Marketing the Real: The Creation of a Multilayered Market for Documentary Cinema

by

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A dissertation submitted in partial fulfillment of the requirements for the degree of

Doctor of Philosophy (Communication Arts)

at the

UNIVERSITY OF WISCONSIN-MADISON

2018

Date of final oral examination: 12/7/18

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Acknowledgements

For the past seven years, Matt Connolly was my cohort companion. I am grateful to have had such a fun, generous, and brilliant friend throughout graduate school.

I can trace the origin of this project, and my research agenda as a whole, to specific courses in the Department of Communication Arts. I first encountered historical industrial analysis in Professor Lea Jacobs' American Studio System class, my first semester of graduate school. Her lectures left me rapt, and I continue to draw on literature we read for class. I explored documentary and the history of broadcasting in an independent study with Professor Michele Hilmes. That same semester, I studied the contemporary American film industry with Professor Jeff Smith. Both experiences informed this project to a great extent.

Professor J.J. Murphy and Professor Vance Kepley were significant mentors and inspirations to me. It was a privilege to learn about American independent cinema from J.J., and to teach the Advanced Motion Picture Production Workshop alongside him. I have Vance to thank for nurturing my interest in documentary film and teaching me how to write rigorous, engaging film history in his legendary Historiography course. J.J. and Vance never doubted my abilities—a priceless gift.

I could not have completed this project without the steadfast support of my adviser, Professor Kelley Conway. Her words of encouragement carried me through days of anxiety. Her thoughtful, incisive feedback pushed me through revisions big and small. She is a model teacher, scholar, and human, and I am lucky to call her my friend.

Finally, Brandon Colvin has been my most faithful cheerleader. With him around, I am strong enough to make my dreams come true. Together we have talked through the thorniest methodological and organizational issues. And we have had a lot of fun.

Introduction

Fahrenheit 9/11 opened in 868 theaters on June 23, 2004, earning $23.9 million and rising to number one at the box office. That first weekend's earnings alone made the film the top-grossing documentary of all time, and it was only the beginning. Eventually playing in more than two-thousand theaters, *Fahrenheit 9/11* grossed $119 million over the next sixteen weeks. When it was released on DVD in October 2004, *Fahrenheit 9/11* landed at #3 on the home video rental charts and earned $4.7 million from DVD sales in its first week alone. Ranking 17th out of all films released in 2004, *Fahrenheit 9/11*'s box-office take came in above such big-budget fiction features as *The Aviator*, *Anchorman: The Legend of Ron Burgundy*, and *Alien Vs. Predator*.

Fahrenheit 9/11 is the original documentary blockbuster. In the twelve years since its explosive theatrical release, no other documentary film has overtaken its box office records. *Fahrenheit 9/11* and other documentary blockbusters like *March of the Penguins* (2005), *Mad Hot Ballroom* (2005), and *An Inconvenient Truth* (2006) demonstrated that there is a robust audience for documentaries. In doing so, these exceptional cases helped build the commercial market for non-fiction films, and distributors have been acquiring and releasing more documentaries in American theaters ever since. According to the Harmony Institute, in 2000, 1.7 percent of all films released in theaters were documentaries; by 2011, that small number had jumped to 18 percent.

However visible these blockbusters were, their appearance was not the result of a sudden cultural shift. Rather, their wide distribution, profitability, and cultural impact capped the decades-long process of building a mature, multilayered market for documentary films. To better understand the construction of this market, I weave an account of interconnected generative mechanisms: entrepreneurial filmmakers, technological change, public policy, and shifts in

industrial norms. Over time, factors encouraged documentaries to become a consistent, if not central, fixture in theaters, at film festivals, on home video, and on television.

What I am calling the multilayered market for documentaries, in which there are numerous platforms for the exhibition of documentaries, grew alongside technological developments and cultural forces that affected the mainstream market for fiction film. However, this system did not react to pressures in the exact same way as the system for marketing and exhibiting fiction films. Though it may seem natural that many documentary films would be distributed theatrically, on cable television, and on home video, there was no guarantee that documentary films would occupy the same spaces as fiction films. Nor was it assured that documentary films would take advantage of the technological affordances conferred on more-obviously commercial fiction films. Thus it is important to trace the market for documentary films as a discrete phenomenon, rather than assume it follows the same path as the fiction feature market.

This dissertation is a history of the distribution of documentaries in the U.S. from 1960 to 2007. Production and financing are important, but without a well-considered plan for marketing and distribution, a film will never reach audiences. Audiences will not have read reviews, seen advertisements, glimpsed publicity appearances by directors and stars, and, most important of all, they will not have had the opportunity to see the film in a nearby theater or on an accessible television channel. It is up to the distribution company to convince exhibitors to book the film in theaters, and to provide the upfront costs of prints and advertising. To open a film in many markets at the same time, a distributor must be powerful and well-resourced. Distribution is the crux of mass media, the mechanism that makes it possible for the masses to see a film. With so much interest in how documentary films move spectators and encourage political change, there has been curiously little investigation into how documentaries have circulated.

In addition to analyzing the mechanisms of distribution, I assess the shifting discourse surrounding documentary films throughout time. The maturing of the documentary market was due not only to new distribution outlets, but also to changing ideas about what a documentary could be. In the early 1960s, documentaries were assumed to be a form of televised journalism or an educational film to be used in a classroom. It took a number of developments—including rock 'n roll documentaries, interest in cinéma-vérité films by international film culture, association with the independent film movement, and successful theatrical distribution—for documentary films to be considered entertaining, commercially viable feature films.

Finally, distribution and discourse are inextricably linked. How a film is distributed can determine the discourse surrounding its release, and that discourse can, in turn, determine how other films are released. Television has been the main source of material support for the production and broadcast of documentary film for decades, but the cinephilic cultural marketplace and the independent film industry have provided critical attention and context for the elevation of documentary films. This dynamic, between documentary distribution and discourse, plays out over the entire course of my study, from Drew Associates' attempt to work as independent producers for television networks in the 1960s, to cable channels' investment in independent documentaries through their theatrical production companies, starting in the early 2000s. As the film and television industry landscape has transformed drastically over five decades, documentary films have also shifted in value; they have been supported financially and acclaimed critically by different segments of the industry at various points in time.

By combining industrial and discursive analysis, I have created a model that other film and media scholars can use to analyze the emergence, expansion, and shifts in the commercial viability of genres and cycles. To understand changes in a genre or cycle's popularity and cultural impact, it is critical to attend to industrial formations across distribution platforms.

Relying on vague explanations that privilege consumer choice, like the democratization of media via "celestial jukebox," risks extreme simplification of a complex history.[1]

The ubiquity of documentaries on theater screens in the early 2000s prompted numerous facile and ahistorical explanations for the phenomenon. Commentators, critics, and even film industry executives were wont to paint the growth of the documentary film market as an abrupt occurrence. For example, Tom Bernard, co-president of Sony Pictures Classics, attributed the high-grossing documentary blockbusters to another recent phenomenon: the popularity of reality TV shows. He said, "The audience becomes conditioned to be able to process certain kinds of filmmaking… So when *Survivor* happened (in 2000), people started being able to latch onto the documentary form that used to be a much smaller part of the film world."[2] By this logic, reality television was responsible for teaching viewers how to understand non-fiction media, and once viewers could grasp it, they began going to see more documentary films in theaters. Others pointed to specific historical events for the higher grosses of documentary features. HBO's Sheila Nevins suggested, "I think Sept. 11 changed the world… It's made people more interested in the stories reality has to tell, because suddenly we realized there were 3,000 stories that day that were important."[3] Even editors of the journal *Cineaste* made broad claims about the seemingly recent, sudden popularity of documentary films. In the introduction to a 2005 dossier on political documentaries, the editors excitedly wrote, "Over the last few years, there has been a virtual renaissance of the documentary in America…"[4] The heightened visibility of documentary features in theaters roused all sorts of overblown rhetoric.

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[1] The "celestial jukebox" is a term to describe a state of endless media possibilities, available to the consumer on demand with the ease of choosing a song on a jukebox. First popularized by Paul Goldstein, *Copyright's Highway: From Gutenberg to the Celestial Jukebox* (New York: Hill & Wang, 1994), the metaphor was circulated more widely by Chris Anderson in his writing for *Wired* and book *The Long Tail: Why the Future of Business Is Selling Less of More* (New York: Hachette, 2006).
[2] Dade Hayes and Addie Morfoot, "*Sicko* could heal doc flock," *Variety*, June 18-24, 2007, 7, 53.
[3] David Rooney, "What's up, docs? Auds love reality," *Variety*, June 23-29, 2003, 16.
[4] "The Political Documentary in America Today," *Cineaste*, Summer 2005, 29.

One model for my study is Richard Neupert's *A History of the French New Wave*. Like the wave of commercially successful, theatrically-released documentaries in the early 2000s, the French New Wave is often characterized as a "sudden" phenomenon, manifested by the will of several young, rebellious film-critics-turned-directors. But as Richard Neupert points out in his history of the movement, the movement's appearance was predicated upon many other factors. "It is the result of an unusual set of circumstances that enabled a dynamic group of young directors to exploit a wide range of conditions that opened up incredible opportunities for inexpensive filmmaking in Paris."[5] This unusual set of circumstances included significant developments in public policy and culture in France. For one, the French government began dedicating funds to producers and exhibitors to energize its industry and encourage the renovation of old theaters. Film Aid monies helped many directors make their first films, which revitalized the staid, hierarchical system of production in France. New technology, like light, portable cameras that could be operated easily outside a studio space, allowed filmmakers to innovate cheaper modes of production. Film culture in France also laid the groundwork for the French New Wave. Postwar cinephilia spawned thousands of cine-clubs, dozens of film journals, and a network of specialized film theaters, educating and encouraging a generation of both filmmakers and audiences. Developments in other arts influenced the film movement, as well. The New Novel, in particular, inspired the narrative play and experimentation that became a hallmark of the French New Wave. Neupert argues that there were numerous generative mechanisms leading to the French New Wave, and in doing so, he decenters the stories of the few, best-known films and filmmakers.

My dissertation weaves a similarly nuanced narrative of the documentary film market's development. While reviewing the scholarly literature, I decided to write a synoptic history of

[5] Richard Neupert, *A History of the French New Wave Cinema*, second edition, (Madison: The University of Wisconsin Press, 2007), xxvi.

the documentary film market. Though they are somewhat rare for film history, this is the appropriate form for this dissertation, for a number of reasons. The first and most obvious reason is that no other scholar has written a synoptic history of documentary distribution in the post-war era. Without a preliminary scaffold, a revisionist micro-history would be inappropriate. Second, while case studies and local histories can be very illuminating, I can present a fuller picture of the changes in the US domestic market through a synoptic history. This form allows me to survey a large span of time and weigh the effect of various pressures more accurately than I could were I to focus on a short period, a discrete sub-genre of the documentary, or a handful of influential directors.

My dissertation is shaped by the tradition of synoptic histories informed by archival research like *The American Film Industry* (editor Tino Balio) and *The Classical Hollywood Cinema* (David Bordwell, Janet Staiger, Kristen Thompson). These works emphasize how institutions and industrial norms determine what films are produced, how they are distributed and exhibited, and how audiences understand them. While the multilayered market for documentaries is not as wholly rationalized as was the Hollywood studio system, the scholarly books above act as a guide for analyzing the relationships among companies and institutions with varying goals, means, and structures. They also offer a model for tracing the effect of technological change on a culture industry.

To write a synoptic history with a sufficiently manageable scope, I have narrowed my project in a number of ways. Most important of, I limit my inquiry to the economic and, to a lesser degree, social aspects of documentary cinema. I do invoke technological and aesthetic developments, but their importance as generative mechanisms is predicated upon their exploitation by economic agents and audience members.

I also narrowed my study by restricting my corpus to feature-length documentaries, and my area of concern to American distribution and exhibition. The definition of the documentary has undergone permutations through the years, but I adopted Carl Plantinga's definition: asserted veridical representation. Plantinga defines documentary as a film with both assertions about the world, and sounds and images, whether actuality or staged, to support those assertions.[6] This delineation is wide enough to include all types of documentaries, not only those that engage in a discourse of sobriety, but the large range of feature documentaries, from the prestigious to the prosaic. Using Plantinga's definition is a conscious choice made in order to write a fuller distribution history of documentary films, rather than a distribution history of only the most-admired documentary films. Accordingly, performance documentaries are included in this study because they can appeal in similar fashion as other documentary genres: through spectacle, and by addressing a subject's built-in audience or fan base.

The sheer variety of documentary forms—from features designed for theatrical exhibition, to hour-long television programs that employ the codes of investigative journalism, to the plethora of reality shows—presents a challenge in the construction of a viable corpus. I restricted the scope of my study to feature-length documentary films created for theatrical exhibition. I define "theatrical" as those films that were made to play in commercial theaters, whether or not they had an official theatrical release, and whether or not they were financed by a television network. Often, these films premiered at film festivals or markets, and then were either self-distributed or were picked up by theatrical distributors, television networks, or the non-theatrical/educational market. I define "theatrical" in this way to indicate that I am excluding television documentary programs from my study. While series like PBS's *Frontline* and Investigation Discovery's *A Crime to Remember* may share subject matter and stylistic

[6] Carl Plantinga, "What a Documentary Is, After All," *The Journal of Aesthetics and Art Criticism*, 63, no. 2 (Spring 2005).

techniques with theatrical documentaries, the centralized, formulaic nature of their production and distribution renders them distinct from theatrical documentaries.

I include the qualification "feature-length" in order to regularize comparisons in distribution and to indicate that I am studying only those films that are the main event, not those that are added onto a fiction film presentation. Since the 1910s, the feature has been the primary form of commercial fiction film, so it is necessary to restrict this study to those documentaries whose length has allowed them to vie for distributors, and audiences, alongside fiction films. Short documentaries have been important in various arenas at various times, from newsreels in the studio-era to short documentaries made specifically for the educational market, but that history is beyond the scope of this project.

The project spans 1960 through 2007, covering the time during which documentary films moved from a marginal product, distributed in theaters very irregularly, to a more regularly distributed product with a multitude of possible exhibition outlets. It begins in 1960 for a few reasons. Chief among these is the desire to begin with a producer/filmmaker who pioneered both American direct cinema and the distribution of documentaries on multiple platforms: Robert Drew. Another justification for this temporal parameter is the great flowering of documentary distribution in the 1960s, as reported in the trade press and popular press. A few other broad historical trends make 1960 an ideal year to begin: the *Paramount* decision of 1948 caused a fundamental reorganization of the film industry, which drastically affected distribution and exhibition practices, and whose impact was fully realized by 1960. Moreover, the arthouse market was developing, and it would become an important exhibition site for documentaries. Third, the rise of television and broadcast news effectively ended the newsreel's reign as the primary non-fiction product in theaters. Finally, beginning with the 1960s allows for a sharper comparison between an era in which documentaries were shown primarily on television and in

classrooms, and later eras, in which the theatrical distribution and home-video circulation of documentaries became the norm.

I conclude my study in 2007 in order to encompass the introduction of the home video market, the growth of cable stations, the introduction of DVDs and Netflix mail delivery of DVDs, and the peak of DVD sales—2006. This period saw enormous growth in the distribution of documentaries, as well as in their profitability. According to Box Office Mojo, 78 of the top 100 highest-grossing documentary films have been released since 2002, including all 11 of the highest-grossing documentaries.[7] Rather than attribute this startling statistic to a spontaneous cultural shift in audiences' interest in documentaries, I will look closely for generative mechanisms that allowed large audiences to access more documentaries.

Ending my study in 2007 is also a practical matter—the spread of digital video streaming is too recent a phenomenon for a conclusive history. Because the market for digital video continues to grow, it would be difficult to collect reliable data on prices and patterns of acquisition. In addition, the major services like Netflix and iTunes are notoriously secretive about both their contracts with filmmakers and their statistics on user streaming, leading some to call them an "analytic black hole."[8] I chose to conclude my study in 2007 because Netflix began its digital video streaming service that year, so I consider that year to be the one in which streaming became a mainstream possibility for movie delivery.

I also restrict my study to distribution and exhibition in the United States, though not to American-made films. While transnational flows have been important for the development of documentary forms, the large amount of time covered in this project necessitates a restriction of

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[7] "Charts: Genres: Documentary," *Box Office Mojo*, http://www.boxofficemojo.com/genres/chart/?id=documentary.htm.
[8] Scott Macauley, "Liesl Copland on the "Analytic Black Holes" of Netflix, iTunes and Amazon," *Filmmaker Magazine*, September 11, 2013, http://www.theatlantic.com/entertainment/archive/2016/02/netflix-ratings/462447/

the number of national contexts I can cover. In addition, documentary features have made more incursions into North American theaters than those in Europe and elsewhere.

Literature Review and Methodology

In order to study the feature documentary market, one must understand the norms of the theatrical and non-theatrical film industry, and how those norms have changed since 1950. Only then could one analyze how the documentary feature market adhered to or deviated from those norms. Stephen Prince and Gary Edgerton's diachronic histories of the American film landscape ably illuminate the shifts in distribution and exhibition in the era after the Paramount decree.[9] They also provide useful data on the number of theatrical releases, number of screens, and size of audience. Chuck Tryon's work covers more recent industrial trends, exploring how technological changes like digital filmmaking and digital delivery methods have affected the industry.

Because distribution analysis is this project's main methodology, it is crucial to have a deep understanding of film distribution practices. Here, Justin Wyatt and Suzanne Mary Donohue's work is particularly helpful.[10] Donohue traces the balance between studio-distributed films and independently-distributed films through the early 1980s. Wyatt explores different distribution strategies used by studios and independent companies in "the last golden age of Hollywood," from 1968 to 1975.

Understanding the discourse around "independence" is key to a fuller understanding of the documentary feature market because, as a type of independent filmmaking, documentaries have straddled the lines of independent, exploitation, educational and mainstream at various times. Lost in many histories of documentary is the critical acclaim of now-reviled touristic,

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[9] Gary Edgerton, *American Film Exhibition and an Analysis of the Motion Picture Industry's Market Structure, 1963-1980* (New York : Garland, 1983). Stephen Prince, *A New Pot of Gold: Hollywood Under the Electric Rainbow, 1980-1989* (Berkeley, CA: University of California Press, 2002).

[10] Justin Wyatt, "From Roadshowing to Saturation Release: Majors, Independents, and Marketing/Distribution Innovations," in *The New American Cinema*, edited by Jon Lewis (Durham: Duke University Press, 1998), 64-86. Suzanne Mary Donahue, *American Film Distribution: The Changing Marketplace* (Ann Arbor: UMI Research Press, 1987).

exploitation documentary features like *Mondo Cane*. Likewise, now-beloved rock 'n' roll documentaries were somewhat disreputable in the 1960s. Appealing to youthful audiences, they were often seen as inappropriate for television broadcast. Written before American independent cinema was fixed as a prestigious, specialized filmmaking culture, Donohue's monograph is refreshingly free from the distortions that separate "quality" independent, low-budget filmmaking and distribution from other types.

