a constant diet of an unsafe world where subhuman criminals apparently run rampant.”

If the amount of crime that newscasters report were the actual average, that would imply that our world is more often than not full of criminals, and that every member of society would be coming into close contact with crime on a daily basis and would even be a criminal themselves. As a result of these excessive reports on crime, “a distorted view of crime (and justice) is perpetuated.” In addition to these facts, it seems that crime is a “‘focal point for human need to hold positive and negative attitudes toward social object’ (Claster, 1992: ix),” making it especially pertinent that media coverage remain unbiased on the subject of crime so that viewers and those involved in cases can form their own beliefs.

However, news networks continue to pick, choose, and manipulate stories to saturate the public’s mind with. As these crime news stories interact with the general public, they can cause extreme bias and sometimes aggressive calls to action that can perpetuate additional violence such as in the 2014 Ferguson trials. In order to allow

---

16 Ibid, 5.
17 Ibid, 4.
the population to think independently, the news stories that are projected need to be thought of by the public as chosen: the mass media chooses to cover certain stories that they believe are in their best interest to report. When these criminologists report, they state the facts of the case, but many frame these facts in a way that insinuates what these pieces of evidence suggest about the perpetrator, tainting the audience with their prejudices. The role of the reporter has been redefined in a way that allows him or her to do more than just report crime, they are *retelling* the crime with a special interest in sensationalizing some of it’s aspects in order to captivate the audience. All of these aforementioned strategies will inform how the media chooses to react to the Smart case and subsequently how the media will evaluate all future cases.

**The Pamela Smart Murder Trial and The Media Frenzy Surrounding It**

Due to the fact that the Pamela Smart murder trial was the first ever to be aired on television, it is evident that there was heavy media involvement. However this paper’s purpose is to make it clear that the extent of the media’s influence on the trial is what made the trial unfair. It is in no way insinuating that the verdict was incorrect, evidence clearly shows that Smart is guilty of her crimes. In order to fully investigate the media’s impact, however, the case must be laid out in full to ensure complete comprehension of both this specific injustice and the media-crime relationship that manifested from this case. One day before her one-year wedding anniversary, Smart, who was working in the media lab at the local school, returned

---

late to her home in Derry, New Hampshire, after an extended meeting with the
Winamacunnet Board of Education. She reportedly found her house ransacked and her
husband, Gregory Smart, lying face down just inside the front door in a pool of his
own blood. Mr. Smart, who had returned home earlier, was murdered in what was
believed to be a break-in gone wrong, according to law enforcement officers. Neighbors reported hearing the gunshot but thinking nothing of it until they heard
Smart’s scream ring out across the neighborhood. Meanwhile, four teenage boys,
William “Billy” Flynn, sixteen years old, Patrick “Pete” Randall, seventeen years old,
Vance “JR” Lattime, eighteen years old, and Raymond Fowler, nineteen years old,
some of whom worked closely with Smart at a local school, were not seen in their
usual nighttime hangout spot.

The police continued to believe this was some sort of deadly robbery for
months until Cecelia Pierce, a student at one of the high schools where Smart was
employed and a friend of one of the boys, made an anonymous call to the police
station, arousing the detective’s suspicion that some of her fellow students and Smart
herself may have been involved with Gregory Smart’s murder. As rumors spread
throughout this small suburban town, more suspicious parties stepped forward. Two
specific pieces of evidence were uncovered during this time period that incriminated
the teenage boys on the spot: the gun used to murder Gregory Smart and an
anonymous phone call to the police. The first person to come forward was Vance
Lattime, the father of JR Lattime, whose gun the boys used. As a result of the rumors
circulating through the town, Vance turned in his gun believing that his son had used

19 Lyons, Craig. "Media circus' atmosphere aggravated case." Keene State College Equinox, April 20,
it to carry out the murder. The second, was an anonymous call in June to the police department stating that they believed that Smart may have been having an affair with a high school boy who attended one of the schools she worked at. This caller also supplied the police with a list of teenage boys that they thought to be involved with the murder. The boys mentioned above were then arrested and taken in for questioning. Billy Flynn, the suspected ring leader and Smart’s lover, admitted to killing Gregory Smart fairly early on in the interrogation process with the justification that he was told that Smart had been beating his wife. He stated that she threatened to break up with Billy if he did not complete the act. Since there was such speculation and no direct grounds for holding Smart on a murder charge, the police decided that the next step was to place a wire on Cecelia Pierce, Smart’s student confidant, in order to lure Smart into admitting her crime, which did indeed happen. Later that night police arrived at Smart’s office and the arresting officer, Dan Pelletier, stated, “Well, Pam…I’ve got good news and bad news. The good news is we’ve solved the murder of your husband. The bad news is you’re under arrest.” Pamela Smart and the four boys, who were all tried as adults, were all convicted. JR Lattime, the driver of the get away vehicle and supplier of the gun, spent the next fifteen years in a correctional facility. Ricky Fowler, who waited in the car with Lattime, was incarcerated for thirteen years and then sent back for a parole violation (he was later released in 2005). Billy Flynn, who pulled the trigger, has been granted parole and will be released later this year, and Pete Randall, Billy’s accomplice, is eligible for

---

20 To Die For, directed by Gus Van Sant (1995; Culver City: Columbia Pictures Corporation, 1995), DVD.
parole in 2018. Smart, however, will be incarcerated in Bedford Hills Correctional Facility for life with no eligibility for parole, unlike her accomplices.

The Smart scandal rocked this small New Hampshire town, the entirety of the United States of America and eventually the world, becoming the first trial to ever be shown on television from “gavel to gavel.” However, even before the trial began, the media had already taken over and begun to manipulate the public with their extensive pretrial coverage. Bill Spencer, a fame obsessed young up-and-coming reporter in the New Hampshire area, was the exclusive interviewer covering the murder case, and his simultaneous coverage of the trial had a significant influence not only on the trial but also on the conviction itself. In his first interview with Smart, before she was a person of interest, Spencer claimed that he was hoping to gain knowledge about who exactly Gregory Smart was and any other details about the case she might be able to release to the general public. Spencer said she appeared oddly calm and that she seemed to be putting on a show for the camera. This interview was relatively insignificant in terms of incriminating her, but her attitude throughout it did begin to arouse the town’s suspicions and would later influence how she was characterized in Hollywood films. She did not shed a single tear over her dead husband during the interview and she even cracked a smile into the camera. She in no way resembled the grieving widow that the world expected her to be and that she claimed to be. However, the media was affecting Spencer too, he would continue to http://www.dailymail.co.uk/news/article-2991685/Pamela-Smart-teenage-lover-granted-parole-25-years-encouraged-kill-husband.html.

23 Paul Maggiato (lawyer) in discussion with author, January 2015.
use his role as the exclusive Smart interviewer in order to appear on popular shows such as *Geraldo*, *The Phil Donahue Show*, and *The Sally Jessy Raphael Show* in hopes of furthering his broadcasting career.\(^{24}\) Although these widely distributed shows may have thought they were learning important facts about the case, the information they were gaining from Bill Spencer was coming from a source with a guided and financial interest in sensationalizing this story. Spencer did not report the facts that he knew to be true; he told what he *perceived* to be true, turning him into a fake authority on the subject.

Once Smart was arrested, the media began to criticize her, labeling her with nicknames like “seductress” and “the black widow” that will be forever associated with her name.\(^{25}\) These broadcasted headlines assumed that Smart was guilty, giving society a decision to support even before the details of the case were released.

Although smaller headlines like these were circulating the media outlets, they were not as influential as Bill Spencer’s documentary piece, *Anatomy of A Murder*. In this piece, Spencer explained details of the case in a way that did not solely suggest Smart was the murderer, but framed it in a way that insinuated she was the only possible suspect. He even proudly admits to this, “In this case, I’ve managed to tell everybody everything about this case before it even goes to trial! I mean the whole thing is out there…ratings were huge.”\(^{26}\) This piece exposed the community to a hefty amount of bias against Smart, which supported the previously mentioned headlines. Spencer

---

\(^{24}\) *Captivated: The Trials of Pamela Smart*, directed by Jeremiah Zagar (2014; USA: Home Box Office Inc., 2014.), Online.


\(^{26}\) *Captivated: The Trials of Pamela Smart*, directed by Jeremiah Zagar (2014; USA: Home Box Office Inc., 2014.), Online.
made it seem as if she was looking for a vulnerable person to prey on so that she could convince them to commit the murder. He pointed out that being a teacher would give her plenty of impressionable teenagers to choose from and her strong sexual energy would easily persuade any impressionable teenage boy to commit such a crime. The most important term used in his descriptions is teacher: from the moment she was labeled as a seductive teacher, every student-teacher relationship that was aired on the news after this case incorporated the names Pamela Smart and Billy Flynn into the conversation. Theirs became the relationship that all further teacher-student relationships would be compared to. It seems however, that the fame-obsessed Bill Spencer used the “good” story strategy to an extent that altered the truth significantly enough that the portrayal was inaccurate. Although Smart did work at local high schools, she was not a certified teacher but the “director of media services for eleven schools” across the county. 27 The school itself did not employ her, but instead, she was a district employee. However, the headline “school district employee has affair with student and persuades him to kill husband” is not as captivating as “teacher has affair with student and persuades him to kill husband.” Although a grown adult having an affair with a student is always considered a repulsive and illegal action by the public, a teacher, an adult whose job it is to nurture the student’s curiosities and protect the student, having an affair with a student is seen as more despicable as a result of society’s morals. This term, “teacher”, being used “mistakenly” may seem inconsequential, but it is one of the aspects of the media that doomed Smart even before the trial began due to the public’s disgust towards her.

The media never cleared up this falsified fact before the trial; instead it became another negative term on the long list of adjectives that were being used to describe Smart. Spencer’s use of this word convicted her immediately, or, in Smart’s words, that word and the entirety of Anatomy of A Murder “lit the media fire that engulfed the state, the country and even the world”28 (there were headlines in newspapers as far away as Japan29). There were aspects of Anatomy of a Murder beyond the facts that had a vital impact on developing the public’s bias.

In addition to starting this wave of media attention across the state and the nation, Anatomy of a Murder was aired just days before the jury selection. The entire community tuned into this broadcast, giving Spencer the power to directly inform the public on all details of this case, which in turn directly effects the public’s perspective of Smart. This pretrial publicity resulted in one hundred and forty seven possible jurors being excused in the first couple hours of the jury selection as a result of their extensive knowledge of the case.30 Even after choosing fifteen jury members, there was still some speculation as to whether these selected jurors were influenced beyond neutrality. Smart’s appeal lawyer argued, “You can’t unring that bell. The Supreme Court has said over and over again a juror who denies the fact that he was effected by pretrial prejudice or publicity is not to be believed.”31 Media exposés like Anatomy of A Murder were constantly tainting the jury’s perspective on the case even throughout

28 Pamela Smart (convict) in discussion with author, January 2015.
29 Ibid
the trial, as none of the jury members were sequestered.\textsuperscript{32} The jury’s lack of protection from the media gave the networks ample opportunities to influence their thoughts about the trial, making it unjust. Although the defense did attempt to repeal her conviction based on the jury’s bias from the media, it was rejected.

As her trial began, the media only worsened. Eleanor Pam, Smart’s spokesperson, said, “It was a soap opera, a reality show, in a small town, in a small state. It poisoned the judiciary, the jury and the entire community.”\textsuperscript{33} Headlines started flooding in: “She did it for the furniture, dog and place to live”;\textsuperscript{34} “Smart trial begins Tuesday, heavy publicity expected”;\textsuperscript{35} and “Trial points teacher as seductress, victim’s spouse slain in black widow case.”\textsuperscript{36} Nobody, including Smart’s small town lawyer, was prepared for the kind of celebrity attention she was about to receive: they were stuck in “a black hole of media attention.”\textsuperscript{37} Reporters took extraordinary measures in order to gain direct access to Smart. “One reporter from CNN actually followed me into the bathroom during one of the breaks in the trial,” she remembers, “and Bill Spencer once hid in my dumpster at the condo and jumped out when I arrived home just to talk to me! They were relentless.”\textsuperscript{38} This extent of investigative reporting approached a breach of privacy but no actions were taken to protect her from their relentless attempts. The coverage was so strong and went into such depth, that even courtroom evidence, which should not be widely available, was leaked to

\begin{itemize}
\item \textsuperscript{32} Ibid
\item \textsuperscript{34} Ibid
\item \textsuperscript{35} Ibid
\item \textsuperscript{36} Ibid
\item \textsuperscript{37} Captivated: \textit{The Trials of Pamela Smart}, directed by Jeremiah Zagar (2014; USA: Home Box Office Inc., 2014.), Online.
\item \textsuperscript{38} Pamela Smart (convict) in discussion with author, January 2015.
\end{itemize}
the press. Pictures of Smart in her bathing suit, which she later explained were modeling photos taken with one of her friends, were found in Billy’s possession. The pictures were plastered across the pages of every newspaper and are now one of the first pictures displayed when one searches her on the Internet. This confirms that the public’s interest in the story, as predicted by earlier headlines, has to do with her being painted as a “seductress.” There was nothing about the case, evidence or bias wise that the general public and, therefore, the jury were not exposed to. WMUR, the local news station, suspended all programming in order to have Smart’s trial televised live throughout the day, and for those who missed the days proceedings, there was a nightly thirty minute recap after the eleven o’clock news, on which the only story was her case. The recap described every detail of the day’s events, starting with insignificant things such as Smart’s outfit choice for that day. 39 The Daily Beast reported that, “Groups of men and women held viewing parties. The trial had higher ratings than most afternoon soap operas.” 40 As many interview subjects detailed in Jeremy Zagar’s 2014 documentary Captivated: The Trials of Pamela Smart, the story was covered on all media including newspapers, television and radio that “all predicted that Pam would be found guilty of the crimes of which she was charged.” 41 There were even polls in newspapers asking the public to weigh in on whether or not they thought Smart was guilty. A Harvard Law professor who was asked about the

case said, “[The jury] shouldn’t know what the people out there think the result is gonna be.”

The fact that the jury members were not sequestered from this constant feedback could have persuaded them to choose the verdict that the public agreed upon.

There are several examples of the emphasis of Smart’s sexual nature that shows the degree to which the Smart trial media exhibited the use of “good” story reporting. In an interview from, Captivated, Joyce Chopra, the director of Murder in New Hampshire, the movie based on Smart’s story, said, “Sex with a teenager and murder: what an easy story to sell to television.” She of course was correct: this second use of the word “teacher” in a headline, although it was not true, is evidence of a more general use of “good” story strategies. This term made the story more enticing to its audience by bringing up and exaggerating this social taboo. As mentioned previously, in addition to the live courtroom proceedings, a summary of the day’s events appeared in television coverage every evening. The news segments were edited versions of the court footage and were often framed in a specific way to show bias. As one of the narrations in Captivated explained it, “Someone has to put all of that footage together. Someone has to construct the visual narrative. I call it the god moment, the moment when you intervene and you make a cut, you shift something and all of sudden you’ve seriously altered the meaning of that image.”