Too many studies of American indie film exclude feature documentaries, despite the fact that they were a prominent part of indie cinema and benefitted from the growing investment in independent filmmaking.[11] However, one can understand how feature documentaries took advantage of the expanded commercial opportunities for independent film by studying specific distribution companies' structure, and their market position. Yannis Tzioumakis and Alisa Perren have studied studio classics divisions and the most iconic indie film company, Miramax, respectively.[12] Though they focus on the history of specific companies rather than tracing a particular type of film across time, these works hint at the rationale for the acquisition of documentary films in the evolving independent film marketplace and culture.

Television has been a crucial source of production financing and a major exhibition site for documentary films during the entire time period I cover. Though Drew's cinéma-vérité experiments with the networks are widely-known, there has been no systematic study of the relationship between independent documentaries and television. To begin with, one must trace the connections between the film and television. The edited volume *Hollywood in the Age of Television* (editor Tino Balio) is a good overview of how the film and television industries have

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[11] Geoff King, *American Independent Cinema* (London: I.B. Tauris, 2005). King's *American Independent Cinema* is a good overview of indie film, but King excludes documentaries from his study because fewer of them were crossover hits. Emanuel Levy, *Cinema of Outsiders: The Rise of American Independent Cinema* (New York: New York University Press, 1999). Levy excludes documentaries from his study, except those associated with queer and feminist filmmaking.

[12] Yannis Tzioumakis, *Hollywood's Indies: Classics Divisions, Specialty Labels, and American Independent Cinema* (Edinburgh: Edinburgh University Press, 2012) and Alisa Perren's *Indie, Inc.: Miramax and the Transformation of Hollywood in The 1990s* (Austin: University of Texas Press, 2012).

affected each other in the classic network era. For a contemporaneous account of early television documentaries, one can turn to A. William Bluem's 1965 monograph.[13] Vance Kepley and Carolyn Brooks's historical accounts of documentaries in the early days of NBC and the precursor to PBS, the National Educational Television Center, respectively, add archival research and nuanced analysis to Bluem's survey.[14] Kepley shows that, in contrast to the assumption that documentaries were unpopular on network television, certain types of documentaries actually drew as many viewers as "entertaining" television shows. This influenced my own decision to attend to popular documentary features, rather than restricting my study to only the most-lauded films. Brooks details the National Educational Television Center's strategy of producing and broadcasting controversial documentary programs, and how this practice led to the station's downfall. This conflict-ridden history led me to investigate how the internal disagreements in the public broadcasting system responded to and affected PBS's relationship with documentary features.

In the post-network era, television has continued to factor in the feature documentary market. Cable television, and HBO in particular, has been an important part of the documentary film market since the late 1980s. Though many scholars have written about cable channels in this period, few have tracked how these companies participated in the multilayered market for documentary films. One persistent problem is the lack of differentiation between various kinds of non-fiction media, in spite of important differences in industrial origin and cultural status. Nonetheless, there is valuable information about specific cable companies in Robert Eberwein's work on the Independent Film Channel and the Sundance Channel and Cynthia Chris's work on

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[13] William Bluem, *Documentary in American Television: Form, Function, Method* (New York: Hastings House, 1965).
[14] Vance Kepley, Jr., "The Origins of NBC's Project XX In Compilation Documentaries," *Journalism Quarterly* 1984 , pp. 20-6 (25). Carolyn N. Brooks, "Documentary Programming and the Emergence of the National Educational Television Center as a Network, 1958-1972" (dissertation, University of Wisconsin-Madison, 1994).

the Discovery Channel.[15] Amanda Lotz's work is a strong overview of HBO's business strategy and how it affects programming decisions.[16] However, apart from a few valuable studies, most of the numerous articles and edited collections about HBO focus on the channel's fiction series rather than its feature documentaries.[17]

With so many documentary features about topical political issues, political action is often tied up with a documentary's commercial circulation. Some scholars have studied political film collectives, but without analysis of their relationship to larger film industry. This project aims to illuminate the connections between mainstream distribution mechanisms and activist-oriented circulation. Bill Nichols and John Abraham Stover have written about the workings of political film collectives Newsreel and New Day Films.[18] Patricia Erens and Shilyh Warren have paid particular attention to feminist documentary filmmaking and the companies that circulate that work, like New Day, Iris Films, and Women Make Movies, suggesting that the expansion in distribution strategies particularly benefitted feminist film.[19]

The few scholars who have investigated the distribution and exhibition of documentaries have generally concentrated on political documentaries. Ezra Winton argues that community,

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[15] Robert Eberwein, "The IFC and Sundance: Channeling Independence," in *Contemporary American Independent Film: From the Margins to the Mainstream*, edited by Chris Holmlund and Justin Wyatt (London: Routledge, 2005), 265-281. Cynthia Chris, "All Documentary, All the Time? Discovery Communications Inc. and Trends in Cable Television," *Television & New Media*, Vol. 3, No. 1, February 2002, pp. 7-28.

[16] Amanda D. Lotz, "If It's Not TV, What Is It? The Case of U.S. Subscription Television," in *Cable Visions: Television Beyond Broadcasting*, edited by Sarah Banet-Weiser, Cynthia Chris, Anthony Freitas, (New York: New York University Press, 2007), 85-102.

[17] *The Essential HBO Reader* contains a section on documentary features and series. Thomas A. Mascaro, "Documentary Overview" (239-261), Susan Murray, "America Undercover" (262-273), Carolyn Anderson, "Theatricals" (288-299), in *The Essential HBO Reader*, edited by Gary Edgerton and Jeffrey Jones (Lexington: The University of Kentucky Press, 2008).
Janet McCabe and Kim Akass, "It's not TV, it's HBO's original programming: Producing quality TV," in *It's Not TV: Watching HBO in the Post-Television Era*, edited by Marc Leverette, Brian L. Ott, and Cara Louise Buckley, 83-93 (New York: Routledge, 2008). Dean J. DeFino, *The HBO Effect*, New York: Bloomsbury, 2014.

[18] Bill Nichols, *Newsreel: Documentary Filmmaking on the American Left* (New York: Arno Press, 1980). John Abraham Stover, "The Intersections of Social Activism, Collective Identity, and Artistic Expression in Documentary Filmmaking" (dissertation: Loyola University Chicago, 2012).

[19] Patricia Erens, "Women's Documentary Filmmaking: The Personal Is Political," in *New Challenges for Documentary*, edited by Alan Rosenthal, 554-565 (Berkeley: University of California Press, 1988). Shilyh Warren, "Real Politics and Feminist Documentaries: Re-Visioning Seventies Film Feminisms," (dissertation, Duke University, 2010).

non-theatrical screenings of documentaries build democracy and resist neoliberalism by creating a public space counter to commodified, homogenous culture.[20] Winton's activist, participatory research consciously turns away from the entertainment and commercial exploitation of documentaries. Lyell Davies' history of committed documentaries does attend to the commercial realm.[21] Beginning his history with the advent of cinema, he explores production processes, networks of circulation, and use of films by audiences, in addition to film texts. Davies also separates committed documentaries into two categories: big documentaries, which are single-author films made to reach large audiences through commercial distribution and exhibition, and small documentaries, which are made by non-professionals and circulated in local, community settings in order to bring about political change. Differentiating between big and small documentaries could be a useful interpretive move, but these categories do not lead Davies toward a more precise historical argument about political documentaries. Instead, he comes to a very general conclusion about the difficulty of circulating committed documentaries widely. He writes, "Finally, on the question of documentary distribution and exhibition: from my study it's clear that although documentary filmmaking is costly, time consuming, and can be technically complicated, the challenge of making a film pales in comparison with the challenge of bringing it to mass audiences."[22] My dissertation acknowledges the difficulty of circulating documentaries, including politically committed films, but it comes to more historically significant conclusions.

More wide-ranging, and more similar in methodology to this project, is Julia Knight and Peter Thomas's work on small distribution companies and non-profit distributors in the United

[20] Ezra Winton, "The Spaces Between: Grassroots Documentary Distribution and Exhibition as Counterpublics," (thesis, Concordia University, 2007).
[21] Lyell Davies, "Expose, Impel, and Sustain Change: The Committed Documentary in Political Life" (dissertation, University of Rochester, 2009).
[22] Lyell Davies, "Expose, Impel, and Sustain Change: The Committed Documentary in Political Life," (dissertation, University of Rochester, 2009), 163.

Kingdom.[23] They investigate how effective these institutions were in delivering alternative film and video to audiences, and why some were able to survive shifts in public policy.

My central research question is this: how has the distribution and exhibition of feature documentary films changed over time? Therefore, my primary methodology is historical industrial analysis, supported by evidence found in primary documents, including archival collections and trade journals. My goal is to describe more precisely how the market position of the documentary has changed by tracking shifts in the actions of the sales agents, buyers, programmers and marketers, and to come to a better understanding of the generative mechanisms that allowed that market position to change.

One of my primary interventions in writing this industrial history is to acknowledge the variety of cultural positions documentary films have occupied. Too many scholars of documentary cinema have ignored the most popular types of documentaries in order to study exceptional cases. As Noël Carroll points out in "Non-Fiction Film and Postmodern Skepticism," most scholars are more interested in "art-documentaries" like *Chronique d'un été*, *Tongues Untied*, and *The Act of Killing* than in the more typical forms, like nature documentaries, historical narrative documentaries, concert documentaries, and political-issue documentaries.[24] Because of that, our understanding of documentary history is overly reliant upon exceptional cases. My project specifically aims to correct that by using a more inclusive definition of documentary, which will allow for the writing of a fuller, more accurate history.

Industrial analysis allows a better understanding of how institutions, both commercial and non-commercial, supported the production and dissemination of documentary features. Distribution analysis, in particular, show how distributors circulated documentaries through the

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[23] Julia Knight and Peter Thomas, *Reaching Audiences: Distribution and Promotion of Alternative Moving Image* (Chicago: The University of Chicago Press, 2011).
[24] Noël Carroll, "Non-Fiction Film and Postmodern Skepticism," in *Post-Theory: Reconstructing Film Studies*, ed. by David Bordwell and Noël Carroll (Madison: University of Wisconsin Press, 1996), 283-306.

market. I investigate the type of distributor and deal signed; release patterns, including where and how many theaters a film opens in; marketing and publicity plans; and the resulting box office take. I also investigate ancillary markets, to see how a documentary traveled through different exhibition windows, like home video and television broadcast.

Finally, I use discourse analysis to explore when and how industry insiders changed their market prognostications for documentaries. The bulk of my project concerns the rationale behind the growing acquisition and exhibition of documentaries, but it is crucial to acknowledge that the business of film distribution and exhibition is not purely rational. How critics, distributors, and exhibitors talk about feature documentaries matters, and it can have a profound effect on the cultural cachet and financial value of a film.

This dissertation is rooted in primary document research. I have searched trade journals and popular press, visited archives of distribution companies, and conducted interviews with film distribution personnel.

Much of my trade journal research has been in *Variety* because it is the publication of record for the entertainment industry for the entire time covered by this project. Exhibitors' trade journals *Boxoffice* and *Film Journal* have also been useful sources, while *Billboard* is the best place for information on the home video market. I used *Broadcasting*, later known as *Broadcasting & Cable*, for research specifically on television. *The Independent*, the publication of the Association of Independent Video and Filmmakers, was an invaluable source for Chapter 2. It is both trade journal and community newsletter for the independent film world, and its pages document the struggles of American independent filmmakers in the era before indie and indiewood. Popular press adds historical context to entertainment industry events. The *New York Times* is particularly crucial because film reviews usually mention the exhibition site where a film premieres.

I traveled to two distribution company archives for research. Columbia University holds the Papers of Dan Talbot, who was head of New Yorker Films distribution company and theaters. New Yorker Films was in business from 1965 to 2009, spanning nearly the entire length of this history. While New Yorker's focus was on importing adventurous foreign films by auteurs, the company also distribution feature documentaries. My archival research concentrated on the period from the mid-1970s to the mid-1990s. It was during this time that many other distribution companies entered the market and began picking up documentary features, along with other independent films. Through the Talbot papers, I traced the effect of that change on New Yorker Films' distribution deals with documentary filmmakers.

I also traveled to the Chicago headquarters of Kartemquin Films, a socially-conscious documentary production company in continuous operation since 1966. I used their records to understand the company's trajectory, which closely mirrors the overall documentary feature market. They self-distributed their films for years. In the 1980s, they began working with New Day Films for their non-theatrical distribution and a few of their films played on short-lived PBS series. They had a huge breakthrough in 1994 with *Hoop Dreams*, which Sony Pictures Classics acquired and released theatrically. Since then, some of their films have been picked up by larger distribution companies, many have played on PBS's *P.O.V.* and *Independent Lens*, and many more have circulated through both prestigious film festivals and non-theatrical distribution. In addition to looking through business records, I also interviewed Tim Horsburgh, Director of Communications and Distribution, and listened to oral histories, posted online, with Kartemquin co-founder Gordon Quinn. The interview and oral histories gave me a better understanding of the company's goals and why certain distribution decisions were made.

Finally, I interviewed personnel at other distribution companies. Amy Heller and Nancy Gerstman offered insight into the workings of First Run Features, a significant distributor of

documentary films in the 1980s. Gerstman is also co-founder of Zeitgeist Films, which has distributed foreign films and feature documentaries since the early 1990s. Talking with Gerstman illuminated many of the issues in the recent market for documentary features, including acquisition processes, deal-making, marketing, and ancillary markets like cable television and home video.

Chapter Outlines

I have organized the project to trace the development of the multilayered market for feature documentaries alongside larger changes in the film industry. The project traces not only industrial organization, but also cultural and discursive formations that encouraged a rethinking and remaking of the commercial possibilities for documentary film.

In chapter 1, I discuss the very fragmentary market for documentary films in the 1960s and 70s. I begin by tracing the interactions between television networks and independent documentarians. I concentrate on the Direct Cinema films made by Robert Drew and his associates, including *Primary*. I also analyze Frederick Wiseman's long-running relationship with the Public Broadcasting Service, which began during this period. Though Drew eventually found that working with the networks was a dead end, the film cultural marketplace accepted and highlighted the work of Direct Cinema filmmakers through criticism and a New York Film Festival series called The Social Cinema in America.

At the same time, some documentaries did succeed in theatrical release. Early in the 1960s, foreign film importers acquired and released touristic documentaries like *Mondo Cane*. A few studios even tried to move historical documentaries into theaters, but they were not well-positioned to handle specialty releases and none of their documentary features performed well. Then in 1967, two independent documentaries focused on youth culture met surprising success in theatrical release: surfing documentary feature *Endless Summer* and Bob Dylan film *Dont Look*

Back. The success of these films seemed to signal an opening for more documentaries to be released theatrically and many new companies tried to do just that. But in the end, the only documentary features that worked in theaters were rockumentaries.

Nevertheless, distributors were able to exploit a new non-theatrical market that welcomed documentaries at a much higher rate than the commercial market—the campus market. Adjacent to the campus market and the companies that expanded to profit from it were political film collectives. I discuss two examples, Newsreel and New Day Films. These groups produced and distributed documentary features in experimental ways, aiming for activism rather than maximum profit.

While the 1960s and 70s, I argue, were a time of market fragmentation and little infrastructure to support documentary filmmaking, the late 1970s and 1980s saw some consolidation and more frequent theatrical distribution of feature documentaries in the United States. I cover this period in Chapter 2. For the first time, a number of commercial distribution companies consistently distributed documentary features. Chapter 2 also argues that there was a new set of institutions to support the production, theatrical distribution, and broadcast of documentary features. These included Film Forum, the Association of Independent Video and Filmmakers, the Independent Feature Project, the National Endowment for the Humanities, and the MacArthur Foundation.

These changes happened for two reasons: the rise of the American independent film movement and the maturation of the national Public Broadcasting Service. Documentary filmmakers were able to take advantage of much of the infrastructure made by the independent film movement. These included new granting agencies, community publications, distribution companies, and exhibition networks. A number of documentarians pursued self-distribution of their films, like the directors of *Word Is Out* and *The War at Home*. They also formed the

company First Run Features to consolidate resources and knowledge for fellow filmmakers. Buoyed by the success of independent films, including feature documentaries like *The Atomic Cafe* and *Koyaanisqatsi*, studios began to open their own classics divisions. Some of these classics divisions acquired and distributed documentaries in theaters. This created more competition for the acquisition of documentary features, a change which I document using the records of New Yorker Films.

During this same period, independent filmmakers, including documentarians, advocated for greater access to funding from and airtime on PBS. While there were a few regional channel showcases for independent documentaries, it was difficult to get national programmers to program independent documentaries. The reasons included tension between the national organization and local channels, and differing ideas about journalistic objectivity in documentary film. By the end of the 1980s, this long campaign had succeeded with the founding of independent documentary anthology series *P.O.V*.

Chapter 3 covers the 1990s, a time of increasing popularization of documentary features. By the 1990s, I argue, the genre had shaken off its primary association with television journalism. Documentaries were caught up in the expanding hunger for independent films and the increasing resources being put into their acquisition and release. And, yet, television remained the main source of funding for documentary films, leading to a visible scuffle over a symbol of status that could lead to bigger profits—Oscar nominations and wins.

During the 1990s, cable television became more significant as both a producer of and an ancillary market for documentary features. I describe how HBO grew to be a major force in the production of documentaries. Drawing on the previous chapter, I compare HBO with PBS in term of how each organizes its documentary projects, how each works with documentarians, and how each pays for documentary features. Then I turn to two cable channels that programmed

documentary features: the Independent Film Channel and the Sundance Channel. Both were founded because of the explosion of interest in American indie cinema, and both bought ancillary rights to shown documentaries because of the genre's association with indie cinema.

In the theatrical realm, more distribution companies than ever were investing in documentary features, and some were even targeting general audiences. Companies like Miramax, Sony Pictures Classics, and Fox Searchlight filled out their large annual slates with a few documentaries. They propelled documentary features like *Paris Is Burning*, *The Celluloid Closet, A Brief History of Time, When We Were Kings*, and *Buena Vista Social Club* to healthy box-office grosses. At the same time, small independent distributors like Zeitgeist and Seventh Art were responsible for releasing the greatest number of documentary features during the 1990s. By scouring film festivals, they found and acquired documentary features that they knew could be sold to niche audiences. While the powerful studio specialty divisions increased the visibility of documentary features, there remained a wide gap between the most popular, high-grossing documentaries and the vast majority of documentaries released in theaters.