This is very common in the media industry: people can become misquoted with one cut giving them a negative reputation. In this case in particular, the editing painted the boys as innocent angels and made Smart, with the help of her emotionless face, the

---

43 Ibid
44 Ibid
sexually deviant cold-blooded killer the public wanted her to be. Even Barak agrees, citing a study by Miller, “The media typically reports on women…in some statistically uncommon negative role like mistress or prostitute (Miller. 1975; Blackwoof and Smith, 1983)”\(^{45}\), which is a perfect example of the allegations thrust upon Pamela Smart. The media created an alternate persona for Smart: “the media Pamela Smart,” a calculating, emotionless, and heartless seductress who took advantage of an impressionable teenage boy.\(^{46}\)

Due to the court’s decision to not sequester the jury, these tainted headlines, news stories and public opinion polls in turn saturated the jury’s decision-making when contemplating Smart’s conviction, which subsequently proves that the media attention gave her an unfair trial. From Smart’s case on, that level of media attention experienced at her trial became expected at all controversial court cases. In addition to local new stories, crimes today are even covered in slightly smaller documentary capacities with television programs like Dateline: NBC. Some cases such as the OJ Simpson, Casey Anthony, and Amanda Knox trials were even given the celebrity treatment that Smart received with day-to-day trial coverage. Smart’s trial-tainting media frenzy had an even more significant role as it was documented meticulously and shown to the world, giving the world and the media a new example of the “acceptable” lengths to which the media can go to report on a case.

The Media’s Continued Presence and The Many Characterizations of Pamela Smart


\(^{46}\) Captivated: The Trials of Pamela Smart, directed by Jeremiah Zagar (2014; USA: Home Box Office Inc., 2014.), Online.
Unfortunately, the harassment did not end with her trial, the media’s
demonization of Pamela Smart continued beyond her conviction, making the
possibility of appeals unattainable. Smart’s presence in the media continues even
today, almost twenty-five years after her conviction. Even the millennial generation,
who were born when this trial took place, is being made aware of her case through
popular culture databases, such as Buzzfeed. As a result the constant reminder of her
and her crime, the New Hampshire community has not forgotten about Smart. As
stated previously, Smart is serving an indeterminate life sentence with no possibility
for parole in a correctional facility in New York State. This means her only avenue to
gain her release is to appeal to the governor of New Hampshire and ask for the
opportunity to be released on parole pending a parole board hearing. It is Smart’s
belief that the governor has continually refused her request because he knows this
will be an unpopular decision with the public.47 It has been years since the trial, but as
a result of all of the recurring new stories, several movies in the nineties, and a
documentary released this past year, it is hard for the public to forget about the Smart
murder, especially in such a small town. The characterizations of Smart that these
movies create blur the lines between the factually based and the sensationalized
portrayals of Smart that continue a negative bias. Joyce Maynard, the author of the
book To Die For that was later adapted into a film of the same name, said, “I get so
into the story that I really do forget what actually happened and what just happened in
my version.”48 As a result of these common confusions perpetuated by the media,

---

47 Pamela Smart (convict) in discussion with author, January 2015.
48 Captivated: The Trials of Pamela Smart, directed by Jeremiah Zagar (2014; USA: Home Box Office
Inc., 2014.), Online.
Smart will continually be demonized and as a result may never be given the chance to be set free. Analysis of these three films will prove the media’s tendencies to sensationalize negative aspects of Smart therefore perpetuating biases and give further examples of how people can be affected by the media.

The first of these films, *Murder in New Hampshire: The Pamela Wojas Smart Story* (referring to Smart by her full name), is a Lifetime movie starring Helen Hunt and Chad Allen that aired in 1991.\(^49\) The writer’s goal is to create a realistic depiction of the Smart proceedings by grounding the film in known facts. In order to do this, they reproduce the events of those weeks in incredible detail using things like her yapping dog, the bathing suit pictures that came back to haunt her, and even verbatim quotes from her trial. However, as a result of this attention to detail, the aspects of Smart they choose to sensationalize, such as their characterization of her as a seductress, becomes more evident to the viewer. This shows an extent of media bias causing the film to lose its credibility as a realistic depiction.

The movie goes between Smart in the courtroom during the trial and her reliving the entire crime in her head. The directors choose to depict her as an emotionless, shallow and manipulating woman. The first instance of this is in one of the first scenes when the Smarts have just returned from their honeymoon and Pamela is discussing their wedding presents with her in-laws. She starts telling the in-laws how she keeps a notebook containing all the prices of all the wedding gifts and how the average price for a wedding gift from their side of the family is almost half what the average price is for her side of the family. She explains that for anything she

received two of, such as the toasters, she would keep the more expensive one and return the cheaper one. Although nothing related to the murder has happened at this point, the director made the decision to emphasize her negative qualities early on in order to arouse the viewers’ suspicion and begin to develop a negative attitude towards her. A few scenes later, the movie shows a very unhappy wife, she seems frustrated that her husband is drinking too much and she even bickers with him in front of his parents. Later that night, Smart arrives at her in-law’s house crying explaining that Greg hit her. Greg’s father storms over to their house to confront Greg about the matter and he said he pushed her to the side to get to the bathroom but that he did not hit her. This scene is very troubling as a viewer. At this point in the film, the viewer has already been made aware that Pamela is on trial for murdering her husband and if they were familiar with the case, they know she was convicted. This could cause the viewer to think about the scene meticulously: did Greg hit Pamela? Or was this just a manipulative woman setting up some circumstances that may help her later if she decides to go through with the murder? This is a prime example of how the media infiltrates the viewers’ mind creating bias before they witness any of her evil acts first hand.

This film also sensationalizes the tabloid’s initial reports presenting Smart as a woman who is constantly manipulating someone. The first of her victims was Billy Flynn. Although Flynn is being manipulated through out the entire film, there is one specific moment that shows how well Smart is able to control him. Smart and Flynn are kissing in her office at school late at night and Smart asks him if he has figured out how to murder her husband yet and he expresses that he is unsure why she can not
just divorce him. At that moment, Smart realizes this will take more convincing. She pulls away and starts telling him that if he will not do this for her then it is obvious he does not love her and that she is going to go back to her abusive husband. Immediately, Flynn, who is completely smitten by Smart, changes his mind saying, “He hits you?...That bastard I’ll kill him myself.” From there, a satisfied Smart’s physicality completely changes and she gives him detailed instructions on how to go about the murder: a plot she seems to have been planning for months. Although this act may, to the viewer, seem like an obvious manipulation, Flynn is too naive and blinded by their sexual encounters to even see that she is using him. This clip from the movie emphasizes the seductress tendencies that Smart has been assigned by the media and prolongs a bias against her. Another small yet important instance of manipulation is toward the end of the film, once her husband has already been murdered. Smart calls her mother-in-law, Judy Smart, crying, saying that she just wants to “find some way to end it all” indicating her “thoughts” of suicide and gaining her sympathy. Judy comforts her for a moment and once Pamela realizes that she has her under her spell, she immediately asks for detail about the investigation since the police have “shut [her] out”. This shows another strategy that Smart uses for manipulation that does not have to do with sexual favors. It demonstrates to the viewers that the moment with Billy was not a strategy she decided to try: this manipulating nature is apart of her character, demonizing Smart further. There are other smaller scenes with her dancing provocatively in front of Flynn and with them

---

51 Ibid
together while she is in her lingerie. These scenes were not detailed in the case
showing the media’s exaggeration of her character. They accentuate how vulnerable
Flynn is by writing his line, “She’s making me do it”\(^\text{52}\) when his friends asked him
why he agreed to it.

This film was also another example of Bill Spencer, our egotistical news
reporter, exploiting his position. When the director told him they were casting
someone to play him he asked to play himself in the movie, showing yet again how
the instant fame he has received as a result of his exclusive coverage has made him
fame obsessed. There is one small piece of confirmed misinformation that snuck into
this exposé, which was Smart’s occupation. Yet again she was wrongly labeled as a
teacher, which emphasizes the part of the case that the public considers the most
despicable: the teacher-student relationship aspect of the case. Even the trailer uses
direct words like “used seduction” and “manipulation” continually stressing her
labels.\(^\text{53}\) Murder in New Hampshire was overall pretty realistic but clearly biased. The
director’s portrayal of Smart emphasizes the negative stereotypes placed on her by the
media, further demonizing her and clouding the public’s judgment over who Smart
really is, creating an unrealistic depiction of the crime.

Although the 1996 Hollywood film, To Die For, based on Maynard’s book To
Die For and starring Nicole Kidman and Joaquin Phoenix portrays Smart in a very
similar way and has the same bias, the story is very different. Maynard claims that the

\(^\text{52}\) Murder in New Hampshire: The Pamela Wojas Smart Story, directed by Joyce Chopra (1991; Place:
\(^\text{53}\) “Murder in New Hampshire: The Pamela Wojas Smart Story (1991) (Trailer)”, YouTube Video,
1:41, VHS Trailer for Lifetime’s Murder in New Hampshire: The Pamela Wojas Smart Story, posted
book is only loosely based on the Pamela Smart story and that she was actually unfamiliar with any of the details of the case. However, there are some peculiar similarities between the Hollywood film and the Smart murder case, making it hard to believe that this is possible and convincing the viewers that the characterization of Smart projected in this film gives some insight into her personality and thought process when plotting the murder. Even the Internet Movie Database description sounds eerily like Smart’s case, “Suzanne Stone is an aspiring TV personality who will do anything to be in the spotlight- including enlisting three teenagers to kill her husband.” In this film, Suzanne Stone, the Pamela Smart character, can only be described as a temptress. Suzanne is relentlessly thinking about how she may be able to further her career and is constantly putting on an act for whatever audience is in front of her, at one point when the media is surrounding her on her way to the courthouse, the director made it seem as though all she can hear in her head is applause, instead of the shouts and snapping of pictures from the media. Once Suzanne discovers her husband wants to hold her back from achieving wide spread fame, she begins the plot to destroy him, showing a hatred for her husband and a more malicious side of the “Smart” character that the viewers have not seen before.

Although Suzanne is not a teacher, she still meets her teenage lover, James and two other students, Lydie and Russell, while working on a video project at a local school. She, as Smart did, starts an affair with James and convinces him to murder her husband. They even kept small details the same, for instance, Smart’s pomeranian,

the murder happening around her one-year wedding anniversary, and having the story
set in New Hampshire. They also used this female student character, Lydie (known as
Cecilia in the actual murder case) as the storyteller for aspects of the murder and even
shows her wearing a wire in order to trap Suzanne. All of these details are eerily
similar to the case, but the most damning evidence that shows this movie and book
were indeed based on Smart’s story, is that they use actual lines the boys reported
saying and hearing during the murder. One example of this is when Gregory Smart
says, “Please don’t take my wedding ring. My wife will kill me.” 56 Similarly to
*Murder In New Hampshire*, the director is rooting the story in factual information
from Smart’s case and therefore is alluding to her. Smart recalled seeing it for the first
time, “We have movie nights in here and I ran into the room a little late and I sat
down next to my friend. It took me about two minutes of the movie to realize I was
watching my story.”57 These uncanny similarities in the stories manipulate the viewer
to connect these resemblances to the Smart murder, leading them to assume that
Suzanne’s personality is the same as Smart’s, making Smart into a cold woman with
seductive tendencies. There is one scene in particular where the director accentuates
these predispositions. Suzanne is performing oral sex on her teenage lover, James, in
a motel room and stopping periodically, to James’ dismay, to ask him questions about
the developing murder plot. When she asks when the murder will occur, James replies,
“I don’t know…never”.58 Suzanne immediately moves away from him and sits
provocatively in her underwear and button down shirt threatening to find someone,

57 Pamela Smart (convict) in discussion with author, January 2015.
58 To Die For, directed by Gus Van Sant (1995; Culver City: Columbia Pictures Corporation, 1995), DVD.
like his friend Russell, who is “enough of a man to take charge of the situation” and who will “be very appreciative of what [she] can do for him.”

James’ sexual desires take over and he agrees to murder her husband the following week. She smiles and continues sexually exploiting him. This scene is so important because it is the first to explicitly show the public Smart and Flynn’s affair in such a graphic way, which causes viewers to be even more disgusted by her actions and more importantly by her character in general. To Die For, is without a doubt based on the story of Pamela Smart and it sensationalizes her as the “temptress” and “seductress” the media labeled her as. This film is very clearly biased against her, especially considering in this version the characterization of Smart is killed in the end.

The latest coverage of Smart was released this year: an HBO documentary called Captivated: The Trials of Pamela Smart and is the only piece of media that might be able to help her case, although some parts are more convincing than others. This documentary, the only piece of non-fiction in the film trio, directed by Jeremiah Zagar, plays a different role in examining Smart’s case. This piece looks at it more factually, shedding new light on some interesting aspects of how the trial is influenced and giving insight into how media can effect individuals who are directly or indirectly involved in the case. Instead of solely focusing on Smart as the villain, the film paints the boys as evil too. The film describes each boy in detail in a menacing voice over. Most of the boys are described with negative adjectives; for example, Pete Randall is described as “tough looking” with “a hateful look in his eyes

---

59 To Die For, directed by Gus Van Sant (1995; Culver City: Columbia Pictures Corporation, 1995), DVD.
all of the time.”60 At some points, however, their efforts are too absurd: using a tone in the narration to attempt to make JR Lattime sound bad, “with his thick coke bottle glasses and frizzy hair.”61 This aspect of the documentary prompts the viewer to think: these boys are just as responsible for the murder as Smart and they were all given the same sentence, however Smart will never get a chance for parole while the rest of them have been set free on work release or on parole.

The most unique aspect of this documentary was that the director spoke with jury members and the defense about their experience and received a detailed account of the environment in the courtroom. Many jurors expressed that although they would not think of overturning their decision, the media “circus”62 was overwhelming and that it did seem that the defense was not ready for this overwhelming reaction to the case. The jurors were of course forbidden from talking about the case with anyone so as a result one juror, in order to sort through her thoughts, recorded herself. One quote from the tapes said, “Everyone is taking billions of pictures…the snapping sound is never ending…There was media everywhere I felt like a bug in a glass jar.”63 This kind of media coverage could overwhelm anyone and could even effect the judge. According to the defense, the judge refused to let go of the case because he believed that it may “be the greatest case he ever [sat] on”.64 One could argue that the idea of the fame that the judge was exposed to as a result of this high profile case, could have affected his judgment on both the verdict itself and if the trial should be moved,

60 Captivated: The Trials of Pamela Smart, directed by Jeremiah Zagar (2014; USA: Home Box Office Inc., 2014.), Online.
62 Ibid
63 Ibid
64 Ibid
which the defense argued for tirelessly. In addition, these selfish reasons prevented Smart from an unbiased jury and a fair trial since if it had been moved to a different state, although the verdict would most likely have been the same, the media may have had a smaller presence. This could have resulted in an unbiased jury since they would not have been exposed to pretrial media slander such as, Bill Spencer’s *Anatomy of A Murder*, automatically sequestering the jury.

In fact, Zagar interviewed Paul Thaler, a professor of journalism at Adelphi University, who confirmed this possibility and explained it in detail. It is called the Heisenberg Effect, “It [is] an observation that the act of observing a physical entity changes by the act of that observation” or in Lehman’s terms, “The people are different as a result of being observed. There’s a self consciousness in other words that goes on by being apart of a television event.”65 He is suggesting that it is highly likely that the jury and possibly even the judge could have been acting differently as a result of the cameras and therefore it could have affected their judgment. There were two others, besides the aforementioned Bill Spencer, who were involved in the case, but not vital to the court decision, that the documentary suggests were affected by this theory as well: Cecilia Pierce and Dan Pelletier. As stated previously, Cecilia Pierce was Smart’s student intern and confidant. She was fully aware of the affair and the murder plot, yet as a result of her willingness to give the police information, to wear a wire and to testify against Smart in court, Cecilia was not charged with accomplice to murder. Ted Haimes, a reality TV producer and one of the documentary’s interview subjects, explained that at this point in television history, “TV has gone from being

---

something that you watch to something that you’re in and the boys and Cecilia Pierce were the first ones to get that injection.”\(^{66}\) The boys, who were already locked away, were not able to take advantage of this opportunity for fame, leaving Cecilia to stand in the spotlight. The media constantly interviewed Cecilia even after the trial had concluded. It seemed that she never said no to an interview. The paparazzi followed her around the streets of her New Hampshire town giving her a glimpse of life as a celebrity and she even sold her life story for over one hundred thousand dollars.\(^{67}\)

The documentary even exposed Dan Pelletier, the lead detective on Smart’s case, in a moment where he has been so obviously tainted by the media attention he has received. As Detective Pelletier recounts the story of Smart’s arrest he performs the famous tag line that was mentioned earlier, “Well, Pam…I’ve got good news and bad news. The good news is we’ve solved the murder of your husband. The bad news is you’re under arrest.”\(^ {68}\) After delivering it the first time he says, “Let me go back and just give it a little more emotion.”\(^ {69}\) Even the detective has started to put on a show for the media as a result of the Heisenberg effect. These two people are prime examples of showing how much someone’s actions can change when they are placed in front of a camera and in turn proving the jury and judge could have been similarly influenced.