Chapter 4 contributes a fresh understanding of the "docbuster" era. With a record number of high-grossing features, including *Bowling for Columbine, Capturing the Friedmans, March of the Penguins*, and *An Inconvenient Truth*, documentaries were performing better for distributors than many independent fiction films. The strong box-office performance and heightened visibility of documentary features was the result of a stable market for the film type. Crucially, it was not only the theatrical market for documentaries that had grown strong and stabilized; it was also a variety of ancillary markets and greater availability of production funding. Film festivals were long a reliable element of support for documentary film, but in this era, they became more imbricated with the film industry and encouraged the stabilization of the documentary market. Following HBO's lead, cable television companies like A&E and Discovery began producing

documentaries for the theatrical market and acquiring the broadcast rights to them prior to theatrical distribution. They did so because of greater competition for the rights to documentary features, and from a desire for the prestige afforded by a critically-acclaimed and award-winning documentary feature.

The diffusion of DVD technology coincided with and amplified the documentary boom. The label Docurama was dedicated solely to releasing documentaries on DVD, both new releases and older titles. And, an online DVD rental service, the now-ubiquitous Netflix, made documentaries a part of its catalog and brand identity nearly from the beginning.

Finally, new patterns of self-distribution and direct distribution took hold. Many documentarians had self-distributed work in the past, some even forming long-running companies to distribute their own work, like Frederick Wiseman. But, new, in this internet age was the work of Robert Greenwald and his Brave New Films. Using online communities and political websites, Greenwald marketed and distributed his films directly to viewers. His campaign resembled political organizing more than traditional film distribution. Simultaneously, conglomerate 2929 Entertainment institutionalized self-distribution practices through a division called Truly Indie. Truly Indie sold its services to filmmakers, and in the process, the company built relationships and fed films to another 2929 company, Landmark Theaters.

In this dissertation, I trace the creation of the multilayered market for documentary features from 1960 to 2007. I argue that industrial strategies, public policy, and discourse are the primary causes for the popularization and commercialization of documentary films, bearing more responsibility than technological developments and cultural shifts. As the first synoptic history of the American documentary market, this research will enhance understanding of how documentary features became the vibrant part of the media landscape they are today.

Chapter 1: 1960-1977

Introduction

During the 1960s and 1970s, the market for feature documentaries was extremely fragmentary and marginal. There was little infrastructure to support the production or distribution of feature documentaries. The general discourse about documentaries was that they were a type of journalism and belonged on television, not in theaters. Television networks did produce news programs and acquired cheaply-made documentaries about famous individuals and historical events. However, the networks had little interest in independently-produced documentary features, even those that are now heralded as pioneering works of American cinema.

Though documentaries were a marginal part of the overall landscape of 1960s and 1970s American cinema, there were clear signs that their appeal was growing. Among cinephiles, there was a burgeoning appreciation of feature documentaries as cinema, rather than as broadcast journalism. Journals like *Film Culture* and nascent institutions like the New York Film Festival provided cultural context for this admiration.

In theaters, a few documentary features earned attention and strong box-office through association with another trend: foreign films. Some foreign-film importers acquired documentaries that could be marketed similarly to other foreign films. Meanwhile, a few Hollywood studios tried to cash in by releasing historical documentaries in theaters, but these prosaic films' similarities to television clip shows rendered them dead-on-arrival at the box office. Then, in 1967, two documentaries—*Endless Summer* (1966, dir. Bruce Brown) and *Dont Look Back* (1967, dir. D.A. Pennebaker)—generated surprisingly high revenue for their independent distributors, Cinema V and Leacock-Pennebaker, respectively. The success of these two films made documentaries appear to have more box-office potential than previously thought,

and a swarm of new distribution companies, like Pathe Contemporary, Grove Press, and National Talent Service, aimed to exploit the market. However, theatrical release is an expensive, unpredictable gamble, and only those documentaries that showcased youth-oriented subjects, like music and surfing, performed well. More sober works, like *Warrendale*, about a home for disturbed children, and *Salesman*, about traveling Bible salesmen, earned little in their theatrical runs.

Simultaneously, there was a new market that encouraged distributors to acquire documentary films: the non-theatrical market, specifically the campus market. Commercial distribution companies serviced the campus market and other non-theatrical venues like churches and community groups. However, the late 1960s and early 1970s were a growth period for alternative distribution setups, like political film collectives. All of these network nodes interacted with and fed each other, such that an independently-financed documentary might be broadcast on a local educational television station, then nominated for an Academy Award, then acquired by a commercial distributor for theatrical release, and then be distributed to non-theatrical audiences via a political film collective.

In this chapter, I will show that the expansion in markets for the documentary feature was initiated in the 1960s on several fronts. I will focus first on documentary features in relation to television, highlighting the trajectory of Robert Drew and the Direct Cinema documentarians, before investigating the importance of the New York Film Festival, art house expansion, the pivotal year of 1967, and the rise of non-theatrical and alternative distribution. In the 1950s, the audience for theatrical newsreels migrated to network television. The news and non-fiction series on television were centralized and under the editorial control of the network. In the early 1960s, Drew Associates' struggled to make independent documentaries for network television. After years of trying, and creating much-admired documentary features in the process, Robert Drew

and his associates realized they would never be able to make documentaries independently of the networks. Another significant development was Frederick Wiseman's partnership with PBS, which was cemented in the 1970s.

Following the study of Robert Drew's experience with television, this chapter explores the cultural context that eventually provided appreciation and a home for Drew Associates' films. The origin point is the film club Cinema 16. Programmed by Amos Vogel, Cinema 16 showed documentary features alongside foreign and experimental cinema, allowing viewers to appreciate documentaries as cinema rather than journalism or an educational tool. Journals like *Film Culture* saluted the Direct Cinema films made by Drew Associates. Drew's documentaries were shown in theaters in Europe and in special series at a New York City art museum. The New York Film Festival continued the traditions of Cinema 16, showing some of Drew's films and, in 1967, programming a series of documentaries called The Social Cinema in America. This series of documentaries, some feature-length and some short, showed the plethora of socially-conscious films being made by independent documentarians. The series was popular, and films like *Titicut Follies* and *Warrendale* even attracted sellout crowds. However, transitioning these documentaries to theaters was a harder task, and most failed, even in limited release.

Next, this chapter explores the commercial potential for the theatrical release of specific types of documentary features. Touristic documentaries, including *Mondo Cane*, exploited a taste for exotic and prurient sights. Historical documentaries did not fare as well, even when released by studios. The most successful theatrically-distributed feature documentaries boasted pre-sold pop culture phenomena like surfing and rock stars, in *Endless Summer* and *Dont Look Back*. The trend in rockumentaries continued, with the high point being the grosses of *Woodstock*, released by powerful studio Warner Bros.

The non-theatrical market for feature documentaries was also growing during this time. College classes and campus film societies booked a large number of feature documentaries, and a handful of new distribution companies grew to service this need. At the same time, activist filmmaking collectives like Newsreel and New Day Films were circulating committed documentaries to campuses, union halls, and all kinds of politically-engaged groups.

Ultimately this chapter shows that the documentary feature market underwent fitful progress and suffered dead ends during the 1960s and 1970s. It was a time of new institutions, like the New York Film Festival, the Public Broadcasting Service, and New Day Films, which would lay the groundwork for later documentarians.

Documentaries on Television

World War II was a golden age for non-fiction film. Major Hollywood directors like John Ford, John Huston, and Frank Capra made documentaries about the war. These and other documentary films were exhibited widely to American citizens and military personnel alike. In large cities, entire cinemas were devoted to showing newsreels and war-related non-fiction. But once the war was over, interest in documentaries shrunk. At the same time, television began to broadcast news programs, which soon supplanted newsreels. The most highly-regarded newsreel, *The March of Time*, ceased production in 1951. And while schools and community organizations regularly rented non-fiction films, few documentaries were released theatrically.

The rapid spread of television and the growth of the television industry provided a substantial shift in the financing and exhibition of documentary media in the United States. Throughout the 1950s, American television networks were reliable producers of news documentaries and non-fiction entertainment shows. But these documentaries and documentary series were made exclusively for television, and they had little contact with other exhibition

contexts or with film culture. Then, around 1960, a new type of television journalist began working with the television networks and disrupted the strict boundaries between television journalism and film. Robert Drew and his company, Drew Associates, exemplified this shift. The style and technical innovations of their Direct Cinema films inspired praise from film critics in the United States and abroad. Direct Cinema is a style of documentary featuring the unobtrusive observation of individuals, with handheld and mobile camerawork, made possible by lightweight cameras. The observational style often belies a dramatic "crisis" structure. Drew Associates' Direct Cinema films were exhibited in a variety of sites, transcending their original television broadcasts. These critical accolades and unusual exhibitions did not enhance opportunities at the television networks for Drew and his colleagues, nor did it lead major theatrical distributors to acquire their work. But, it did put the Direct Cinema filmmakers in closer contact with the thriving film culture of the New American Cinema movement.

Though live television was highly regarded during the medium's first decade, American television networks soon sought to exercise more control and reap the financial rewards of syndication by producing pre-filmed programs. Documentaries were a key part of that strategy. Television networks produced both hard-hitting journalistic shows like *See It Now!* and compilation-style documentaries about celebrities and history (*Victory At Sea* series [1952-3], *Project XX* [1954-62], *Air Power* [1956-7]). The typical journalistic documentary was anchored by a correspondent-host and covered a problem of national or international import. This correspondent introduced the episode's topic, interviewed experts, and presented actuality footage. Produced by the network news divisions, journalistic documentaries were loss-leaders, winning over critics but struggling to find both sponsors and audiences. On the other hand, the lighter fare was quite popular. Vance Kepley points out, "An NBC survey of *Project XX*'s commercial performance over its first decade indicated that the specials often generated strong

ratings comparable to those of entertainment rather than public service programming."[1] While documentaries are often seen as sober affairs—the opposite of commercial television—non-fiction television programming incorporated a variety of tones, styles, and rhetorical strategies as early as the 1950s.[2]

The networks' interest in documentary programming peaked in 1961 and 1962. Mounting criticism of quiz-show fixing and rampant commercialism led to threats of tighter regulations on the broadcasting industry. In order to maintain control, network heads met with FCC chairman John Doerfer as early as 1959.[3] Both parties preferred self-regulation of broadcast television to further government interference, so they made a plan to demonstrate the networks' willingness to correct course without new outside regulations. Under the Doerfer Plan, each network promised to air two hours of public service programming in primetime each week.[4] Documentary was the primary vehicle for these aims. This briefly opened up opportunities for more independently-made non-fiction television, including the Drew Associates' Direct Cinema documentaries that purposefully defied the conventions of television journalism.

In the early 1950s, *Life* magazine correspondent Robert Drew was looking for a way to make the filmic equivalent of *Life*'s photojournalism. In 1954, Drew made a pilot for NBC for a non-fiction series called *Key Picture*, but the network was unable to find a sponsor for this program, a prototype of the visually-driven documentaries he would later make. Later in the

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[1] Vance Kepley, Jr., "The Origins of NBC's Project XX In Compilation Documentaries," *Journalism Quarterly* 61, no. 1 (1984), 25.

[2] This strategy continued in the 1960s, when independent producer David Wolper made numerous non-fiction series for syndication (*Biography* (1962) and *The Story Of* (1962)) and for national network broadcast (*Hollywood: The Golden Years, Hollywood: The Fabulous Era, Hollywood: The Great Stars*, made for NBC). Contemporary critic William Bluem observed, "Wolper found that there were some documentaries which networks, too, would carry—so long as they could be classed as 'entertainment' documentaries and thus not conflict with the networks' direct supervision of their public-affairs programming." A. William Bluem, *Documentary in American Television: Form, Function, Method* (New York: Hastings House Publishers, 1965), 177.

[3] Michael Curtin, *Redeeming the Wasteland: Television Documentary and Cold War Politics*, New Brunswick: Rutgers University Press, 1995.

[4] James Lewis Baughman, "ABC and the Destruction of American Television, 1953-1961," *Business and Economic History* vol. 12 (1983), 62.

decade, Drew took a different tack and convinced Time, Inc./*Life* magazine to fund his filmmaking endeavors. The idea was that his documentaries would promote *Life* magazine, as the newsreel series *The March of Time* had done for *Time* magazine. With backing from Time, Inc., Drew put together a crew that included Richard Leacock—who had worked with Robert Flaherty—as well as younger filmmakers D.A. Pennebaker, David and Albert Maysles, and Hope Ryden.

Drew had limited success with his first documentaries. His early short efforts played on popular network television shows: *Zero Gravity* (1958) ran as a segment on the *Ed Sullivan Show* and on CBS News. *Bullfight at Malaga* (1958) was supposed to be a special on ABC, but because ABC affiliates worried about the violence toward an animal, a shortened version ran as a segment on the *Tonight Show* on NBC. None of the early Drew programs gained much attention or critical acclaim; it seemed Drew's idea for candid film journalism might die on the vine. Drew Associates continued to make films with production financing from Time, Inc., but finding a consistent distribution and exhibition channel proved much more difficult. Even *Primary* (1960), the Direct Cinema classic that follows John F. Kennedy and Hubert Humphrey as they battle for Wisconsin in the Democratic primary, passed without support from the networks or notice from critics. While it is now considered a landmark documentary, none of the three national networks broadcast the film. Instead, a few stations owned by Time-Life and RKO-General, as well as some independent stations, broadcast the film in major cities.

Despite the paltry showing of *Primary*, Drew had better luck selling his next ideas to the networks for national broadcast. Drew produced *On the Pole* (1960) as a sports special for CBS. Then ABC hired Drew Associates to make episodes of its documentary series *Close-Up!* Because its news department was understaffed and lacked a well-known correspondent to host its series, ABC turned to outside producer Drew to supply episodes for *Close-Up!* This decision

incensed the head of ABC's news department, who thought it wrong to surrender editorial control to an outside producer. Here, the question about what Drew was making came into sharp relief: were the films journalism or were they something else? Drew trained as a journalist at *Life* magazine and in the Nieman Fellowship at Harvard University, but he and his associates worked independently of the networks' news divisions. They purposefully defied the conventions of network news documentaries, like reporters' voiceover narration and interviews with experts, by employing an observational style. Yet they relied on the television networks to broadcast their work. This struggle for independence and access to the airwaves would continue, even after Drew Associates dissolved.

Soon, many of the early members of Drew Associates broke off to form their own production entities. Many figures we now celebrate as indisputably innovative pioneers of Direct Cinema continued in vain to try to work with networks. Ricky Leacock and Joyce Chopra made *Happy Mother's Day* in 1963, for ABC. However, sponsors rejected it, and the network reedited it before air. Granada TV, a British television production company, commissioned David and Albert Maysles to make *What's Happening: The Beatles in the USA*. When Granada licensed it to CBS, the network edited it and added narration by Carol Burnett. Later in the decade, D.A. Pennebaker and Ricky Leacock made *Monterey Pop* with backing from ABC. However, the network decided not to air it, so the filmmakers bought the rights from the network and distributed it through their theatrical distribution company. Though Direct Cinema pioneers were consistently frustrated by their dealings with American television networks, by the end of the 1960s, the former Drew Associates would discover the market for specialized documentaries.

Feature Documentaries & Film Culture

However, certain organizations and cultural movements set the stage for documentaries to grow in status and interest in the 1960s. Cinema 16, a film society based in New York,

fostered cinephilia in the post-war years. Increased interest in foreign films swelled the number of distributors handling alternative films and screens exhibiting them. Finally, a number of American filmmakers and critics formed a community that would welcome, to a certain extent, the documentarians working in the next decade.

Cinema 16 was an important legitimizing outlet for documentaries, programming and exhibiting them alongside the most prestigious cinematic fare. Incorporated in 1947, this non-theatrical club's regular series and special programs created an eclectic context where documentaries were shown alongside classic, foreign, and experimental works. It also sent out programs of work to film societies (distribution began in 1948). Though it is better remembered for circulating avant-garde films and fostering cinephilia around classic Hollywood studio films during the 1950s, documentaries were central to its mission. In addition, Robert Flaherty, the father of American documentary film, helped with the club's initial membership drive. Some Cinema 16 programs were all documentaries, such as the June 1950 program "Film and Reality," described in the program notes as "A history of the documentary film as shown in the works of Sergei Eisenstein, John Grierson, Andre Gide, Jean Vigo, Robert Flaherty, Jean Painleve, Pare Lorentz, Louis de Rochemont, and accompanied by an authoritative commentary. Selected by Alberto Cavalcanti (*Dead of Night*)."[5] Cinema 16 also showed individual contemporary documentaries, like *The Quiet One* (1948, dir. Sidney Meyers), shown 1952/3, and *All My Babies* (1953, dir. George Stoney) shown in early 1953. In May 1953, "A Program of Restricted Nazi Propaganda Films," with special permission from the Department of Justice, played *The Triumph of the Will* (1935, dir. Leni Riefenstahl). Cinema 16 programmed a wide range of documentaries, ranging from the darkest uses of documentary—Nazi propaganda—to the newest

[5] Program Notes, Spring 1950, in Scott MacDonald, *Cinema 16: Documents Toward History of Film Society* (Philadelphia: Temple University Press, 2002), 141-3.

documentaries, both experimental and educational. In so doing, the club promoted the idea that documentaries were worthy of inclusion in film culture.

The fate of documentary film in the United States—as well as the fate of Cinema 16—was linked the success of imported foreign films. The foreign film market boomed following the war. Tino Balio argues that 1950 to 1966 was the commercial heyday of foreign films in America. Independent companies, including Embassy, Continental, Films of the World, and Times Film, had been importing foreign films since 1946, bringing Italian neorealist films, British New Wave films, and the films of Ingmar Bergman to arthouse audiences in the United States. By 1957, the market had grown so much that the major studios entered, throwing their weight behind promising European auteurs with production financing deals. At the same time, the venues for showing foreign films grew greatly in number. By 1962, there were at least 40 arthouses in Manhattan alone.

The boom in foreign films demonstrated the commercial potential of an untapped market. As a result, revival houses opened, expanding the arthouse market and displacing cine-clubs like Cinema 16. There were three revival houses in Manhattan in 1961, and eleven by 1971.[6] James Kreul points out, "Cinema 16's demise was not precipitated by the creation of the Film-Makers' Cooperative, but by the development of commercial revival houses such as [Lionel] Rogosin's Bleecker Street Cinema and [Daniel] Talbot's New Yorker Theatre."[7] These revival houses took over the function of Cinema 16, including showing documentary features on occasion. In addition, the people who ran them and other arthouses also founded distribution companies that helped stimulate the market for documentary films.

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[6] Tino Balio, *The Foreign Film Renaissance on American Screens, 1946-1973* (Madison: University of Wisconsin Press, 2010), 247-8.
[7] James Kreul, "New York, New Cinema: The Independent Film Community and the Underground Crossover, 1950-1970" (dissertation, University of Wisconsin-Madison, 2004), 220.