Although there were obvious moments of media attention, there were others that were subtler. On further inspection, a lawyer who was interviewed in the

---


\(^{67}\) Ibid

\(^{68}\) Ibid

\(^{69}\) Ibid
documentary watched the tape of Smart’s “perp walk” and had an immediate negative reaction: “Wow…that was a long perp walk. Can't help but wonder if they had her come in the side way to give the press more time… to feed the frenzy.”70 By doing small things like this, the court was manipulating her and causing her even more distress and humiliation. Even the experts of the courtroom believe that the way the media was treating Smart was unjust. This documentary was seen by millions of people and Smart said that she does believe it is helping her case, “I am getting letters from all over telling me how sorry they are for judging me back then. It’s pretty great, I forgive them and just ask them in return to sign my petition to the Governor to let me have a parole hearing.”71 Although there was no explicit evidence of jury bias in this documentary, it gave great insights into the media environment in the courtroom and proved that having this extensive media coverage could have affected both the judge and the jury, creating an unjust trial. This film is the only piece of media attention that has not painted her as a seductive teacher or temptress and has even slightly helped Smart’s case. Although there is some bias within this film, since all films are somehow biased, it is very hard to identify which side Zagar is leaning towards.

Despite the fact that some biases are harder to identify than others, all of these films feed some sort of bias to its viewers, since it is impossible for a media outlet to be completely without any opinion. The first two films are very different but they both present an interpretation of Smart’s personality that is grounded in truth and

70 Captivated: The Trials of Pamela Smart, directed by Jeremiah Zagar (2014; USA: Home Box Office Inc., 2014.), Online.
71 Pamela Smart (convict) in discussion with author, January 2015.
fueled by the public’s hatred of her in terms of sensationalizing the characteristics that previous headlines used to describe her. The last film, *Captivated*, gives more insight into the courtroom environment from the jury’s perspective and gave first hand examples of how people can be influence by the media. In addition, the fact that this documentary was produced almost twenty five years after her conviction shows that the sensationalized characterization of Smart was such a “good” story that people are still interested in this topic today. Overall these films proved that the public was easily influenced by the media both in terms of bias towards Smart and their behavior through the investigation and proceedings.

**Conclusion**

Television has become arguably one of the most important media outlets for our ability to access all types of information, but as a result of an excess of television programs and channels, the news has become a biased entity that is aimed at different subsections of the general public that have specific beliefs. The biased broadcasts are a result of the newscasters reporting what they consider to be a “good” story designed to align with the viewers’ beliefs, that they hope will accomplish three things: please their current viewers, entice new viewers and bring in higher ratings. However this kind of bias can affect the public’s outlooks on topics such as crime, which, in turn, can affect a member of the community forever, as was the case with Pamela Smart. Although I do believe Smart was rightly convicted, her trial was unjust as a result of the judge and the jury being exposed to biased pretrial press and the media circus through out the proceedings. Everyone in the town, the state, the country
and some parts of the world were watching the Smart murder trial very closely. In fact, the popularity of the trial coverage gave great insight into not only how the relationship between crime and media would change but it also predicted society’s future obsession with reality television and in recent years, with crime shows.

At this point, television shows, “where you watch real life play out in real time,”72 did not exist and this was the first taste of that addicting genre of television, which twenty years later would explode into one of the most popular genres on television. In addition, crime shows were gaining popularity during this time, such as Law and Order, which gave the audience a behind-the-scenes look at trial preparation and proceedings. It was one of the first shows of its kind and was in its first season73 when the Smart trial aired. By watching Smart’s trial the audience got to see the non-scripted version of Law and Order first hand, which is an exciting phenomenon for the public. This obsession with crime shows, whether it be centered around the criminal trials or life in jail, has peaked over the past five years on various media outlets with shows like American Crime, Orange is the New Black and the hot new podcast, Serial. Even now, Smart’s trial did more than just shock the world and become one of the most infamous cases in American history, it made a large impact on developing the United States’ pop culture.

This further examination of this case also gave great insight into some psychological aspects of being apart of a courtroom and helped us understand that even three movies, Murder in New Hampshire: The Pamela Wojas Story, To Die For,

and Captivated: The Trials of Pamela Smart, which are all encompassed under one category of media can be subtly biased in many ways persuading the audience further. However, the question remains how does this change our understanding of the media world? And more importantly, how do we, the public, examine and interpret news sources to gain solely the facts without being persuaded by the network’s biased remarks?

Although news media covered Pamela Smarts’ Trial at the time and pop culture media has done extensive coverage of the trials over the years, the academic world has yet to examine it from the perspective of how the media not only interacts but also influences criminal trials. Overall, this paper has proven that Smart obviously was not given the right to the fair trial she deserved. Above all, her trial, the first to be aired on television, was the foundation upon which all trial publicity since has been laid, resulting in the chaotic media circuses that surround criminal trials today.
Appendix

The Visiting Room
Adapted by Sara Guernsey

As the audience enters songs are played softly in the background (Folsom Prison Blues by Johnny Cash, The Story by Brandi Carlisle, Useless Desires by Patty Griffin, In My Daughter’s Eyes by Martina McBride and Mad World by Gary Jules) The actor is sitting on a chair on stage. Lights transition.

Introduction

Good Evening everybody. Welcome to the visiting room. Some of you know me, some of you don’t. My name is Sara Guernsey. I am a 22 year old college student from New York City. Looking at me, you are probably wondering why I’m interested in prison. What you don’t know is that I have spent the past six years of my life visiting someone I love in prison. That's why this all is so important to me.

Here’s the thing I want to give you some background and I could sit here and throw numbers at you and hope you will remember them. Instead, lets try this. Look down at your programs. You will notice you have stickers on your program. Some of you may have multiple stickers. The 50 of you represent 2.3 million prisoners. If you have a silver star on your program raise your hand. Look around. You represent the amount of prisoners who are in jail for life. If you have a gold star raise your hand, you are the percent of the African American men in the United States that will serve a state or federal sentence. If you have a red star raise your hand, you are the percent of the Hispanic men in the United States that will serve a state or federal sentence. If you have a blue star raise your hand, you are the percent of the White men in the United States that will serve a state or federal sentence. If you have a green star raise your hand, you represent the 80% recidivism rate, meaning the amount of criminals who will return to prison after being released because they have violated parole or committed a second crime. Some of the prisoners we’ll be meeting in this visiting room are not entirely what you expect. They are mothers, they are educated, one is even a parole officer and one is a Wesleyan graduate. They’re not monsters. They are people. They are someone’s family.

Tonight, however, you are not the prisoners, you are the visitors. Let me give you some idea about who you are. Understand, it has not been easy for you to get here. You (Actor gestures to one half of the audience) drove 8 hours; you literally started out the night before our visit. You (Actor gestures to other half of the audience) shared rides with people you barely knew, or at least at the start of your journey. All of us waited for hours to get in. You had to scrape together the money for this trip.
Money is plenty hard to come by these days. One income brings home a whole lot less than two. To make matters worse, some of you lost a day’s work, maybe two to make it. You saved for weeks or maybe months to be able to afford this visit.

Now, let me tell you about my experience as a visitor. Visiting is hard. For me it involved flying across the country and driving an hour and half. I had to be 18 so I spent two years contacting my loved one solely over phone when I was home and by writing letters. I didn’t write as much as I should of and I know that. I could say life got in the way but there were so many hours that I spent watching tv on hulu that that's just not true. I still feel guilty about that. The visits are great. You get food from the vending machines- that's a big thing for the inmates. For us it was usually a vegetable platter, some tacos, a whole lot of popcorn and a big texas cinnamon roll.

It's a weird experience being inside the visiting room because to you, it's a gross place but to the prisoner it's a little drop of heaven. You’re surrounded by a bunch of other tables with a bunch of prisoners and their loved ones. There is the cheesiest poster on the wall that is some sort of scenery that you take pictures in front of and its like they want you to forget just for a moment that you’re inside a prison. My visit usually was from 8 am to 3pm and when you saw the visit was coming to a close there were a lot of mixed feelings. Half of you wants to get out of there - you’re tired of sitting in the same spot not moving and half of you can't possibly think about having to endure the loss of this person in your life again. And when you leave… they call you back after about an hour telling you that they already miss you and your heart breaks a little inside. But prisoners like mine? They are the lucky ones. Many don’t get visitors.

They do their time alone

Blackout, A prison guard stands at the front of the room wearing black pants, a black belt, black dress shoes and a grey prison guard uniform shirt. The guard starts talking to the audience letting them know the rules of the prison (a mix between rules for the theater such as no eating and drinking in the theater and actual prison rules such as the inmate must always face towards the correctional officer on duty). He then states “Any deviation from these rules will result in immediate termination of your visit”. He starts inspecting audience members outfit to make sure that it is appropriate for the visiting room. He finally picks one person out who he feels has such an inappropriate outfit they must change immediately (someone in blue jeans or in clothing that is too tight) and forces them to change into a dirty old pair of sweatpants. After a couple more ruled the prison guard says, “Enjoy your visit”

Blackout Audience sits in blackout and a soundscape is heard:
Door Opening, Footsteps echo in hallway, Far away laughing of prison guards, Prison guard says “ID and visitor’s pass please… arms up”, Sound of a security wand, keys jingling, buzzer door, footsteps echoing, far away chatter of the visiting room

Projected on screen:
Name: Miguelina Gilbert  
Crime: Rockefeller Drug Law  
Sentence: 15 years to life  
Served: 3 ½ years  
Occupation prior to arrest: New York State Parole Officer

As actor transitions: putting her hair in to a tight ponytail in the glow of the projector and sits on the downstage left block. As she transitions she sings:

All of these lines across my face  
Tell you the story of who I am  
So many stories of where I’ve been  
And how I go to where I am

Amber light bulb above the table lights up and the lights go up.

Part 1: Anyone Can Get Caught

(character has slight lisp on “s” and speaks with extreme diction)

How did I get here? Any one reading my profile is probably wondering how it’s possible. A Parole Officer, an educated woman, a mother of two convicted of a drug charge and sentenced to 15 years to life.

In the beginning I lived in despair. (looking down and shaking her head) I walked around this prison feeling ashamed of myself. I was stripped of more than just my freedom. My children and family now had to visit  (Pointing at herself for emphasis and her speech starts to speed up) me, ME, in a correctional facility. People no longer treated me with respect. The admiration my family had for me was wiped away. My friends (pause) all law enforcement officers, could no longer have contact with me. I became a pariah.

Over the past three and half years I have, with the help of others, started to accept my losses and admit my crime. (sits with hands folded) As a former drug dealer, I have done more damage to more people than anyone else in here. I ruined people’s lives and the lives of those around them. There are no excuses. I have accepted responsibility and begun asking for forgiveness. It's a little “12 steppy” but that's where I am.

I learned I was not invincible. I let the power poison me. I no longer need to be the “Big Shot”, the one that everyone relies on and looks up to. That was then. I am a long way from that now. (points figure at audience and leans in) but I am no better or worse than anyone else in here. I suppose this is the first step in learning to forgive myself.
I can say this all a million times but it doesn’t make up for the pain and suffering I have caused my children. *(looks down)*

I will not be eligible for parole until I have completed a mandatory term of fifteen years. *(counting out on her fingers)* My behavior, willingness to change, personal accomplishments or contributions to the prison community will not help me get to the Parole Board any sooner or take back anything I’ve done. Society’s way of dealing with me only dictates punishment. Punishment alone is not the best deterrent for dealing with drug offenders. The rehabilitation *(slaps back of hand on palm of other hand)* of a person is equally if not more *(leans in for emphasis)* important.

They say justice is blind. *(shrugs)* Probably. In my case the fact that I had no criminal history, was steadily employed throughout my adult life, was a single parent and possessed a graduate level education, could not be taken into consideration at my sentencing.

I have been ostracized from society but life goes on. I look forward to waking up every morning and living the best life possible. I continue working in what I was trained to do; *(nods)* helping and teaching others.

I have faith that someday soon my dream will come true. I look forward to living a productive life with my children and family again. But I’m waiting *(long pause)* and I’ll be waiting a long time.

*Blackout except for projector.*

*As actor transitions in the glow of the projector: putting her hair in two small buns at the top of her head leaving a small clump of hair in front of her face. She sits on the upstage right block.*

*As she transitions she sings:*

Every day I take a bitter pill that gets me on my way
For the little aches and pains the ones I have from day to day
To help me think a little less about the things I miss
To help me not to wonder how I ended up like this
How I ended up like this

*Amber light bulb above the table lights up and the lights go up.*

*Projected on screen:*
*Name: Quentella Washington*
*Crime: Manslaughter 1st degree*
*Sentence: 18 years*
*Served: 13 years*
Part 2: Prison has its own culture.

What’s it like? It’s like high school. In high school we all know the different cliques—well here in prison its not that much different. We have the “Haves” and the ‘Haves Nots”. Now, what makes this place like a ludicrous version of a very public high school is the variety of ages of all the women…I mean “students”. We have 17 years old and up to maybe 75 or 80 years old. When women are first enter this high school in reception their status as inmates are the freshmens. The sophmores are the ones that get out of reception and moved to a better unit with program privileges. The juniors are the inmates in the middle of their sentence. So they have some experience with all the rules and regulations and they know how to jail- or should I say hustle without getting caught. The seniors are the ones with A LOT of time done, been here the longest. They have seniority so the C.O.s don't bother so much if they break the rules.

There are a lot of women here so naturally you will find same sex relationships. Now, some women are real lesbians even before they got here in this place. However there are some who get titled “gay for the stay” (meaning only gay while they’re here). In high school they would be the “wannabes”. The dikes or aggressors (the person who plays the male role in the relationship usually) they are like the “jocks” in high school. These jocks likes to play all the sports: basketball, paddle ball softball those are their most dominating sports, bodybuilding in the gym and behave as gentlemen, thugs, hustlers, women beaters, that men are really like in the outside world. Some jocks even look like men.

There’s not much that can be done about appearance. We wear state issue: tops, bottoms, shorts and dresses. The jocks take the biggest baggiest pants and sag them down to the middle of their butt cheeks sporting the state issue standard white panties or some real men boxers they purchased on the black market or smuggles in from an outside visitor. The jocks that want to have a stronger appearance besides braiding their hair in 6 cornrows straight back they shave their whole head.

The women who play the female role in these relationships they are the “fems.” In high school they are the “mean girls” some are even “clueless”. Get it? Get it? Mostly they are into fashion. Accessories! Accessories! Accessories! They got the best lip-gloss popping, the tightest altered state issued bottoms and the sexiest colored top of any style (as long as they meet the reqs). All this to get the best “man looking” jock.