At the same time that arthouse exhibitors expanded the number of venues in which documentaries could play, a new independent film movement was growing—creating a new context for documentary films. In response to the widespread interest in and admiration of foreign films in the United States, American filmmakers and critics felt a need to promote an alternative to the films associated with the Hollywood studio system. In 1960, a number of independent filmmakers wrote and signed a manifesto: the Statement of the New American Cinema. These were mainly narrative and avant-garde filmmakers, but documentarians Emile de Antonio and Shirley Clarke were part of the group as well. The New American Cinema movement, nourished by journals like *Film Culture* and the first New York Film Festival in 1963, helped incubate American cinephilia and provided a structure through which new independent filmmakers could gain guidance and exposure. These institutions and conditions paved the way for documentary cinema to thrive in various arenas during the 1960s and 1970s.

While the Direct Cinema documentarians struggled to gain more than a toehold in network television, film critics and cinephiles showed great interest in their work. This recognition helped their films move beyond the commercial world into the cinephilic cultural marketplace, where influential "buffs" praised them and proselytized for their methods. It was likely this recognition that aided Robert Drew's associates and protégés to realize that their work need not be restricted by network television expectations, that they could gain ground in theaters or at least among college crowds. Though the Direct Cinema filmmakers were not signatories of the First Statement of the New American Cinema or members of the Film-Maker's Cooperative, cinephiles' admiration brought them into contact with the independent and avant-garde filmmakers who were establishing their own institutions. The risks taken by their enterprising peers undoubtedly set an example for those Direct Cinema filmmakers who would self-finance their documentaries and found their own distribution companies later in the decade. It added a

huge amount of prestige as well, drawing the documentarians away from the lucrative, controlled, unfashionable network TV market and toward the hipper film festival and campus crowds.

In the Summer 1961 issue of *Film Culture*, the editors announced that the makers of *Primary*—Ricky Leacock, Don Pennebaker, Robert Drew, and Albert Maysles—had won the Third Independent Film Award. The editors (perhaps primarily Jonas Mekas) praised the film, as well as *Yanki No!* (1960), in glowing terms, calling it "a revolutionary step and a breaking point in the recording of reality in cinema."[8] They suggest that fiction filmmakers should take cues from Direct Cinema's techniques, and compare the filmmakers' accomplishments with those of past winners: "*Shadows* and *Pull My Daisy* have indicated new cinematic approaches stylistically and formally. *Primary* goes one step further: by exploring new camera, sound and lighting methods, it enables the filmmaker to pierce deeper into the area of new content as well."[9] This appreciation was prescient—later critics would admire Direct Cinema-style documentaries for the same reasons, both their innovative style and techniques, and the way that these techniques transformed the subject matter. By embedding with the subjects—folk singers, mental health institutions, youth gangs—these documentaries would take on more searing urgency, dovetailing with the politically volatile atmosphere.

On the other side of the pond, in early 1963, *Sight and Sound* published Louis Marcorelles's "American Diary," in which he recorded his 1962 trip to the United States. He recalls spending time with Ricky Leacock in New York City, and going to see *The Man Who Shot Liberty Valance* together. Regarding the experience of watching the film at this time, with so much happening in the world of cinema, Marcorelles writes that the stock performances and the artificiality of the studio sets stood out sharply. Marcorelles concedes, "In a Drury Lane

[8] "Third Independent Film Award," *Film Culture*, number 22-23, Summer 1961, 11.
[9] "Third Independent Film Award," *Film Culture*, number 22-23, Summer 1961, 11.

musical it might all go down well, but it's difficult to accept this inverted sophistication in the age of Rouch, Cassavetes and Leacock."[10] Here, Marcorelles brings Leacock and the Direct Cinema gang in conversation with both French documentarian Jean Rouch and American independent filmmaker John Cassavetes, implying that Leacock and company's work is as daring and paradigm-shifting as theirs. Marcorelles also expresses amazement at a certain sequence in the Drew Associates' film on President Nehru of India, suggesting that it is the apex of Bazinian realism.

> A brilliantly successful sequence such as this differs from work along similar lines—Free Cinema, Rouch, some of the better television documentaries—in that the major role devolves upon the photography, the film being in a sense edited as it is shot. At this point cinema has nothing to do with literature (Resnais, some of Godard), theatre (Kazan, Preminger), or the plastic arts (Antonioni, Minnelli); and this, to me, is the importance of Leacock's work at its best.[11]

In this aggrandizing passage, Marcorelles argues that the value of Direct Cinema is in its cinematic medium specificity. The French also praised Direct Cinema filmmaking in their own top film journal, *Cahiers du cinéma*. As Paul Gardner reported, "The French film magazine gave *Eddie* [1961, Drew Associates] a higher rating than *West Side Story* and movies directed that season by Elia Kazan, Billy Wilder and Joshua Logan."[12] The film, a portrait of racecar driver Eddie Sachs, ran for six months in a Paris theater.

One reason for the French interest in Direct Cinema was the simultaneous development of cinéma-vérité in the Francophone world. In 1963, Drew and Leacock were invited guests at a conference in Lyon, France, during the first MIPTV (Marché international des Equipements et Programme de Television), an international television marketplace. French documentarian Jean Rouch and Quebecois documentarian Michel Brault joined Drew and Leacock to discuss exciting technological innovations and to debate the philosophies of Direct Cinema and cinéma-vérité.[13]

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[10] Louis Marcorelles, "American Diary," *Sight and Sound* 32, no. 1 (winter 1963), 6.
[11] Louis Marcorelles, "American Diary," *Sight and Sound* 32, no. 1 (winter 1963), 6.
[12] Paul Gardner, "TV Series Joins Search For Truth," *The New York Times*, October 5, 1964, 67. *Eddie* is a follow-up to the 1960 film *On the Pole*.
[13] Jacques André, "Television Verite," *Contrast*, July 1, 1963, 260-1.

The praise from both New York and continental film critics, and popularity with Parisian cinema-goers, may not have had a direct effect on the market for documentary films. This kind of writing certainly did not open doors to them at American TV networks or result in major distributors picking up their work for theatrical distribution. But it may have moved Drew Associates' work incrementally closer to the theatrical film arena, by influencing the programmers of the very first New York Film Festival in 1963. Drew Associates had shot *Crisis: Behind a Presidential Commitment* independently, on spec. Drew assumed, correctly, that he could sell the behind-the-scenes story of President John F. Kennedy and Attorney General Robert Kennedy's integration of the University of Alabama to a network. ABC bit, but before the film was broadcast, it played at the first New York Film Festival.[14] It screened as part of a double feature alongside *The Trial of Joan of Arc* (dir. Robert Bresson). Drew Associates' *The Chair*, about the last days of a man on death row, was paired with *The Fiancés* (dir. Ermanno Olmi). Neither the announcement of the programmers' inclusion of the films in *Variety*, nor the NYFF's ad in *The New York Times* mentioned the films' provenance as television fare.

Other films that played the first New York Film Festival were picked up by distributors for successful theatrical runs, including Emile de Antonio's first documentary, *Point of Order*. After a short run via self-distribution in early 1964, foreign film importer Walter Reade-Sterling/Continental picked up *Point of Order*, made in conjunction with Dan Talbot of the New Yorker Theater and New Yorker Films. The surprise success of *Point of Order*, which is composed exclusively of black-and-white kinescopes of television footage of the 1954 Army-McCarthy hearings, likely burnished the theatrical potential of Direct Cinema documentaries, for both their makers and potential distribution companies.

[14] ABC broadcast *Crisis: Behind a Presidential Commitment* a month after the New York Film Festival, in October 1963.

In August 1964, the Venice Documentary Film Festival showed both *Crisis* and a short film Drew produced about Kennedy's funeral, *Faces of November*. In August of 1964, closer to home, The Gallery of Modern Art in New York highlighted the Direct Cinema movement with a three-week series of films and a symposium. The museum established its "center for the viewing, study and encouragement of new movements in films" in July 1964; the Direct Cinema film series was its first program.[15] The series included *Primary, Showman, Lonely Boy, The Chair, David, Happy Mother's Day, Georg,* and *The Quarters of Paris*, all of which, it was advertised, had not yet been released commercially in the United States. It is significant that an art museum, founded by an heir to the A & P grocery fortune, would host such a celebration of this new style of documentary. Organized by James McBride, who would later play on cinéma vérité conventions in his directorial debut, the faux documentary *David Holtzman's Diary*, the symposium hosted participants Richard Leacock, Jonas Mekas, James Lipscomb (a correspondent for Drew Associates), and Stanley Kaye (director of *Georg*).

Direct Cinema documentaries moved in and out of exhibition sites, from festival to TV to museum series. The struggles with television networks never ceased. When Time, Inc. terminated its contract with Drew Associates, after failing to find an outlet for *The Living Camera*, Drew came to understand that television networks would never welcome his independently-produced film journalism. As Drew explains,

> Critically, the films were winning all kinds of awards and so forth. Breaking new ground. But the reason we made them was to try to establish a form of reporting which would pull audiences and pay for itself. So when Time, Inc failed to sell them and the contract went out, then that was the death of that idea—of trying that idea out. And the films were left—God, they were left to half-assed

[15] "Gallery of Modern Art To Establish Film Center," *The New York Times*, July 23, 1964, 18. The next spring, in April 1965, the Gallery of Modern Art began daily showings of rare and classic films, including an unedited version of *Un Chien Andalou*, films by Jean Epstein and Dimitri Kirsanoff, and a retrospective on Hal Roach. Bosley Crowther, "Modern Art Gallery Sets Daily Showing of Classic Movies," *The New York Times* April 19, 1965, 34. Further film programs included series of films by Busby Berkeley, Arthur Freed, Mervyn LeRoy, Stan Brakhage, and later, sports documentaries and the Kennedy films made for TV by David Wolper.

> syndication and half-assed promotion and it was kind of a massacre."[16]

The dream was over, and the Drew Associates disbanded. Before *Crisis* was even complete, Pennebaker and Leacock left Drew Associates. In a later interview from 1984, Pennebaker expresses his realization that television was not the right venue for Direct Cinema work. He said, "It became clear to me that what we were making was feature films. And whether we wanted to or not, or even had an outlet for them or not, that's what everything was moving toward, that whole concept. Because that's what we'd been raised on; we all understood what that was."[17] But in 1963, Pennebaker could not have known that he and Leacock would succeed in bringing Direct Cinema to cinemas nationwide, with their independent production/distribution company, or that the Maysles would soon follow.

The Social Cinema in America at the New York Film Festival

A few years later, in 1967, the New York Film Festival programmed a significant series of American and Canadian documentary films. This was the first major documentary feature exhibition at the New York Film Festival, and it garnered attention from audiences and critics alike. The success of this series helped a new era of potent social issue documentaries enter the cultural marketplace. It also represented a break with documentaries made earlier in the decade, when American television networks appeared to be a viable source of production financing and airtime. None of the documentaries at the New York Film Festival were supported or had been broadcast by the networks; all were made independently, or under the aegis of the Canadian Broadcasting Corporation or National Educational Television, the precursor to the Public Broadcasting Service.

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[16] Robert Drew, "The Reminiscences of Robert Drew." Seven interviews by Barbara Hogenson, October 4, 1979 - April 23, 1980 (Oral History Research Office, Butler Library, Columbia University, New York, Mimeographed). Quoted in P.J. O'Connell, *Robert Drew and the Development of Cinema Verité in America* (Carbondale: Southern Illinois University Press), 165.

[17] Donn Pennebaker, interview by PJ O'Connell, October 25, 1984. Quoted in P.J. O'Connell, *Robert Drew and the Development of Cinema Verité in America* (Carbondale: Southern Illinois University Press, 1992), 113.

Founded in 1963, the NYFF programmed mainly foreign films, becoming the American premiere for many important French New Wave, Czech New Wave, and Italian Modernist films. It showed a few American films each year, but these were not a major focus. One reason for this is because programmers were unable to premiere mainstream American films at the nascent festival. While Hollywood studios now use film festivals to launch new films, such was not the practice at the NYFF in the 1960s.[18] In 1966, Bosley Crowther noted that there was not a single American feature, independent or "establishment," in the entire festival.[19] Without access to studio product, and prior to a thriving American independent cinema movement, documentaries were one way the NYFF could show off American films. And in its fifth year, 1967, the NYFF had a major success with American feature documentaries. The Social Cinema in America was separate from the main program, but by highlighting these documentaries and hosting panels with many of the filmmakers, the NYFF helped to create a recognizable context for them.[20]

In the run-up to the festival, *The New York Times* dedicated column space to the series. Vincent Canby lavished praise on the films, describing their innovative nature. He wrote, "A preview of the program selections here yesterday revealed that socially and politically committed filmmakers are not only continuing to work with themes that most fiction filmmakers eschew, but that they are also working with an extraordinary new technical freedom permitted by the development of highly sensitive film, light-weight cameras and sound equipment. In all of the

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[18] James Kreul, "New York, New Cinema: The Independent Film Community and the Underground Crossover, 1950-1970" (dissertation, University of Wisconsin-Madison, 2004), 470. There are a number of reasons why studios did not allow their features to play the NYFF. One is the importance of a film's review in the *New York Times*. In some years, the *New York Times* reviewed films at their NYFF premiere, thus robbing the films of crucial coverage during their commercial debut. And while smaller companies capitalized on the excitement of the NYFF and opened films at New York theaters immediately following their festival premiere, the studios realized that the NYFF garnered so much attention that their big films would have to share the limelight if they premiered right after the festival.

[19] Crowther did point out two documentary featurettes shown in 1966 at the NYFF: *The Troublemakers* and *Meet Marlon Brando*, the latter made by the Maysles brothers. Bosley Crowther, "Why Don't Yank Films Show?" *The New York Times*, September 18, 1966, 113.

[20] The films played in the Museum and Library of the Performing Arts, rather than in Philharmonic Hall. Tickets were free. Vincent Canby, "Films of Social Commitment Are Added to Festival," *The New York Times*, September 7, 1967, 51.

most effective films, the real-life characters speak for themselves. The day of the portentous voiceover narration is over." Here, Canby translates the techniques and goals of the Direct Cinema filmmakers for his readers, and describes why these documentaries are more involving and interesting than the familiar type. With their unusual themes, technical freedom, and generally-unheard people speaking for themselves, the socially relevant documentaries were a new phenomenon, and one that appealed to both film buffs and a newly-politicized populace.

The Social Cinema of America series gathered together a range of social-issue and political documentaries, thus defining a movement of filmmakers intent on exposing and addressing contemporary American problems. Not only that, a number of the films dealt with the political and social questions of the day in a markedly more visceral and hard-hitting way than the journalistic television documentaries of the day. There were films about mental health and the elderly: *Titicut Follies* (dir. Frederick Wiseman)*, Warrendale* (dir. Allan King), *Home For Life* (dirs. Gordon Quinn and Gerald Temaner). Others depicted turmoil within the civil rights movement and the problems faced by rural African-Americans: *Black Natchez* (dirs. Ed Pincus and David Neuman), *Now* (dir. Santiago Alvarez Roman), *Lay My Burden Down* (dir. Jack Willis), *Malcolm X* (dir. Lee Bethune). Still others analyzed the Vietnam War and anti-war movement: *Sons and Daughters* (dir. Jerry Stoll), *Mills of the Gods* (dir. Beryl Fox), *While Brave Men Die* (dirs. Donald C. Bruce and Fulton Lewis III), *The Unique War* (Armed Forces Information Film), *Victory Will Be Ours* (French documentary, other information unknown), *Napalm*.[21] Many of the films shown were early works by directors who would become important documentarians, including Frederick Wiseman, Allan King, Gordon Quinn and Jerry Temaner of Kartemquin Films, and Peter Adair.

[21] Religion was another subject: *Every Seventh Child* (dir. Jack Willis), *The Holy Ghost People* (dir. Peter Adair). Vincent Canby, "Films of Social Commitment Are Added to Festival," *The New York Times*, September 7, 1967, 51.

The Social Cinema sidebar also included panel discussions with the leading lights of American documentary film. Some of the panels dealt with the role of director, like "Reality Cinema: Whose Truth?" which featured the Maysles, DA Pennebaker, Al Wasserman, and Harold Mayer; as well as the responsibility of the documentarian, like "The Ethics of the Documentary," moderated by *Film Comment* founder and editor Gordon Hitchens. Another, "The Television Documentary and the 'Establishment'," dealt with the thorny relationship between broadcasters and documentarians. Amos Vogel also moderated a panel on experimental films' relationship to reality, "Social Reality and the Avant-Garde."

Simply programming the series and pulling together related panels would have been a major step toward establishing a new era in documentary, but reports on audience response raised expectations about the commercial possibilities for socially-conscious documentaries. The Social Cinema in America programs were so popular that they "were causing near-riots," according to *The New York Times*.[22] *Variety* reported, "Biggest turnaway crowds were for the Social Cinema series, with 400 being sent home ticketless for the second of two showings of the Canadian doc 'Warrendale,' and about 200 for 'The Titicut Follies' (there might have been more but for the driving rain at the time), and a smaller number for a program of civil rights films ("Black Natchez," "Now," "Malcolm X")."[23] In addition, incidents and controversy dogged (and raised the profile) of the series. The State of Massachusetts attempted to have *Titicut Follies* banned during the festival, a controversy which led to more publicity about and interest in the film.[24] A bomb threat was also called in during the civil rights film program,[25] an occurrence that underlines the political potency of showing and attending these documentaries.

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[22] Vincent Canby, "Film Festival Drawing Diverse Buffs," *The New York Times*, September 28, 1967, 58.
[23] "Bomb Scares & Debates at Side Events; Demand High for 'Titicut' Pic," *Variety* October 4, 1967, 15, 18.
[24] "Bay State in Move to Bar Prison Film," *The New York Times*, September 27, 1967, 42.
[25] "Bomb Scares & Debates at Side Events; Demand High for 'Titicut' Pic," *Variety* October 4, 1967, 15, 18.

Though only a handful of the Social Cinema documentaries went into theatrical release, the series recognized and raised the profile of a significant strain of documentary filmmaking. In subject matter, this strain was separate from the Direct Cinema films about music and popular culture, but they did share a style and an appealing topicality. Following their spotlight at the New York Film Festival, these films mostly played on campuses and in other nontheatrical situations across the country. Stable institutions and established distribution/exhibition networks did not exist to support their financing or their wide exhibition, by national broadcast or in cinemas.