These popular girls that dress the best has all the money in prison. Nails done, hair done, everything did. Very girly-girl. Because most of the jocks are a lot like men on the outside, they use these girls as package room hoe or commissary hoe because they don't got the money and they wanna use them for that. The jocks and fems are the upper class.
The outcasts sell, and smuggle all the drugs for the black market. They get to leave after the short time they serve. 90 days to a year or two max. In high school some students just seem to get away with everything. Some are considered high school drop outs that repeat their grades (or their sentences).

The nerds in this high school is anybody who are serious about educating themselves while serving time. They are the middle class students. You don’t have to worry about these guys. (jokingly whispers to the audience) They are not outcast or jocks or mean girls, they take their life and education seriously. And are willing to do what they go to do not to repeat their grades, classes, lessons, time or mistakes. You don’t have to worry about these guys. (points at herself and nods).

The prison is run by free staff and controlled by the guards. And although they all work under the warden, these two groups are constantly at war. You don’t want to get caught up there. The free staff is made up of civilians that run the mandatory programs (the chow hall, the classes, you get it). The correctional officers are the Guards, Babysitters, Parents and Hall monitors. They are the ones hired to protect us but instead they can be the biggest threats: waiting around the corner ready to rape, beat or harass us at any chance they get. Very rarely you’ll find a counselor or two.

We do do a lot of work here. We go to school and/or our job everyday. I am in a poetry class. Do you wanna hear my new one?

Inmate pulls out a piece of paper, stands up and reads the poem out loud.

Its an inspirational poem called “Better Myself”.

Why do hypocrites contradict? Why do they say be good? And when you do they get mad at you. (pause)They doubt you for your flaws and criticize with a grudge. (pause) When you try to correct the flaws you have, they still want to judge. (pause) They say you’re still wrong even when you’re trying to change and do right. (pause) So they basically say once you’re wrong you’re always bad you mind as well not try to fight. (pause) Because, they truly believe that people can’t change for good no matter what. I plan to better myself and to know that I’ll make the cut. (pause) By me bettering myself for positive change and successful growth, they will always be stuck, (Pause) Knowing I am a good person and I plan on continuing to be a success. (pause) Nobody can stand in my way not even they can stop me from being my best.

I am hoping to do better in school. I am a sociology major. I get a lot of Cs but I try really hard. It can be tough in here but you get used to it.

I almost forgot. At the end of every student’s time they get to graduate and go home. To be free.

Blackout except for projector.

Projected on the screen:
Name: Toni
Charge: 1st Time Violent Offender  
Sentence: 25 Years to Life  
Time Served: 13 years

As actor transitions in the glow of the projector: putting her hair down with a middle part, hair mostly covering her face. She sits on the downstage right block.

As she transitions she sings:
In my daughter’s eyes I am hero
I am strong and wise and I know no fear
But the truth is plain to see
She was sent to rescue me
I see who I wanna be
In my daughter’s eyes

Amber light bulb above the table lights up and the lights go up.

Part 3: It’s a family business

(character is very fidgety, constantly cleaning out from under her nails and doesn’t make a lot of eye contact)

My deal? I’m the oldest story in the book: no parents and no encouragement and I went and got myself pregnant – stupid, stupid, stupid (hits herself in the head on each “stupid” and then proceeds to wipe her hair from her face). That last one pushed me over the top causing me to drop out of school in 9th grade. I fell off “the right track” (does air quotes with her hands) pretty early in life. I didn’t think education mattered, I figured I could make it on my own. (rolls eyes) The only graduation I needed was from what we call “the academy of the streets”. Though that degree didn't do so well for me...clearly. (presents herself with her hands) It landed me 25 years to life in jail at only 39 years old.

The first positive decision I think I’ve ever made was when I decided to get my GED while inside. I studied every day for hours and I actually managed to get it on the first try. (nervously giggles) But after that I sort of lost interest in furtherin’ my education. What the hell is the point of getting a college degree in here? (looks up) When you have life at the end of your sentence you never know when or if you’re gettin’ out. Instead, I chose to focus on my teenage daughter Leah. I sat up so many nights wondering what would become of her. I couldn't help but feel guilty that I left her all alone.

(pause) And then came the day when all my worries came true. It was the worst day of my life. (looks back down shaking her head) Just four years after my entry into the prison system, Leah, my own daughter, had been arrested on drug charges for a minimum of 15 years. In May of that year, Leah was transferred to my facility. It broke my heart to know that my daughter would now be incarcerated with
me. She’ll be in the same sitting room that she has visited me in a million times but this time on the other side of the table. The first thing I did was ask the warden if I could see her when she arrived and thankfully he allowed it.

I was so nervous waiting for her to arrive. I hadn’t seen her in months. I spent all morning pacing back and forth, back and forth in my cell. (directly addressing the audience) I mean what could I say to her? What could I do to really comfort her? I heard someone call for me and I knew she had arrived. And then I saw her: body strong, head held high (straightens back and tilts her chin up) and fear in her eyes. (her body relaxes again) I held my arms open to her and she ran into them. We just stood there….holding each other and crying. I kept telling her “I love you so much” “I’m so sorry baby I’m so sorry” “It’s all my fault”. We let go and Leah was led out of my unit. When I looked up I realized that the whole unit was crying. They were crying with us. (quick pause) Its what every parent fears in here: prison becoming a multi-generation career.

(her speech slowly grows louder and she jumps out of her seat pacing in short strides and addressing the audience) I felt so guilty. I did this to her. It was MY fault she was stuck in here. I should have been a better mother. I should have lived a more decent life. Where did I go wrong in all this? How could I have prevented this? What do I do now? How can we face our time together? And her children (sits back down in seat very hard and goes back to looking down)...Now its her children who are left all alone with no one to care for them. Its too late for us but how can we save them from this?

This last question…that is how Leah and I spend our days in here. We spend our days studying, furtherin’ our education so that we can lead by example for Leah’s kids. (looks back at audience and keeps eye contact with audience for the rest of her testimonial) We refuse to let our incarceration stand in the way of becoming positive forces in their lives. Leah and I have never been closer. We motivate each other to make ourselves better people, but more importantly we make a united form for the children to emulate.

Perhaps the biggest lesson we have learned is that we do not have to settle for becoming products of our environment. It is Leah’s and my goal to guide the children in a positive direction. We are both determined-through education- break the cycle.

Blackout except for projector, actor does not move.
Projected on screen: Toni and her daughter, Leah, have since been released.

Projector switches to next slide:
Name: Marvin or “Rooster”
Charge: Murder in the 2nd degree
Sentence: 25 years to life, plus 12 years,
Served: 35 years
As actor transitions in the glow of the projector: puts her hair in a low bun and unzips her jumpsuit halfway and ties the arms around her waist. She sits on the upstage left block.

As she transitions she sings:
All around me are familiar faces
Worn out places, worn out faces,
Bright and early for their daily races
Going nowhere, going nowhere

Amber light bulb above the table lights up and the lights go up.

Part 4: They never stop punishing us

(character is a tough guy: sitting slumped with his legs spread, and arms dangling near his crotch)

When do I get out? (scoffs) 12 years after they release me from my 25 years to life sentence. That’s when I get out. So basically (pause) when I’m dead. I started my first sentence in 1979, disco was still big, man. (gestures with hand and leans toward audience) Yeah, that's 35 years ago. (leans back) I’ve done more time in here than most correctional officers. There’re guards in here I know from the old days, when they fought us like gladiators, (scoffs) hell more like chickens. Life in prison was totally different back then. There were no rules in those days and there were a hell of a lot less of us too. We had four prisons in the system and you knew who and what every single man was. There were only two fates for you in prison back then: respect or death. It was just that simple. (gestures hand left and right in emphasis) Now we have 38 prisons (getting louder) and a bunch of mother fucking kids and crazies running around. There’s nothing to control them. The politics and discipline died with the gangs. Not these penny-ante gangs they have today -the real ones – (leans in) the AB, the BGF, The Southerns and the Northerners.