Documentaries in Theaters

Shocks of Tourism: Foreign Film Importers and Documentary

At the very moment when Direct Cinema pioneers were struggling for space on broadcast television, an Italian documentary was a box-office hit in the United States. *Mondo Cane* (1963, dir. Gualtiero Jacopetti) played 3000 dates and grossed over $1,000,000 in its first year in release.[26] In the competitive New York City market, it was held over at the Forum for 15 weeks and at the Little Carnegie for 15 weeks.[27] The original soundtrack was a best-selling album, and a number of artists recorded versions of the film's theme song, "More." The theme song was nominated for an Academy Award for Best Music (Song). Later, TV stations licensed the film.

Not only that, but *Mondo Cane* inspired rave reviews for its innovative style, which plays upon the conventions of voice-of-God narration. It juxtaposes unusual rituals, foods, and sights from around the world—"glimpses of superstition, violence, and eroticism"—accompanied by a

[26] "Times Has 6 for 1964; Sochin Named VP," *Boxoffice* April 20, 1964, 12
[27] "Music a Plus For *Mondo Cane*," *Variety* September 11, 1963, 20.

humorous voiceover with an ironic rhetorical stance.[28] Critics were amazed, and they predicted that audiences would be, as well. Hawk of *Variety* wrote, "Impressive, hard-hitting documentary feature whose controversial elements will help sell it both at home and in many foreign marts. … Brash and provocative are only two of the adjectives which can help illustrate this truly modern documentary, modern in that it no longer merely illustrates, but also provokes thought."[29] A reviewer for *Boxoffice* commented upon the film's marketability: "…the picture is widely exploitable and is likely to build on word-of-mouth—but only in key city downtown houses and the art spots, for this is strictly adult fare."[30] And this mention of "adult fare" is the key to the film's success: it was distributed by a foreign film importer and marketed like a titillating foreign film. Even Irving Sochin, who handled the film's rollout as general sales manager of Times Film Corp., compared its performance to another frank foreign film from a few years before: "He noted that *Mondo Cane* will be the biggest grosser for a small, independent distributor since Brigitte Bardot's smash hit, *And God Created Woman*, released by Kingsley Int'l in 1958."[31] Although *Mondo Cane* was clearly a documentary, its distribution resembled that of the provocative foreign fiction film.

Times Film Corp. marketed *Mondo Cane* as a titillating film full of spectacle. It also used music and the film's English-language voiceover to market the film. *Mondo Cane* seems exploitative and retrograde to modern eyes, but at the time, its content and tone were fun and risqué, unlike the prosaic, didactic documentaries on TV. Times Film Corp. emphasized this aspect of the film in its marketing. The film's posters proclaimed the titillation and novelty on offer: "Overpowering, fascinating—often shocking!" and "Enter a hundred incredible worlds

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[28] Stefano Baschiera and Francesco Di Chiara, "Chapter 6: A Postcard from the Grindhouse: Exotic Landscapes and Italian Holidays in Lucio Fulci's *Zombie* and Sergio Martino's *Torso*," in *Cinema Inferno: Celluloid Explosions from the Cultural Margins*, edited by Robert G. Weiner and John Cline (Lanham: The Scarecrow Press, Inc., 2010).
[29] Hawk., "Cannes Film Fest Reviews: *Mondo Cane*," *Variety* May 9, 1962, 7.
[30] "Feature Reviews: *Mondo Cane*," *Boxoffice* April 15, 1963, A-11.
[31] "Times Has 6 for 1964; Sochin Named VP," *Boxoffice* April 20, 1964, 12

where the camera has never gone before!" They also included collages of scenes from the film—images of skulls, sharks, tribespeople in costume—and a larger image of a woman in a bikini. None of the posters used the term "documentary," but at least one proclaimed its factual nature, with the tagline, "All the Scenes You Will See in This Film Are True and Taken Only From Life. If Often They Are Shocking, It Is Because There Are Many Astounding and Even Unbelievable Things in This World." Here, the tagline promises audiences the thrill of strange spectacle, heightened by the claim that the sights actually exist in the audience's world.

Trade advertisements, too, alluded to the unusual, taboo sites contained within the film. A full page ad in *Variety*, a few weeks after the film's premiere, touted its record-breaking box office and used a blurb from Bosley Crowther's review that called *Mondo Cane* an "extraordinarily candid factual film."[32] Scrupulous to avoid using the word "documentary," the ad uses instead the term "candid" as a code word for taboo material, notably nudity, which one could not see on television documentaries. This association between *Mondo Cane* and taboo material corresponds to a certain view of foreign films at the time—both foreign film importers and those who opposed their incursion into American theaters nurtured the idea that foreign films were sexually frank and dealt with mature themes. Each side played on this for its own purposes—either to draw audiences to theaters, or to call for censorship and boycott—so this rhetoric was available for the distributor and exhibitors of *Mondo Cane* as well. It certainly fits in with the wider art-film market, as outlined by Barbara Wilinsky, who writes, "This focus on realistic (or adult) themes and subjects (including sexuality) reflects the art films' shift from a focus on the mass audience to a concentration on the more selective (and select) adult audience."[33]

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[32] Ad for *Mondo Cane*, *Variety* April 24, 1963, 19.
[33] Barbara Wilinsky, *Sure Seaters: The Emergence of Art House Cinema* (Minneapolis: University of Minnesota Press, 2000), 24.

Times Film Corp. was a small distribution company, focusing mostly on foreign films, but it borrowed one marketing strategy from the major studios to sell *Mondo Cane*: music. As Jeff Smith outlines, in the late 1950s, the film industry and the music industry became more intertwined than ever before. Hollywood studios began to buy record labels or start their own, using original soundtrack albums and singles to promote their films, and vice versa. One scheme that these new conglomerates used to stimulate both record sales and box-office receipts was multiple release: by releasing multiple versions of a song, labels increased their licensing revenues and increased the likelihood that some version of the song would reach audiences. [34] Times Film's general sales manager, Irving Sochin, took a page from this playbook when he imported *Mondo Cane*. According to *Variety*, "with the help of singer Katyna Ranieri, wife of *Mondo Cane* composer Riz Ortolani, [Sochin] obtained permission to take the theme of the pic, have words written for it, and reinsert it on the film's soundtrack in one sequence."[35] The resulting single, "More," was a runaway hit, with at least 27 versions released within a year of the film's rollout.[36] *Mondo Cane*'s original soundtrack, on the United Artist label, was also a bestseller.

Mondo Cane had an additional draw that helped catapult it to the upper echelon of imports: its narration is in English. *Mondo Cane* was part of a wave of Italian exploitation films made for export to North American audiences, but it punched above its weight in prestige, because it was a documentary, and at the box office, because its English voiceover effaced its national identity seamlessly.[37]

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[34] Jeff Smith, *The Sounds of Commerce: Marketing Popular Film Music* (New York: Columbia University Press, 1998), 60.
[35] "Music a Plus For *Mondo Cane*," *Variety* September 11, 1963, 20.
[36] Jeff Smith, *The Sounds of Commerce: Marketing Popular Film Music* (New York: Columbia University Press, 1998), 61.
[37] Stefano Baschiera and Francesco Di Chiara, "Chapter 6: A Postcard from the Grindhouse: Exotic Landscapes and Italian Holidays in Lucio Fulci's *Zombie* and Sergio Martino's *Torso*," in *Cinema Inferno: Celluloid Explosions from the Cultural Margins*, edited by Robert G. Weiner and John Cline (Lanham: The Scarecrow Press, Inc., 2010), 101-2.

Mondo Cane was so ubiquitous that it brought a new word into the lexicon: "mondo" came to connote any touristic exploitation film. But before "mondo" was derided as exploitative, the film's success inspired many imitators. Independent distributors imported and distributed a number of touristic documentary films produced abroad. Like Times Film Corporation, these companies' main trade was in foreign fiction films. Others include Embassy Pictures, a behemoth importer and a co-producer of Carlo Ponti films, which distributed two touristic, exploitation documentaries in the vein of *Mondo Cane*. First, Embassy released *The Sky Above, The Mud Below* (1962), about a tribe in the jungle of Dutch New Guinea.[38] It also picked up *Women of the World* (1963), a "…a colorful, adult travel documentary of people rather than places…" made by Gualteiro Jacopetti, director of *Mondo Cane*.[39] Embassy acquired *Women of the World* for a steal, just $75,000, prior to the American premiere of *Mondo Cane*.[40] Embassy also acquired and distributed *Years of Lightning, Days of Drums* (1966) in theaters in 1966. The film, about John F. Kennedy, was originally made for the United States Information Agency in 1965.

While many of these touristic documentaries were easily sold using the same appeals as advertisements for foreign fiction films, importers' increasing interest in non-fiction film belies the fact that there was a diminishing supply of foreign films available to buy. Reporting from the 1962 Cannes Film Festival, Harold Myers stated, "With a couple of notable exceptions, all the highly rated entries had been pre-sold, leaving the indies with little to choose from, other than the pix being screened outside the fest in the trade fair."[41] Bosley Crowther reiterated this concern from the exhibitors' end in a 1963 article. He pointed to a rise in the number of arthouse theaters

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[38] *The Sky Above, The Mud Below* won the Academy Award for Best Documentary in 1962.
[39] Hawk., "Review: *La Donna Nel Mondo* (*The Women of the World*)," *Variety* February 27, 1963, 7.
[40] For a comparison in price between non-fiction and fiction foreign features: in the same year, Embassy bought the American rights to Fellini's *8 1/2* for $400,000. "Embassy's Handle of Product for 1963 Rises to 42, With Reissues," *Variety* March 13, 1963, 13.
[41] Harold Myers, "Yank Indies at Cannes Find Pix Mostly Presold," *Variety* May 23, 1962, 7.

in New York City, but pointed out that some were struggling because of lack of product: "Fewer and fewer of these theaters set up to show these films are able to keep themselves going just on this kind of fare, and they're being forced to resort to 'Hollywood pictures' or selected revival bills. And the few that have been able to maintain their vaunted policies of showing only foreign pictures have often found themselves nursing worthy but profitless waifs."[42] So distribution companies found themselves with fewer films available for acquisition, and theater owners found themselves short on product, and/or long on unprofitable product. Juggernaut distributor Embassy was highly involved in co-productions, but as such a large company handling a big slate (42 films in 1963), it likely had to pad its stable with non-fiction films it could trade along the same lines as its fiction films. Similarly, Burstyn Releasing began distributing a touristic exploitation documentary called *European Nights* in 1963. This performance documentary, featuring nightclub acts from several European cities, was first reviewed by *Variety* in Rome in 1959, but only picked up by Burstyn once the supply of foreign films had contracted.

At the very moment when the most desirable, marketable foreign films became scarce, a new crop of "foreign film importers" were formed. These companies, like Capri Films and Cinema V, would go on to great success in distributing documentaries, picking up a wide assortment of them in the latter part of the decade, along with more foreign films and a few new American independent films.

Distributors' interest in documentary features is tied to permutations in the foreign film market. Marketed like foreign films and playing in the art houses that showed foreign films, distributors could acquire touristic documentary features for far less than the cost of foreign fiction features. Throughout the 1960s, numerous distribution companies supplemented their slates of foreign films with documentary features, both foreign-produced and American-made.

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[42] Bosley Crowther, "Too Many, Too Few: Not Enough Art Films For Host of Theaters," *The New York Times*, December 1, 1963, 1.

Great-man History Flops at the Box-Office

Hollywood studios' involvement in the documentary feature market also echoed its incursions into the foreign-film market. Witnessing the success that foreign-film importers had in bringing foreign films to American theaters, by the late 1950s, major Hollywood studios began to acquire foreign films and co-finance some foreign productions. Balio points out, "By 1966 the majors dominated the market, having absorbed nearly the entire pantheon of European auteurs with sweet deals offering total production financing, directorial freedom, and marketing muscle."[43] The majors tried releasing some feature documentaries, as well, but this experiment was less successful. In 1964, the Hollywood studios once known as the "Little Three," Universal, Columbia, and United Artists, released a spate of documentaries. While Columbia and United Artists acquired their documentaries, Universal did something more unusual: it provided production financing for a documentary. Universal financed the making of *The Guns of August* as part of its New Horizons division, which was meant to develop young talent by providing small budgets for filmmakers who could eventually move into making regular features.[44] Columbia released *The Finest Hours*, a documentary on Winston Churchill, to acclaim from some critics. The release of *The Finest Hours* did not meet Columbia's expectations, which discouraged the studio from releasing a similar biographical documentary on the Duke of Windsor, produced by Jack Le Vien, who produced *The Finest Hours*. (Foreign-film importer Continental eventually released it two years later, in 1967.) While *The Finest Hours* merely resembled television documentaries, the film that United Artists acquired was actually made for television: *Four Days in November*. Produced by major television producer David Wolper, the film covers the assassination of John F. Kennedy. The topic likely appeared to have enough wide appeal to justify a theatrical release, but exhibitors and audiences disagreed: it had only 200

[43] Tino Balio, *The Foreign Film Renaissance on American Screens, 1946-1973* (Madison: University of Wisconsin Press, 2010), 227.
[44] The division financed three films before ceasing operation. The other films are *Daffy* and *Andy*.

engagements in its first seven months in release. As the *Variety* report explained, a hit film plays 15,000 engagements, and average film 8,000…"Admittedly, a documentary takes longer to play off, but 200 dates in seven months is considered ridiculous."[45]

In essence, these studios tried to release TV-style documentaries in theaters, but their efforts were not rewarded. When *Variety* covered these failures in 1965, it led with the headline "Dirty Word—'Documentary'" The writer's examples were the three films above—exclusively studio releases about well-known historical figures and events. This suggests that the box-office failures had more to do with their specific distributor than the category of documentary. One executive told *Variety*, "It just isn't worth the cost of launching them… And you can't blame exhibitors for not booking them when they have a chance to play a *Goldfinger, What's New Pussycat?*, or *Cat Ballou*, instead."[46] Though Hollywood studios had the resources to pour into marketing campaigns, they were practiced at releasing films with wide appeal. Their distribution arms were not geared toward cultivating an audience for individual films the way that independent importers and distribution companies were.

In deriding the market for feature documentaries, the unnamed *Variety* writer took a familiar stance: "Despite occasional, rather plaintive cries to the contrary, feature length documentaries still appear to be N.S.G at the theatrical box-office, unless they contain sensational, sexy and/or violent exploitation handles a la *Mondo Cane* or *The Sky Above—The Mud Below*."[47] The *Variety* author added, parenthetically, "For the purpose of this discussion, the various Italo 'Mondo' pix, and similar films for which footage is staged, are not considered true documentaries."[48] This rhetoric about what is *really* a documentary led to a de-facto rule of thumb in many industrial accounts of documentaries: if it is serious in tone and aligns with the

[45] "Dirty Word—'Documentary'", *Variety* July 7, 1965, 5.
[46] "Dirty Word—'Documentary'", *Variety* July 7, 1965, 5.
[47] "Dirty Word—'Documentary'", *Variety* July 7, 1965, 5.
[48] "Dirty Word—'Documentary'", *Variety* July 7, 1965, 5.

traditional didactic style of non-fiction filmmaking, it is a documentary, but if it has rhetorical, formal, or subject appeals beyond the purely informative, it is not a documentary. Less than two years prior to this article, *Variety* published a piece headlined "Documentaries as B.O. Draw." In it, Vincent Canby highlights the runaway success of *Mondo Cane, Women of the World*, and *The Black Fox*—that these films qualified as documentaries in 1963 but not in 1965 speaks to the confusion caused by lumping all non-fiction features together in contemporaneous writing.

In the first half of the 1960s, documentaries supplemented the foreign film market. They were marketed to appeal to American audiences for foreign films, hungry for the titillation and tourism of Europe. Little-remembered these days, even disavowed as documentaries, these documentary films were an attractive source of revenue for independent importers. The most historically-important documentaries of the first half of the decade, made by Direct Cinema filmmakers, were industrially marginal—they had an unstable home on network television and engendered conflict over what was journalism and what was documentary. The television networks filled time with inexpensive compilation documentaries, but when the Little Three tried, for various reasons, to launch conventional historical docs in theaters, they failed. Their biographical portraits of great men and historical events were too similar to television documentaries. Only when documentaries were distinct enough from television, covering youth-oriented or controversial subjects, did they thrive in theatrical release and the cinephilic cultural marketplace.

A Banner Year: 1967

As mentioned at the beginning of this chapter, 1967 was a breakthrough year for the market in documentary features. Two self-financed documentaries on youth-focused topics (surfing and Bob Dylan) reached high box-office grosses: *The Endless Summer* (1966, dir. Bruce Brown) and *Dont Look Back* (1967, dir. D.A. Pennebaker). Both released by independent

distribution companies, the films' success set the terms for the future of documentary distribution—with the right subject matter and skillful handling, documentary films could be commercially successful. In addition to the publicity around these smash hits, critics and trade journal reporters noticed an uptick in the number of documentaries released theatrically and predicted that the contest for the Academy Award for Best Documentary Feature might be tight. At the same time, the fifth annual New York Film Festival helped coalesce interest in social-issue documentaries, by programming a number of them in a series. By acquiring many documentaries that played at the New York Film Festival and other festivals, a handful of new distribution companies invested heavily in the ability of non-fiction films to appeal to the small but lucrative audience of urban film buffs and college students.

The foreign film importers that had dominated the arthouse market during the 1950s and 1960s were mostly uninvolved in this era of the documentary film market. Nor did Hollywood try to exploit this trend the way that it had with the foreign film market. The studios' only foray into documentaries during this period is *Woodstock*, the smash success and culmination of the pop music documentary trend. Instead, the crucial factors in the increased visibility of documentaries at this time were independent distributors and the New York Film Festival. A closer look at the trajectories and box office successes of *The Endless Summer* and *Dont Look Back* reveals the lay of the distribution landscape.

The Endless Summer was first released via a four-wall arrangement at New York's Kip's Bay Theater in summer of 1966. After four weeks there, Cinema V snagged the rights to what trade journals were calling a sleeper hit. Because Cinema V, which was founded as a foreign film importer, unfurled it slowly across the country, *The Endless Summer* had most of its payoff during 1967. It was one of *Variety*'s "Big Rental Films of 1967," earning $2.1million by the

close of the year.[49] Alongside this phenomenon was *Dont Look Back*, which documents Bob Dylan's 1965 tour of England. Richard Leacock and DA Pennebaker self-financed *Dont Look Back* for $40,000 and formed their own distribution company, Leacock-Pennebaker, in order to distribute it. When it premiered in May 1967 at the Presidio, a San Francisco arthouse with 788 seats, no one expected a black-and-white documentary about a folk musician, distributed by a new, independent company, to make waves. However, as *Variety* reported breathlessly, "It immediately matched the hard-ticket *Thoroughly Modern Millie*, which opened the same week at the 1381-seat Orpheum, as the largest grossing picture in town."[50] Not only did *Dont Look Back* do well for a documentary, or any independent film, it kept pace with a lavish studio picture that premiered in a larger theater. In its first weeks, it was "blazing," breaking house records at the Presidio with a gross of $24,000.[51] It opened in New York City in September 1967 and had a repeat performance there. *Variety* reported, "Other newie, *Don't Look Back*, had a fantastic $23,000 initialer at the small 34th Street East; this is a house record except for the first few weeks of the recent *Dirty Dozen* engagement at this artie."[52] *Boxoffice* cited these two films as the start of a trend, writing, "More and more independent releases like this film and *The Endless Summer* are proving box-office attractions."[53] Interestingly, *Boxoffice* highlighted the films' industrial status—"independent"—rather than their genre/type—documentary.

When *Dont Look Back* started breaking records at the box office, journalists were shocked—high grosses for an independent documentary took them by surprise. The reviewer for *Variety*, Rick, affirmed that "The Times They Are A-Changin'" "when documentaries about [a

[49] "Big Rental Films of 1967," *Variety*, January 3, 1968, 25.
[50] Rick., "Review: *Don't Look Back*," *Variety,* June 14, 1967, 7.
[51] "Picture Grosses: 'Honey Pot' $8,000, Frisco; 'Cross' Crisp 22G; 'Dylan' Hep 24G," *Variety* May 31, 1967, 9-10.
[52] "Picture Grosses: Post-Holiday Blue Nip B'way; 'Emily' Nice $28,000, 'Don't Look' Mighty 23G, 'Clyde' Giant 69G, 4th, 'Night' Hot 80G," *Variety*, September 13, 1967, 11.
[53] "'Don't Look Back,' 'Bonnie, Clyde' Surprise with Big Grosses in NY," *Boxoffice*, September 18, 1967, E-2.

poetic folk-singer] fill a movie house and gross $42,000 in two weeks."[54] Like many, Rick was surprised by *Dont Look Back*'s grosses and saw in them a shift in moviegoing. The idea of a documentary being popular and profitable, especially a black-and-white one shot in 16mm and distributed independently by the producer's own company, was new. Apart from stylistic innovations and industrial factors, the subject and treatment of *Dont Look Back* was not so unconventional. Just a few years before, *A Hard Day's Night* (1964, dir. Richard Lester), a scripted film in which the members of the Beatles play themselves on tour, was one of the biggest hits of the year. Both films were essentially pre-sold properties with built-in audiences: fans of their respective artists' music. Like *A Hard Day's Night*, *Dont Look Back* has a well-known star—Bob Dylan—which many docs do not. Dylan's career and all the promotion surrounding it were essentially an advertisement for the film.

Not only is *Dont Look Back* a profile of a cultural icon on the rise, it is also about a musician. The connection between music, youth culture, and documentary is significant, and would continue to play a role in the commercialization of non-fiction films over the next several years. Musical performances offer distinct cinematic potential, and music documentaries allow fans to feel like part of the audience of a concert they did not attend. In addition, music documentaries can be cross-promoted with the musician's record label. In the case of *Dont Look Back*, *Billboard* magazine reported, "Columbia Records, which Dylan records for, is providing theaters with the artist's albums for play in the lobby and outside. Also, Columbia is working on numerous promotion tie-ins for the film."[55] This type of synergy may seem unusual for an independently-produced documentary, but it is indicative of the ways that entertainment companies large and small often partner to achieve mutual goals, like record sales and ticket sales. Leacock-Pennebaker was a totally new, unseasoned distribution company, but partnering

[54] Rick., "Review: *Don't Look Back*," *Variety*, June 14, 1967, 7.
[55] "Dylan Featured in Documentary Film," *Billboard*, September 16, 1967, 4.

with Columbia Records helped them immensely with the release of *Don't Look Back.* Columbia Records had clout, a network of salespeople on the ground, and ample time and resources for promotion.

Distribution companies at all levels—from small independent distributors to major studios—jumped on the music documentary bandwagon. Peppercorn-Wormser was a new company that principally dealt in sexploitation films and spaghetti westerns. But in 1967, it made a single foray into documentaries, acquiring music documentary *Festival* (1967, dir. Murray Lerner), about the Newport Folk Music Festival, after the film attracted crowds to a late-night screening at the San Francisco Film Festival.[56] A few years later, established independent distributor Cinema V acquired the Maysles' *Gimme Shelter*, which documented the free rock concert at the Altamont Raceway that turned deadly during the Rolling Stones' set. The two music documentaries I chronicle below—*Monterey Pop* and *Woodstock*—demonstrate the variable industrial positioning of the genre, even as it showed remarkable resonance with audiences.

After making *Dont Look Back*, Leacock-Pennebaker found additional success with *Monterey Pop*. Originally shot for ABC in 1967, the network rejected the film after it was unable to find sponsors.[57] ABC President Tom More also objected to the performances. According to festival organizer and record producer Lou Adler, "We showed him Jimi Hendrix fornicating with his amp and we said, 'What do you think?'… And he said, 'Keep the money and get out.' He said, 'Not on my network.'"[58] This response underlines the fact that, even though pop music

[56] The film features performances by folk superstars Joan Baez, Bob Dylan, Peter, Paul & Mary, Judy Collins, and Pete Seeger. *Variety* reported, "*Festival*, Murray Lerner's lyric documentary on the Newport Folk Festival drew the largest crowd, despite the fact it was shown at a special midnight screening after the regular program of Greece's *The Private Right*, directed by Michael Papas, and India's *The Hero*, by Satyajit Ray, both of which drew considerably less." "Upset U.S. Distribs' Emotional Bias; Fest-Panned *War* Opens Big in Frisco," *Variety*, November 8, 1967, 13.
[57] "ABC-TV Reject Making It Now As a Theatrical," *Variety*, January 1, 1969, 29.
[58] Paul Ingles, "A Look Back At Monterey Pop, 50 Years Later," *All Things Considered*, June 15, 2017, http://www.npr.org/2017/06/15/532978213/a-look-back-at-monterey-pop-50-years-later

documentaries were very marketable, their subjects were still unwelcome or risky on television. Ironically, ABC's rejection of *Monterey Pop* allowed its producers to reap great rewards at the box office: the filmmakers bought rights to the program from ABC and distributed it on their own. It then played at the 1968 Venice Film Festival, and Leacock-Pennebaker released it in theaters in late 1968. They paired it with a non-fiction short entitled *Chiefs*, about a police convention where cops openly discussed riot control. This light exposé of the "pigs" paired swimmingly with performances by The Who, The Mamas and the Papas, Jefferson Airplane, and The Jimi Hendrix Experience. In May 1969, *Monterey Pop* was going strong in New York City, and had spread to other markets. *Variety* reported, "[i]n its 17th week at the Kips Bay theatre in New York and continuing to pull in excess of $10,000 per at the box office, Leacock Pennebaker's *Monterey Pop* is now booked into 17 of the largest 24 U.S cities in 20 separate theaters."[59]

By pairing Direct Cinema methods with youth-oriented subjects, Leacock-Pennebaker found a way to move their documentary films into the theatrical market and the counterculture. The musical acts they filmed are now major icons of the 1960s, but at the time of the films' release, they were not fully accepted by the mainstream. Going to see *Dont Look Back* or *Monterey Pop* in theaters was a way for fans to participate in alternative culture.

Even after the high grosses of *Monterey Pop*, it was a struggle to make what would become the most iconic and highest-grossing music documentary of all: *Woodstock*. Maysles Films producer Porter Bibb tried to set up financing and a distribution plan prior to filming, which was to be done by the Maysles brothers. According to Kent E. Carroll of *Variety*, "After negotiating with everyone from private investors to majors (W7 and Metro) to indie distribs (Cinema V), Bibb was able to arrange sufficient funds (largely from private sources), but

[59] "TV-Scratched 'Pop' Goes A-Winging, Tied to Short On Riot Control, Mace," *Variety*, May 28, 1969, 26.

apparently could not get a comfortable front-money-for-distribution rights deal with either a major or indie distrib."[60] These fundraising problems were compounded by the fact that the musicians' performance contracts did not include film release, so the contracts had to be renegotiated. And while the box-office take of *Monterey Pop* encouraged interest from financiers and distributors, it also made the musicians request higher fees for film rights. Maysles Films pulled out right before Woodstock took place, and Michael Wadleigh and Eric Blackstead took over the filming. Once the importance of the event was apparent, Warner Brothers acquired rights to the film.

Woodstock certainly benefitted from the free publicity generated by the actual festival's legendary status, but because it was released by a studio, it also received significant paid publicity. While *Boxoffice* touted the "low cost" of publicity for *Monterey Pop*, like ticket giveaways via college radio stations and appearances by DA Pennebaker on local television, Warner Brothers saturated radio stations and newspapers (college, underground, suburban, and major urban dailies) with paid ads for *Woodstock*. It also took pains to differentiate *Woodstock* by actually claiming that it had more documentary value than other music festival films. As *Variety* reported, "Pic is not a 'performance film' in the *Monterey Pop* tradition. About half of *Woodstock* is devoted to actual music performances, the rest centers on the nation's youth and their experiences and behavior during that incredible weekend. It is this approach that is being stressed in the campaign."[61] Exhibitors also worked with the studio to stage large publicity campaigns. One such campaign was to be a happening outside the Coral Theatre in Coral Gables, FL, with red-carpet appearances by The Ace Trucking Company and Ike and Tina Turner, in addition to "a candlelight parade of 200 marching, peace-chanting hippies."[62] This event was to

[60] Kent E. Carroll, "Youth swarms, showmen shy: N.Y talks young, unknown acts," *Variety* August 20, 1969, 3.
[61] "Bally-High for *Woodstock*; See No Rolling Stones Angle; Clarify Production Relations," *Variety*, March 4, 1970, 7, 24.
[62] "Hippie Ballyhoo For 'Woodstock' Draws Soap Pie," *Variety*, April 1, 1970, 6.

be filmed and turned into a television promotion for *Woodstock*, but the mayor of the town canceled the event because he considered the film to be "a dirty movie." Even in 1970, there was establishment resistance to a major studio's music festival documentary on the grounds of its content.

In spite of some resistance, *Woodstock*'s business was phenomenal: the film set house *day* records in all theaters in the seven major markets where it premiered. While other documentaries posted impressive grosses like $7,000/week in a single theater, *Woodstock* pulled in between $4,000 and $8,700 per day when it was first released.[63] Exhibitors floated the idea of showing it 24 hours per day on the weekends, in order to accommodate more showings of the 183-minute film. New York City theatre-owners even charged high prices for it, confident that demand for the film warranted it. *Variety* wrote, "Prices for *Woodstock* seats in NY depend on viewing time, with a Fri.-Sat top of $5 for later performances. Theory is apparently that young people pay that much and more for rock concerts and will not resist for *Woodstock*. The top price is believed to be highest ever for non-roadshow in the city—with the sole exception of homosexual beaver houses which put the $5 bite on their patrons."[64] Audiences wanted to take part in the by-then-legendary music festival that they were willing to buy tickets that cost as much as tickets to view actual "dirty movies." By the end of 1970, *Woodstock* was the seventh top-grosser of the year, having earned $7.1 million.[65]

Film Industry Reactions & Predictions

The excitement around surprise box-office hits, the politically potent Social Cinema in America series, and the wave of new distributors led to breathless commentary on the popularity of documentaries and predictions for their future. By September 1967, *Variety* ran the headline

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[63] "'Woodstock''s Gladiator Fanfare Entrance; May Go Night 'n' Day; Also Possibility for Cannes," *Variety*, April 1, 1970, 6.
[64] "'Woodstock''s Gladiator Fanfare Entrance; May Go Night 'n' Day; Also Possibility for Cannes," *Variety*, April 1, 1970, 6.
[65] Syd Silverman, "330 Films Above $100,000 in US During 1970," *Variety*, May 12, 1971, 34, 37.

"Lightweight Camera 'Verité' Methods New Success in Commercial Play." The article drew attention to the record-breaking grosses of *Dont Look Back* and reported that "industryites are predicting that the next to break out big will be Allan King's 'Warrendale,' [a] Canadian documentary about an offbeat treatment center for emotionally disturbed children."[66] The sheer volume of documentaries released theatrically in 1967 led *Variety* to predict that there might be a "real rivalry" for the Academy Award for Best Documentary. Generally, so few documentaries were released theatrically in a single year that, "The result has often been a predictable victory for the sole entry which has enjoyed promotion and release."[67] *Variety* predicted that the award would be competitive because so many Direct Cinema films—*Dont Look Back, Festival, Titicut Follies,* and *Warrendale*—were released, in addition to documentaries made in a more familiar, traditional manner, like *Rush to Judgment* and *A King's Story*.[68] The trade journal also cautioned that, though the theatrical releases were visible and even profitable, they may not be nominated. "There's a certain priggishness about the Documentary Committee's choices which lead many to doubt that nominations will come the way of films about Bob Dylan, folk festivals or hellhole hospitals in Massachusetts."[69] While many of the Direct Cinema films became influential classics, their subject matter appeared too unpleasant or youth-centered to appeal to Academy voters. Indeed, *Festival* was the only Direct Cinema film nominated for an Academy Award.[70]

The discourse in such articles demonstrates the industrial conflation between Direct Cinema's stylistic innovations and their unconventional subjects. Though Direct Cinema became

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[66] "Lightweight Camera 'Verité' Methods New Success in Commercial Play," *Variety*, September 27, 1967, 4.
[67] "Multiplying Documentary Films, And Oscar's Puzzling Provisos, Poses Real Rivalry Come Spring," *Variety*, November 22, 1967, 4.
[68] *Warrendale* was not released theatrically by Grove Press until the following year, in September 1968, but because it had been shown at festivals, it was eligible anyway.
[69] "Multiplying Documentary Films, And Oscar's Puzzling Provisos, Poses Real Rivalry Come Spring," *Variety*, November 22, 1967, 15.
[70] It lost out to *The Anderson Platoon*, a documentary make for French television which aired on CBS in summer 1967, then was released in theaters in December 1967 by Pathe-Contemporary. It follows a racially-integrated platoon in Vietnam, under the command of an African-American. "Foreign Language Feature Reviews: *The Anderson Platoon*," *Boxoffice*, January 8, 1968, 10.

an influential style and manner of working, the subjects chosen by directors were more determinative of their market position than was the form. For example, after premiering at Cannes, where it shared the International Film Critics' Prize with *Blow-Up*, *Warrendale* had a successful run in Canada and played in the Social Cinema in America series. Grove Press acquired *Warrendale*, and opened it a year after the NYFF, in September 1968, at the reopening of its arthouse, the Evergreen. However, the well-regarded documentary did not come close to matching the box-office records of *Dont Look Now*. Journalists and film critics were excited about new Direct Cinema filmmaking techniques, and the unconventional topics they tackled, but in practice, the only vérité documentaries that crossed into the mainstream were those about pop culture.

Despite the lack of recognition from the American film industry, the rise in the number of theatrically-released documentaries inspired filmmakers to leave television behind and strike out on their own. In 1968, Bill Greeley, writing for *Variety*, reported that "Like the medium's reputable dramatists of a decade ago, video's notable documentarians are fleeing the stifling network confines like undernourished Devil's Island escapees."[71] Greeley considers the early 1960s a bygone golden age of television documentaries. He highlights a dip in the number of television documentaries being made and broadcast, and the two filmmakers named in his article, Doug Leiterman and Art Barron, confess their frustration with network executives delaying and shelving their films. Like many, both Leiterman and Barron were drawn to the freedom promised by the supposedly growing theatrical market for documentaries.

Non-theatrical Distribution of Documentaries

[71] Bill Greeley, "Docu-Makers Fleeing TV Scene For Well-Trod Road to 'Freedom'," *Variety*, May 15, 1968, 37.

In addition to the very visible excitement created by high box-office grosses and festival series, 1967 also saw new distribution companies and experiments in distribution, all of which would emphasize documentary films to some extent. However, most would conclude that theatrically releasing documentaries was a losing game, which led them to concentrate primarily on the non-theatrical market. Distributors built libraries of films, including documentaries, that could earn them slow but steady profits over years, rather than the high-cost hoopla and potential bonanza box-office of a smash success at the box-office.

Campus Market & Publishing Model

The appeal to college crowds is a familiar refrain in reviews of documentaries. For example, *Variety*'s review of *Warrendale* conjectures, "Its relentless theme makes this mainly a specialized item for commercial use, but arty houses might be attracted to it. It is a natural for colleges."[72] When reviewing *Festival* for *Variety*, Mosk. wrote that it "…carries both specialized and even art playoff use if rightly handled and placed. It's a natural for tv and schools."[73] He said the same thing about *Monterey Pop*, writing that it "Has fine specialized and school-showing legs, plus art playoff on its musical appeal and expert technical dress."[74] Overall, the college market helped prop up films that did not succeed theatrically, because of their unusual style or subject matter, including documentaries. In discussing the impact of the New York Film Festival on its fifth anniversary, *Variety* affirmed that its programming has helped grow awareness around and interest in specialty films: "In any case, there now seems to be a coterie of film buffs in big cities and on campuses throughout the land large enough to make a commercial dent."[75]

The power of the youth market, and the possibility of college playoff, was a crucial incentive for distributors to acquire documentaries. In her research on campus film culture,

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[72] "*Warrendale*," *Variety*, September 18, 1968, 26.
[73] Mosk., "Venice Film Festival: *Festival*," *Variety*, September 13, 1967, 6.
[74] Mosk., "Review: *Monterey Pop*," *Variety*, September 18, 1968, 28.
[75] "N.Y. Fest's Invisible Impact," *Variety*, September 6, 1967, 24.

Andrea Comiskey found that "the number of films exhibited on campuses increased significantly throughout the 1960s and, to a lesser extent, during the early 1970s."[76] Film festivals and film culture were two forces acting in tandem to drive the substantial growth in the campus market, and they promoted foreign-language films and documentaries in a volume disproportionate to their commercial presence. According to Comiskey, foreign films were played on campuses more often than any other type, making up 25 to 35% of films shown. Documentaries made up between 6.5 and 16% of the films played on campuses, being the fourth most common type after foreign language films, classic Hollywood films, and recent Hollywood films. While companies with large catalogs of 16mm films, like Audio Brandon, continued to service this market, new companies also formed as the market's value became clearer.

Pathe-Contemporary was one of the first companies to concentrate on the non-theatrical campus market, using theatrical release as a promotional loss-leader for their films' main profit center. Grove Press and National Talent Service followed suit later in the decade, experimenting with the independent distribution of documentaries and foreign films. While the early foreign-film importers had grown in size and stature, even partnering with Hollywood studios to produce films, these smaller distributors worked at the margins of the industry. They were intertwined with book publishing, and some distribution executives even admitted to using a publishing model to distribute their films—building libraries that could turn a profit over time, rather than focusing on initial theatrical runs to make the bulk of the money.