(settles back into his seat) You quickly learn that you are going to fight or you’re going to die. (claps hand and faces palms down to the floor) It’s just that simple. Next, you learn that running with the gangs is a lot better than trying to run away from them. It didn’t take long for them to recruit me. (points to himself) I was a young army sergeant, in shape, trained to kill. It fit the bill and the Brand, toughest gang in the business, needs men like me I was told. That was my second life sentence.

We ran the drugs. Forget all the other crap, drugs is the real business in prison. It was simple we did what we had to do to keep our people and keep our territory. Take the knife and do the job or you’re next. Decision made.

My voice was the final say. Men lived or died based on my decision. It was heavy stuff and I must admit I still miss it. (laughs to himself) Hell, I was good at it. But all
this came with a price. C.Os were involved so it wasn’t clean and I took charges for inmate stabbings. That’s where my extra 12 years came from: stabbings, assaults, they linked it to me. Look it’s bound to happen there is no place to run and even though the guards are in on most of it, sometimes paperwork gets filed especially if the guy your getting rid of survives or turns into a singer and a lot of them do.

In 2001, I got out. Not ‘cause I wanted to but someone snitched. (pointing behind him) We had crossed a line that our business arrangements could not fix. That’s how I ended up here in the special need yard, its for gang dropouts. Believe me they looked at me pretty darn hard when I crossed over. There were more than a few I had sent over here who worried scores might be settled. Let’s just say I was treated carefully by those that had come before me, but the fact is that once you leave The Brand, especially as one of the leaders, you can never go back. You become just another prisoner.

* Loud siren sounds and a guard screams “Inmates down!” Actor lies gets up from his seat and lies on the ground and continues monologue from there looking up at the audience. *

It’s okay. Don’t panic. Just sit there and don’t move but we can keep talking. It’s been 13 years since I landed in the new yard and I have been to court on new charges. They tagged me with drugs. DRUGS! The truth is the only thing I’m taking is what they give through the window. So tell me…what’s my crime? Taking my time-release morphine? How is that worth five more years? It’s not. I beat that charge. Sloppy work by the guards-You need to keep all those lies straight, if you expect shit to stick!

I’ve been to the parole board three times in 35 plus years. The last time they told me that they would see me in five. At 58, that puts me at 63 with 40 years of that in prison. My parents and brother passed while I was in here and there really is not all that much for me to go back to anymore. Yeah, I still got a cousin and a nephew I never seen. The cousin writes and sends me packages every now and then, but what kind of support can I really expect. I hardly know the guy anymore. I have been gone a long, long time.

*A voice yells, “All good!” and actor gets up holding his back and sits back on the chair.*

This next parole board hearing will be my last. They either let me out or I tell them not to call me back. The hope of release can be more painful than the time. *(looking around)* I can finish life in here. It’s not pretty, but *(he pauses and shrugs)* it’s what I know.

*Blackout except for the projector. Projected on the screen:*
Name: Dan or “Bear”  
Crime: 2nd degree sexual assault  
Sentence: 10 years, 50% of time, minimum 5 years parole, registration for life  
Served: 4 years and 362 days.

As actor transitions in the glow of the projector and sits on the downstage center. As she transitions she sings:

Its been four long years now  
Since the top of the world came crashing down  
And I’m getting back on the road now  
But I’m taking the long way  
Taking the long way around

Amber light bulb above the right front table lights up and the lights go up.

Part 5: Parole

(Character sits at the table and starts to make guacamole)

Thanks for the food. I’m making guacamole. Its what my family does when they visit. My niece gets out two avocados, from the vending machine and uses a lemon wedge form the premade chicken tacos and salt and pepper packets. (shows each item and he is introducing them) Then we use jalapeno flavored kettle chips to scoop it up. She call its prison guacamole. (he laughs) We do what we can with what we have. But hey soon I’ll have the real ingredients. It’s hard to believe that I get out of here in three days! (he shakes his head) It seems like it has been forever, but I am going home…or at least near it. I don’t know what I would do without my family’s support. It would be impossible to go through this without them. (he stands up and walks over to an audience member to address them directly) Let me ask you…how do they expect people to make it out there? Do you know they give us guys $200 and drop them off at a bus stop? (he walks the line of the audience) That’s it! $200 to get your ass to your parole officer wherever the hell he is. Hell he could be eight hours away.  
(addressing another audience member) Tell me, what does $200 getcha? For most of these guys it gets them a bag full of meth, a couple nights at motel 6 with a couple of whores and a prison sentence to follow. (sits back down at his seat and continues making the guacamole) Parole isn’t a second chance to them; it’s a short vacation from prison.

The irony is, in here, these guys have jobs, a roof over their head, and they know they’re gonna have three meals every day. As soon as you’re paroled, you’re left with shit. Yeah you can go to a shelter and some do but your one roll-up away from a parole violation and again another sentence in prison.

But I’ve got my family, I’ve got my pastor and I’ve got Larry. (he starts talking excitedly) Larry is gonna give me my job back and he’s got a lead on a place for me
to stay. It's nothing much. It's a trailer. It needs some work but its my own place and its far away from everybody.

And with my restrictions, god knows its hard enough to find housing. I'll take what I can get. (he pauses) Holy shit! I got so much shit to do. I gotta get a drivers license, get some money together, lock down this housing thing, figure out how to buy a car, if Larry can't come through with that company car he’s promisin’ I’m screwed. Then again if I get a car at least I’ll guarantee myself a place to sleep. (he pauses and looks at the audience) Don’t get me wrong please, I’m not asking you for anything. Not like the rest of these crooks they’ll suck you dry. I’ll figure it out myself. I’m thankful for all I got believe me most guys don't have this support.

(he pauses and looks at the audience) I have over 100 parole restrictions. OVER 100! How the hell am I supposed to get back to a normal life with that many rules? Ya know, the one that really breaks my heart is not being able to see my 17-year-old boy. What the hell do they think I’m gonna do to him? Why don't they tell him what he did to deserve losing his father. Needs more lemon? I thought so…My twins are 18. Visiting with them is not a problem it’s just dealing with Jolie, their god-damned mother. (squeezes lemon 3 times for emphasis) That woman is the real monster. She’ll put up every roadblock she can to keep me away from our children. (starts walking over the audience and offering it again) On that score, I got a notice from child welfare today. I owe thirty-eight, god damned thousand dollars in child support when I get out. And until I pay it they’re gonna keep uppin’ the interest. You tell me…where the hell am I gonna get that when I’m coming from prison. Its gonna take a long time, hell forever, to get all that together and they’ll keep on charging interest just like Visa. (sits back at his seat)

I don't know how they expect anyone to work with these requirements. They lock people up in here for ten years, don't offer them a single program and as soon as they’re on parole they mandate all these god damned recovery programs. I have to take anger fucking management, ANGER FUCKING MANAGEMENT (slams hand on table three times for emphasis) HA! Like I need anger management…. Then I got victims awareness, sex offenders relapse prevention and I gotta charge up my ankle bracelet for 4 hours a day. Hell my whole parole is gonna be spent on an extension cord. I have random drug testing too. Don't take drugs, never have, not part of my crime- what the hell is this about? (scoffs) Between this and parole meetings how is anyone supposed to have time to work. 80% coming right back to prison is starting to make a whole lot of sense now isn't it.

Loud buzzer goes, off lights come up on the audience, the corrections officer come over and cuffs the inmate before taking her away as a loud voice over the PA system says “Visiting is over. Inmates prepare for strip and search, visitors pick up your I.D.s at the front desk.”

End.
Bibliography


“Brian Williams’ Apology”, YouTube Video, and 0:54, Clip from NBC Nightly News with Brian Williams, posted by JFhsfohhMN, February 4, 2015, https://www.youtube.com/watch?v=33RSg9CBtUY.


Maggiato, Paul (lawyer) in discussion with author, January 2015.


Smart, Pamela, (convict) in discussion with author, January 2015.


*To Die For*, directed by Gus Van Sant (1995; Culver City: Columbia Pictures Corporation, 1995), DVD.