Companies with a focus on campus markets had a hand in theatrical distribution, as well, and this dual focus pushed many documentaries into the spotlight of theatrical distribution before they went to non- or semi-theatrical venues. Pathe-Contemporary is a pioneering example of this. The company was formed in 1963, with Duncan McGregor, VP of Rugoff Theatres and head of

[76] Andrea Comiskey, "The Campus Cinematheque: Film Culture at U.S. Universities, 1960-1975," *Post Script - Essays in Film and the Humanities* 30, no. 2 (Winter-Spring 2011), 39.

Pathe Cinema, which distributed 35mm films, and Leo Dratfield, head of Contemporary Films, which distributed 16mm films. The founders intended to distribute foreign features and shorts. The combination of theatrical and non-theatrical arms was instrumental in Pathe-Contemporary's survival in the increasingly crowded waters of the foreign film market; it is also one reason why it acquired many documentaries. Reporting on Pathe-Contemporary's business strategy, *Variety* wrote, "With the exception of Janus, Pathe Contemporary is the only indie distrib whose 35mm releasing activities are backstopped by its own 16m distributing arm which is become an increasingly important source of revenue for art pix in the U.S."[77] Realizing that residual revenue from foreign hits (either through reissue or campus play) would be extremely valuable, one of the company's first moves was to buy some "foreign classics," including *Ordet* (1955, dir. Carl Dreyer), *A Day in the Country* (1936, dir. Jean Renoir), *Open City* (1945, dir. Roberto Rossellini), and *The White Sheik* and *I Vitelloni* (1952 and 1953, dir. Federico Fellini).[78] It also acquired more obscure or challenging foreign films that had recently played at the NYFF, like *Gertrud* (1964, dir. Carl Dreyer) and *Woman in the Dunes* (1964, dir. Hiroshi Teshigahara).

This strategy also led Pathe-Contemporary to take on a number of documentaries, particularly cheap, foreign-made ones. The company experimented with releasing these documentaries in reverse order, licensing them for broadcast first, then releasing them in theaters. This move seems backwards in light of traditional release windows, but it speaks to both the undeveloped norms of documentary film releasing and the ability of a small company to nimbly adapt to changing circumstances. Pathe-Contemporary acquired *Over There—'14-'18* (dir. Jean Aurel), a documentary about World War I, and sold it to RKO General for broadcast on its five owned and operated stations. But once the film was nominated for an Academy Award, Pathe-Contemporary tried releasing it in theaters in 1965. *Variety* reported that it only had about

[77] "Rule for Imports: Never Over $50,000 Minimum Guarantee, Break at 100G; Pathe Contemporary 'Art' Strategy," *Variety*, August 4, 1965, 4.
[78] "Pathe Contemporary Gets 5 Classic Foreign Films," *Boxoffice*, July 5, 1965, 11.

50 theatrical playdates; "however, P-C's principal interest in acquiring the film was in its eventual 16m and tv playoff, so the indie distrib is not particularly downhearted about performance to date…"[79] For Pathe-Contemporary, the theatrical market was an experiment, and a way to generate publicity, prior to a non- or semi-theatrical release. The small, independent company had experience with specialized, niche releases, and it likely did not pour resources into "launching" *Over There—'14-'18*.

Pathe-Contemporary acquired *The War Game* (dir. Peter Watkins), a pseudo-documentary about the effects of nuclear war on a London suburb, under similar circumstances in 1966. *The War Game* had been produced for the BBC, but the BBC declined to broadcast it. It won the Academy Award for Best Documentary Feature in 1967, in spite of its fictional nature. In 1970, *Variety* called it the campus market hit of the past five years, which illustrates the length of time it could take to recoup investment from a film in non-theatrical release. Pathe-Contemporary hit the prestige jackpot again with *The Anderson Platoon* (dir. Pierre Schoendoerffer), a documentary about a squad of American soldiers in Vietnam, led by an African-American lieutenant. Made for French television, the film played on CBS in July 1967, then was picked up by Pathe-Contemporary later that summer. Pathe-Contemporary released it in theaters in December 1967, and it won the Academy Award for Best Documentary Feature in 1968.

In early 1968, the publisher McGraw-Hill bought Pathe-Contemporary, but allowed its founders to continue to run its day-to-day operations. McGraw-Hill already had a film division, so its purchase of the company consolidated the educational market. The purchase also indicated that Pathe-Contemporary's investment in foreign art films and documentaries was a good one, a valuable niche that McGraw-Hill wanted to add to its portfolio.

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[79] "Dirty Word—'Documentary'," *Variety*, July 7, 1965, 16.

Publishing company Grove Press had its own New York City arthouse theater, the Evergreen, when it got into the distribution business in 1966 by acquiring the Cinema 16 catalog. Subsequently, it acquired a number of films with literary pedigrees (*Finnegan's Wake*, dir. Mary Ellen Bute), as well as documentaries. *Variety* headlined its report on the new distributor "Ghetto and Hellhole Films: Grove Aims for Campus & Buffs,"[80] which encompassed both the subjects of the documentaries it acquired and the type of filmgoers it expected to attract. Three of Grove's earliest acquisitions dealt with current social problems: *The Troublemakers* concerns a black community organization in Newark; *The Game* is about teens in gangs in the South Bronx; *Titicut Follies* exposes the frightening conditions at a mental health institution. Grove began distributing *Titicut Follies* soon after its controversial debut in the Social Cinema in America series at the New York Film Festival. It also provided some production financing for *The Queen*, about the 1967 Miss Drag-Queen America pageant, which it then released theatrically in 1968.

Already in 1967, Grove saw synergy between its book publishing and film distribution arms: "Miss Zornow reports that though Grove has only been in film distribution since March they've already noticed that some college bookstores will stock up on a Beckett or Ionesco volume when one of the films is showing at the film society. It works the other way too: an English professor will rent a film in order to supplement a class reading assignment."[81] The head of Grove Press, Barney Rosset, also indicated that its film distribution would follow a publishing model, wherein the company's library would provide slow but growing revenue over time. He told *Variety*, "Why, *Waiting for Godot* sold 300 copies its first year and 5,000 last month… and I'm sure a similar thing will happen to some of our films."[82] Though Grove released a number of films theatrically, this faith that the value of some of its films would grow, rather than decrease

[80] Stuart Byron, "Ghetto and Hellhole Films: Grove Aims for Campus & Buffs," *Variety*, October 11, 1967, 5, 24.
[81] Stuart Byron, "Ghetto and Hellhole Films: Grove Aims for Campus & Buffs," *Variety*, October 11, 1967, 24.
[82] Stuart Byron, "Ghetto and Hellhole Films: Grove Aims for Campus & Buffs," *Variety*, October 11, 1967, 24.

after the initial burst of excitement, is predicated partly upon the stability of the campus market for films, including documentaries.

This publishing model did not prevent Grove from trading on allusions to adult themes in its ads, similar to the marketing of *Mondo Cane*. In a November 1968 ad in *Variety*, large type reads, "Grove Press presents another four-letter word - 'Film.'"[83] Beneath "Film," in parentheses and a smaller type, reads, "the other one, of course, was 'book.'" This cheeky ad alludes to the curse words that were forbidden on television, and it recalls the advertisements for "frank" foreign films during the past two decades. The difference is that two out of the four films in the ad were documentaries: *Warrendale* and *The Queen* (the other two: *Beyond the Law* [dir. Norman Mailer] and *Weekend* [dir. Jean-Luc Godard]). This points to the cultural category that documentaries could be slotted into at this point—as shocking exposés meant for adults only, as a glimpse into an unusual/deviant subculture. Grove treaded the same water with its successful theatrical release of *Freedom to Love*, an English-language West German documentary about sexual health and liberation. Similar in content to its box-office smash (and censorship bait) *I Am Curious (Yellow)*, it was one of the last films that Grove released theatrically. In 1971, *Variety* reported that Grove was no longer acquiring films for theatrical release: "Main thrust for the film division now is in nontheatrical sales, and for that market films are still being acquired."[84] While Grove had used theatrical release as a publicity tool and loss-leader for its non-theatrical business, by the early 1970s, it was feeding its documentaries and fiction films straight to the non-theatrical market.

Another new company formed in 1969 with aspirations to dominate the nontheatrical market: National Talent Service. The three founders promised to treat the nontheatrical market as a commercial market, doing away with the customary flat rate that large catalogs of 16mm used.

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[83] Ad, "Grove Press," *Variety*, November 13, 1968, 20.
[84] "Grove Press Cuts But Not Its Film Sector," *Variety*, May 26, 1971, 4.

For example, NTS rented its first release, the Maysles' *Salesman*, for a $500 guarantee, plus $50 of the gate. Higher rental rates required bigger audiences and more publicity for the events on campuses, rather than the more haphazard showings that extremely low rental rates, like $7.50 flat, allowed for. This approach seemed to work, at least for *Salesman*. The Maysles had initially formed their own distribution company to release the film, premiering it in New York City in April 1969 with a benefit for Cesar Chavez's grape pickers union and sneaking it first on television stations in other areas. It garnered rave reviews and played at prestigious festivals, including Berlin and Mannheim. But the documentary, self-financed for $195,000, was not very successful, and after about seven months, the Maysles sold it to National Talent Service. The first nine months of *Salesman*'s nontheatrical release earned $50,000, while likely bearing much lower overhead costs than a theatrical release would.

National Talent Service also picked up other documentaries for its slate, including *Birth and Death* (1968, dir. Arthur Barron) which was funded and originally broadcast on National Educational Television, and *Lenny Bruce Without Tears* (1972, dir. Fred Baker). Though NTS's founders predicted that nontheatrical would be a $100,000,000 business by 1979, they were already pivoting to embrace the possibilities of video by 1973. It became the Video Tape Network, which provided video programming to over 200 college television stations. One of its main sources of programming was NBC News, which licensed all of its current public affairs programs, and a selection of past news documentaries, to VTN for air on college stations right after network broadcast.[85]

While more distribution companies acquired documentary features than every before, many found more success circulating them through the nontheatrical market than the extremely

[85] Bob Knight, "Video Tape Network Making It On Campus With Original, Off Net Fare," *Variety*, July 18, 1973, 26.

competitive and crowded theatrical market. The growth in campus film societies, and in the number of college students more generally, drove the nontheatrical market.

Experiments in Distribution

> *"In the final analysis, the filmmaker is the primary distributor anyway. Unless the basic mistake of signing away all territories and media to a non-theatrical distributor in a 'standard' contract has been made, it is the filmmaker who will have to try and get TV exposure, a theatrical exhibition (as a loss leader for 16mm rentals—theatrical exhibition generates a lot of attention but nets very little in most cases) or New York showcase (I.e., Film Forum, Whitney Museum, etc.), a cable television sale, videodisc sale, or any foreign sale. It is also the filmmaker who will probably be responsible for any extraordinary publicity or non-standard review of the film, and for entry into festivals."*[86] –Ira Halberstadt on self-distribution, in 1977 book on *16mm Distribution*

As Ira Halberstadt argues in the quote above, the independent filmmaker is the primary distributor of her film. Even when a distribution company acquires some rights, the filmmaker is responsible for much of the publicity and for moving the film through windows beyond the initial release, like non-theatrical, television, and video. This fact remained true for documentarians in the 1960s and 1970s. At the same time as non-theatrical distributors were successfully exploiting the campus market, other groups were experimenting with alternative methods of distribution. Rather than surrendering their work to a commercial distributor, even one focused on the non-theatrical market, a number of documentary filmmakers were intent on distributing their films though more personal channels.

In 1966, Jonas Mekas, Shirley Clarke, and Lionel Rogosin founded the Film-makers' Distribution Center. While the Distribution Center's sister organization, the Film-maker's Cooperative, continues to this day as the primary distribution vehicle for American avant-garde films, Mekas, Clarke, and Rogosin aimed for a more professional, efficient operation in order to

[86] Ira Halberstadt, "A Look at Self-Distribution," in *16mm Distribution*, edited by Judith Trojan and Nadine Covert (New York: Educational Film Library Association, Inc., 1977), 69.

capitalize on theatrical exhibitors' interest in independent and experimental film. The Film-maker's Coop would continue to service non-theatrical venues, while the Film-makers' Distribution Center would concentrate on the theatrical market. Thought it was a non-profit, the Film-makers' Distribution Center operated more like a commercial venture than did the Film-maker's Coop. Kreul writes of these distinctions, "While the Cooperative rented films at a fixed flat rate determined by the filmmaker, the Distribution Center had the authority to negotiate guarantees and box office percentage rentals with theatrical venues. And, finally, while it was against Cooperative policy to promote individual films and filmmakers, the Distribution Center could promote individual films and provide publicity materials to theatrical venues."[87] The Distribution Center's biggest success, by far, was *The Chelsea Girls* (1966, dir. Andy Warhol), but it also distributed documentaries.

Clarke, Mekas, and Distribution Center executive director Louis Brigante curated a group of independent documentaries into what was meant to be an ongoing series called *America Today*. In late 1966, the documentary showcase had a gala premiere to benefit the Newark Community Union Project, then had a theatrical run at the Film-Maker's Cinematheque. Included in *America Today* were the following films: *Newsreel: Report from Milbrook* (Jonas Mekas), *Troublemakers* (Robert Machover and Norman Fruchter), *Time of the Locust* (Peter Gessner, about Vietnam), *Now Do You See How We Play?* (Robert Fiore, about an East Harlem teen gang), *Mass* (Bruce Baillie, also known as *Mass for the Dakota Sioux*). While the *America Today* series was overshadowed by the popularity of *The Chelsea Girls*, Grove Press later acquired *Troublemakers*, and a number of the filmmakers—Fruchter and Gessner—went on to form the overtly political film collective Newsreel.

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[87] James Kreul, "New York, New Cinema: The Independent Film Community and the Underground Crossover, 1950-1970" (dissertation, University of Wisconsin-Madison, 2004), 384-5.

The Distribution Center also released a more formally adventurous documentary made by co-founder Shirley Clarke: *Portrait of Jason*. A vocal critic of cinéma-vérité techniques, Clarke designed *Portrait of Jason* as a rebuke of the increasingly popular style of documentaries. She said in an interview that she made the film "to show Ricky [Leacock] and Penny [Pennebaker] the flaws in thinking about cinéma vérité. . . . If you take 12 days of shooting and edit only the climax points, you get crap. My theory was you didn't take out the 'boring bits'."[88] *Portrait of Jason* premiered at the 1967 New York Film Festival in the main schedule, not the separate series of Social Cinema in America. Following the premiere, *Portrait of Jason* opened at the Distribution Center's new theatrical venue, the New Cinema Playhouse. Despite strong reviews and extensive advertising, the documentary returned disappointing grosses, averaging only $1,300 per week during its first three weeks.[89] The failure of the political documentary series and Clarke's documentary feature hurt the Filmmaker's Distribution Center, demonstrating that only Andy Warhol's films had the ability to cross over from film societies and campus showings to commercial theaters. Like the commercial distribution companies above, the Filmmaker's Distribution Center had aimed its films, including documentaries, at the theatrical market, but it ended up only gaining traction in non-theatrical exhibition sites.

Frederick Wiseman, who has been self-distributing his work via Zipporah Films since 1971, found a more sustainable method of alternative dissemination. With stable production financing from PBS, Wiseman is less incentivized to license his work to a commercial distributor, in hopes that the publicity, positive reviews, and good box-office numbers would allow him to make his next film. Rather, Wiseman has taken a more conservative path, preferring to handle his own distribution rather than subject his films to the vagaries, or possible breakthrough success, of a distribution company. Following sold-out screenings of *Titicut Follies*

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[88] "Shirley Clarke: Image and Images," *Take One* 3.2 (1970), 20–24.
[89] James Kreul, "New York, New Cinema: The Independent Film Community and the Underground Crossover, 1950-1970" (dissertation, University of Wisconsin-Madison, 2004), 485.

at the 1967 New York Film Festival, and the theatrical distribution of the film by Grove Press, WNET commissioned Wiseman to make *High School* in 1968. This was followed by individual commissions from WNET for *Law and Order* (1969), *Hospital* (1970), and *Basic Training* (1971).[90] Then in 1972, WNET signed Wiseman to the first of two successive five-year contracts, which provided production financing for nine more films.[91]

Brian Winston suggests that Wiseman attained this patronage from WNET because he was in the right place at the right time. To Winston, Wiseman's documentary features are apolitical because they lack social context and direct analysis of current issues, and this made them attractive to the newly-formed Corporation for Public Broadcasting. Winston supposes, "If the filmmaker could bring the frisson of controversial works without actually causing any real problems that would be ideal."[92] Whatever the reason, Wiseman has had a unique relationship with public broadcasting, and the stability of this relationship has likely informed his decision to self-distribute his work in other markets. Wiseman does not need the resources of a commercial distribution company because his work has a guaranteed broadcast outlet, and box-office revenues do not determine whether he will be able to finance his next film.

In an interview, Wiseman enumerated his reasons for self-distributing his films through Zipporah. He recounts problems he had with distribution companies, like inaccurate accounting and money being withheld from him. He says, "I felt the situation couldn't be any worse if I just hired somebody to distribute my films for me. So…I began to do it myself, and it has worked out quite well. First, I've got somebody who really likes the films; second, whatever mistakes are

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[90] Bryan Winston, "'A riddle wrapped in a mystery inside an enigma': Wiseman and Public Television," *Studies in Documentary Film* 3, no. 2 (2009), 100.
[91] These are the nine films: *Essene* (1972), *Juvenile Court* (1973), *Primate* (1974), *Welfare* (1975), *Meat* (1976), *Canal Zone* (1977), *Sinai Field Mission* (1978) *Manoeuvre* (1980) and *Model* (1981).
[92] Bryan Winston, "'A riddle wrapped in a mystery inside an enigma': Wiseman and Public Television," *Studies in Documentary Film* 3, no. 2 (2009), 100.

made are honest mistakes; and third, whatever money there is at least I get it."[93] Having a distributor who cares about the films and advocates for them is a major incentive for filmmakers to self-distribute. One reason Wiseman has been able to sustain his self-distribution operation is because he has made many documentaries, thus he has a small catalog of films. Self-distributing a single film would make overhead costs prohibitively expensive, but spreading the costs over a collection of films makes the venture more viable. This principle undergirds the political film collectives discussed in the next section.

Production and Distribution of Political Documentaries

The realm of political documentary in the 1960s and 1970s presented its own challenges in the realm of distribution. Political filmmakers must determine the best way to reach audiences, and which audiences are the most important to reach. Some political filmmakers rely primarily on commercial distributors to circulate their films, while others decide that forming collectives is more efficient and politically potent.

One important political documentarian of the 1960s and 1970s is Emile de Antonio, who worked with commercial distributors to circulate his work. De Antonio distributed his films through a number of commercial companies, including foreign-film importer Walter Reade-Sterling (*Point of Order*), short-lived independent distributor Impact Films (*Rush to Judgment*), and the experimental Cinetrees (*In the Year of the Pig*). Completed in 1969, in the thick of both the undeclared war and the growing anti-war movement, *In the Year of the Pig* was de Antonio's most confrontational and topical film up to that point—a collage film that lays bare the political systems and capitalist machine that led to America's involvement in Vietnam. Though de Antonio predicted that the film's primary market would mostly be non-theatrical venues, including campus screenings and political rallies, Cinetrees experimented with theatrical release

[93] Ira Halberstadt, "A Look at Self-Distribution," in *16mm Distribution*, edited by Judith Trojan and Nadine Covert (New York: Educational Film Library Association, Inc., 1977), 64-5.

by making specialized, focused publicity efforts in one city, Boston. Once that experiment was over, yielding limited success, McGraw Hill/Pathe Contemporary acquired the rights to distribute *In the Year of the Pig*.

While de Antonio partnered with commercial distributors of various sizes to distribute his films, other political filmmakers decided to circumvent the established order and form their own production and distribution collectives. Newsreel was one of the most important and visible of these, formed in 1967 by a group of independent filmmakers.[94] They initially called their production company Blue Van Films, then Alpha 60, before settling on Newsreel. Though they produced actual newsreel-type films that showed current events like demonstrations and tactical films that taught techniques to activists, most of Newsreel's films were analytical—they were documentaries. In addition to its own productions, Newsreel acquired films from abroad, like *US Techniques and Genocide in Vietnam* (made in North Vietnam) and offered other filmmakers' works on a non-exclusive basis. For example, Cinda Firestone distributed *Attica* through the commercial distributor Tri-Contintental Films, but also made it available through Newsreel. Norberto Lopez made a documentary called *GI Jose* (1974) for *Realidades*, a Spanish-language show on WNET; Newsreel later picked it up and distributed it. Newsreel also distributed the controversial CBS News production, *The Selling of the Pentagon* (1971).

When Newsreel was founded, it tried to emulate commercial distribution practices. Bill Nichols describes, "As a natural consequence of their previous experience with distribution and of their concern for offering masses of people an alternative to the 6 o'clock news (which replaced the equally repugnant *March of Time* series of the Film and Photo League's era), there were plans to engage in theatrical distribution and to link up with the established 16mm circuits

[94] Newsreel started in New York City, then had outposts in Boston, San Francisco, Atlanta, Detroit, Chicago, and Los Angeles. Newsreel (New York) also underwent an enormous change in leadership and membership in 1972, becoming more focused on issues relating to race and class. It changed its name to Third World Newsreel at this time.

of college and film buff audiences. …For the most part, however, Newsreel found access to the established distribution channel clogged or unsuitable and the occasional theatrical screening (at the Elgin, the New Yorker, the Gate and The Film-Maker's Cinematheque) served more a fund-raising function than an ongoing, preferred form of release."[95] This inability to access ordinary channels of distribution reflects the industry's growing interest in non-theatrical markets, like college campuses, which made it more difficult for small distributors to enter them with any regularity. Rather than concentrate their efforts on distributing work to arthouses, where they could reach a great quantity of people and gain favorable reviews in daily newspapers, Newsreel turned directly to political organizers and leaders of social movements. Newsreel aimed to make their films an aggressive, confrontational organizing tool for political leaders. Members of Newsreel would lead discussions following a screening, a task later taken over by the political organizers themselves.

Newsreel's pricing also reflected its focus on political efficacy rather than profit or prestige: "Newsreel sought out and encouraged the audience it wanted to reach with flexible rates that varied from nothing to listed catalogue prices (about $1/minute)."[96] While Newsreel's priority was getting its films to political groups and community organizations, a majority of its rentals went to college groups, even after its seismic shift in focus from white, middle-class issues to those affecting working-class and Third World people in the United States and around the world. According to Nichols, Newsreel had about 2000 bookings in 1974, and reached at least 20,000 people.[97]

A few years after Newsreel was founded, another political film collective sprang up from the ferment of the women's movement: the still-operating New Day Films. Like Newsreel, New

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[95] Bill Nichols, "Newsreel: Film and Revolution" (master's thesis, University of California Los Angeles, 1972), 55-6.
[96] Bill Nichols, "Newsreel: Film and Revolution" (master's thesis, University of California Los Angeles, 1972), 97-8.
[97] Bill Nichols, *Newsreel: Documentary Filmmaking on the American Left* (New York: Arno Press, 1980), 32.

Day used a sliding scale for rentals to women's groups, and they charged no fees to women's prisons that wanted to show their films. The filmmakers often also lectured or led discussions following film screenings. Otherwise, New Day is different kind of organization, that allows for equal measures of autonomy and collectivity. A steering committee, made up of filmmakers, runs the operation and decides on policies. Filmmakers make films on their own, then pool their work in a catalog to market it more efficiently. In the end, though, each filmmaker retains control and actually distributes her work individually. "And they retain 100 percent of their royalties, minus 20 percent for the co-op's operational costs."[98] While Newsreel strove to be fully democratic and collective at every level, New Day uses cooperation strategically.

The importance of personal contact with audiences and retaining control over one's own work is clear in an anecdote about New Day co-founder Julia Reichert distributing *Growing Up Female*, her first film. "My partner, Jim Klein, and I didn't think about showings in museums or a theatrical release. We saw that film as a tool to help the women's movement grow. My whole thrust was to get it to colleges, high schools, YMCAs, churches. I went on the road with it. I had one print. I went to Cleveland where I had friends in the women's movement, and they arranged showings in people's living rooms."[99] Reichert's account of traveling around the country with a single print of *Growing Up Female* sounds almost evangelical, like a circuit-riding preacher spreading the word to rural communities. It also points to the concept of feminist documentaries as useful media, made to achieve specific ends. These political goals were the reason Reichert and Klein decided to self-distribute, even though professional distribution companies were

[98] Cyndi Zale, "Chicago Filmmakers Find Options In Non-Theatrical Distribution," *Backstage*, December 12, 1986, 57.
[99] Interview with Julia Reichert, in *Women of Vision: Histories in Feminist Film and Video*, edited by Alexandra Juhasz (Minneapolis: University of Minnesota Press, 1997), 124.

interested in the film. “We met distributors and heard their offers. We felt as though we would be giving up our work. We would be handing it to others, all men, who did not share our goals.”[100]

Instead of relinquishing control of their work, Reichert and Klein founded New Day Films in 1971, along with documentary filmmakers Liane Brandon (*Anything You Want To Be)* and Amalie Rothschild (*It Happens to Us*). Over the years, New Day has grown enormously, and its catalog has branched out from feminist films to a range of social-issue documentaries.[101] Like Newsreel, New Day’s contracts are not exclusive—filmmakers can sell theatrical or broadcast rights to other companies. Such is the case with New Day’s relationship to Kartemquin Films. Established in 1966, Kartemquin’s first film was *Home For Life*, which played in the Social Cinema in America series at the 1967 New York Film Festival. Until the mid-1970s, Kartemquin itself operated as a collective production company, and it self-distributed some of its titles. After the dissolution of the collective and reorganization, the leaders of Kartemquin sought to consolidate its distribution activities. In 1980, they applied to have the film *Taylor Chain: Story of a Union Local* (1981) distributed non-theatrically by New Day, beginning a long-standing, non-exclusive partnership. The film had received some funding from the Film Fund and TV Lab’s *Non-Fiction Television* series. It had also been rented by California Newsreel a number of times in 1981 and 1982. While later films by Kartemquin have gone into regular theatrical distribution with commercial distribution companies—most notably, *Hoop Dreams* (1994, dir. Steve James) with Fine Line Features—New Day has continued to represent Kartemquin’s films on the non-theatrical market.

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[100] Interview with Julia Reichert, in *Women of Vision: Histories in Feminist Film and Video*, edited by Alexandra Juhasz (Minneapolis: University of Minnesota Press, 1997), 125.

[101] “Today New Day Films is a cooperative collective of over 150 filmmakers and over 200 films that touch on a wide array of social issues including disability rights, feminism, freedom of information, gender equality, globalization, juvenile justice, prisoner rights, queer culture, immigration, sexuality, and the arts, among many others.” John Abraham Stover, “The Intersections of Social Activism, Collective Identity, and Artistic Expression in Documentary Filmmaking” (dissertation, Loyola University Chicago, 2012).

The founding of Newsreel and New Day Films marked the beginning of two non-profit institutions that would support the circulation of documentary features for many decades. Neither are commercial distribution companies; rather, they offered shared expertise and overhead for mostly nontheatrical distribution. The various strategies they used represent different options for politically-oriented filmmakers in an era without many options for circulating independent work.

Conclusion

The Direct Cinema documentaries of the 1960s have become some of the most revered documentary films of all time. But when first made, their market position was decidedly precarious. Television networks shied away from independently-produced documentaries because they wanted their news departments to have editorial control over the documentaries and news programs they broadcast. Cinephiles and film culture were more welcoming to the Direct Cinema films made by Drew and his associates. As a result of positive film criticism and a New York Film Festival series called The Social Cinema in America, the film cultural marketplace accepted and highlighted the work of Direct Cinema filmmakers.

Foreign-film importers had better luck in distributing touristic documentary features like *Mondo Cane*, in the early 1960s. Later in the decade, the theatrical distribution success of *Endless Summer* and *Dont Look Back* led to an uptick of industrial excitement around documentary cinema. While box-office success was limited to those films that highlighted countercultural topics or pop icons, the distribution experiments inspired by this excitement were important and would have lasting effects. For one, the mainstream success of music documentaries led Hollywood to pluck one of the most promising documentaries from the independents: *Woodstock*. Television documentarians were inspired to leave comfortable network jobs in the hopes of finding more freedom and control of their work in the theatrical marketplace.

Finally, the explosive growth of the campus market greatly benefited documentary films and their makers. More companies focused on college audiences cropped up, and they used theatrical release as a preview for the more stable and lucrative non-theatrical market.

In spite of these developments, the market for documentary films remained a mostly fragmentary and marginal one. There were no stable institutions to support the continued making and release of documentaries. While the three television networks produced news and public affairs shows, they had a decidedly journalistic bent, and these non-fiction programs only rarely crossed into the theatrical market or the cultural marketplace of cinema. Public television was roiling with internal conflict as the educational television system turned into the Public Broadcasting Service, and it did not yet have a stable funding mechanism or broadcast outlet for documentaries. The theatrical release of documentaries remained fairly rare, and the commercially successful release of a documentary was a rare event indeed.

Chapter 2: 1978-1989

Introduction

In the fragmentary landscape of the 1960s and 1970s, documentary filmmakers had few options for distributing their films. Now-canonical documentaries like *Gates of Heaven* (1978, dir. Errol Morris)*, Grey Gardens* (1975, dirs. Albert and David Maysles)*, Not a Pretty Picture* (1976, dir. Martha Coolidge), and *The Chicago Maternity Center Story* (1976, dirs. Gordon Quinn and Jerry Blumenthal) were barely considered worthy of theatrical release. However, by the end of the 1980s, a documentary about labor issues, directed and fronted by a filmmaker with an outsized personality, was being distributed by a studio: Warner Bros paid $3 million for the exclusive rights to *Roger & Me* in 1989 (dir. Michael Moore). Warner Bros put its strong backing into distributing and publicizing Moore's film, ensuring that it played in mainstream theaters, beyond the urban arthouse and the university cinema. It was broadcast nationally on PBS and sold a record number of copies on home video. While this level of success was anomalous, it did indicate that the ceiling on the documentary market had risen substantially. Other documentaries released around the same time, like *The Thin Blue Line* (1988, dir. Errol Morris), *Let's Get Lost* (1988, dir. Bruce Weber), and *Paris Is Burning* (1990, dir. Jennie Livingston), had substantial success in theatrical distribution and easily found their way to national broadcast and home video.

What changed over those fifteen years? How did documentaries go from cinema non grata, films that seemed suitable only to rally the troops at union hall meetings and educate in university classrooms, to commercial products so potentially profitable that distribution companies fought to acquire and exploit them in theaters and ancillary markets?

During this period, from the late 1970s to the late 1980s, the two areas that affected this change most substantially were the rise and solidification of the American independent film

movement and the maturation of the national public broadcasting service. The growing power of the American independent cinema movement profoundly influenced the market position of documentaries during the 1980s. While American indie cinema is generally associated with fiction films, documentaries were able to access many of the same networks and support systems, and to take part in the redefinition of independent film in the US. In the late 1970s and early 1980s, a number of independent documentarians self-distributed their films. They then gathered their knowledge and resources gained in the self-distribution process to found First Run Features in 1980. First Run was part of a crop of new distribution companies that took advantage of the growing market for independent cinema. Other independently-owned companies formed around the same time included Cinecom and Island/Alive. In the early 1980s, the studios also opened specialty divisions to exploit the market for foreign and independent films: United Artists founded UA Classics; Columbia and Gaumont founded Triumph Films; Universal founded Universal Classics; Fox founded Twentieth Century Fox International Classics; and Orion, which is not a studio, founded Orion Classics. Not all of these distributors acquired documentaries, but all participated in the growth of the independent film market, which indirectly grew the possibilities for documentary films.

The visibility and commercial success of indie fiction films is significant, but in some accounts, it has fully eclipsed the slower, equally seismic developments in public broadcasting happening simultaneously. After a major reorganization and consolidation of the system in the late 1960s, the late 1970s saw PBS and its affiliate stations confronted by a powerful lobby of independent filmmakers who wanted more access to the system's financing and audiences. Though the station managers and programmers would have preferred grant money to be funneled through them, rather than supporting unaffiliated productions, PBS and CPB tried many ways to strike a balance between the stakeholders. By the end of the 1980s, they had settled on the

documentary anthology series *P.O.V*, which provided both production funding and a national primetime broadcast to independent documentary films, conditions still in place today.

The primary causal mechanisms for the growth of the multilayered market for documentary features in the 1980s were the American independent film movement and the maturation of the American public television system. Secondary to these overarching changes were new advocacy groups, granting agencies, and non-profit organizations that supported documentary filmmakers during this era. They began to build an infrastructure for the production, distribution, and exhibition of documentary films in the United States, in tandem with the development of the theatrical market and public broadcasting.

This time period is also notable for the growth of cable television access and home video technology, two developments that eventually reshaped the film and TV markets. However, their impact on documentary distribution was not immediate. Although cable was viewed with great hope by documentarians (and independent filmmakers generally), it did not prove to be a consistent source of funding or exhibition for documentaries during the 1980s. Nor did video much affect the market for documentaries at this point; 16mm continued to be the main non-theatrical distribution method.

In order to understand how the market for documentary features changed in the 1980s, I trace the development of the independent film movement and the public broadcasting system. Though I use the term "market," it is important to note that there is more to it than a rationalized system of commodity exchange. The feature documentary market has a parallel and symbiotic element to it: the concept of public service. Some agents of this market, like distributors, are explicitly interested in documentary features as commodities that can be exchanged for profit like fiction features. Other agents, like non-profit organizations, are more interested in producing and circulating documentary features as a form of public service—a way to promote alternative

ideas and cultural forms. Documentarians themselves must decide which goal to reach for, or try to balance them both. In this chapter, I show how the development of the independent film movement helped integrate documentary features into a rationalized system of commodity exchange. I also explain how, simultaneously, documentarians and advocacy groups worked to make the broadcast of independent documentary features part of PBS's public service mission.

New Distributors & Independent Models

Documentaries in the Context of American Independent Cinema

A number of scholars have investigated the rise of American independent cinema, and explicated its contours at particular times in history, but so far, documentaries have not been fully included in histories of the rise of American independent cinema. Emanuel Levy mentions documentaries in his chapter on feminist indie film, noting that directors like Penelope Spheeris, Martha Coolidge, and Joyce Chopra began their careers making documentaries before they moved into fiction filmmaking. This implies that their documentary films were not a significant part of independent film history. Nor does Levy position documentaries about queer Americans as vibrant aspects of independent film history, with an important spot in the growing marketplace. Rather, regarding *Word Is Out* and *Gay USA*, he writes, "Aired on public TV, and seen mostly by gay viewers, ultimately these documentaries failed to realized their potential as consciousness-raising tools to reach those outside the gay community."[1] While these documentaries did not, on their own, erase bigotry and homophobia, Levy ignores their relative success: being distributed theatrically and broadcast nationally was a significant achievement for an independent film, fiction or documentary, in the late 1970s.

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[1] Emanuel Levy, *Cinema of Outsiders: The Rise of American Independent Cinema* (New York: New York University Press, 1999), 447.

Though he covers 300 films in *Cinema of Outsiders*, Levy excludes documentary films, along with other types of movies that he explicitly argues are outside the purview of this era of indie film, like B-movies, straight-to-video movies, genre films, TV-like movies, and costume and historical films. Similarly, documentaries receive only cursory mention in Geoff King's *American Independent Cinema*. Although King admits that documentaries travel along the same lines to theatrical distribution and exhibition as independent films, he justifies excluding them because fewer of them are breakout/crossover hits.[2] To King, documentary is important to indie cinema because it influenced the style of many fiction films, not as an element of the indie cinema market itself. But this is a strange exclusion, since so many documentary films were distributed by the same companies in the same manner as the fiction films that Levy and King position as central to the movement.

Indeed, when reading the trade journals at the beginning of the 1980s, one is struck by the prominence of documentaries to the nascent independent film movement. In 1980, a front-page headline in *Variety* proclaimed, "Indie Filmmakers Go Commercial." Stephen Klain, author of the article, points to a crop of eight independent films trying to make it in the mainstream market. Six out of the eight films are documentaries, and all fit the emerging definition of independent cinema: "regionally produced and tied to an overriding social and/or political consciousness," with "'entertainment value' only a secondary consideration" for the filmmakers.[3] In both subject matter and market position, documentaries were equal to fiction films in the early days of the independent cinema.

Similarly, in a 1981 *American Film* feature about independent film, entitled "Ordinary People, European-Style," Annette Insdorf identifies both fiction and documentary filmmakers as

[2] Geoff King, *American Independent Cinema* (London: I.B. Tauris, 2005), 255.
[3] Stephen Klain, "Indie Filmmakers Go Commercial," *Variety*, March 5, 1980, 46.

leaders in this new independent film movement.[4] She first profiles documentarians Ira Wohl (*Best Boy*) and Maxi Cohen and Joel Gold (*Joe and Maxi*) alongside fiction directors John Hanson, Rob Nilsson, and Victor Nunez, all of whom had the chance to make deals with the majors but rejected the constraints the studios would have placed upon them. In addition to highlighting this rebellious/DIY attitude, which would later become ingrained in the discourse of the emerging independent cinema, Insdorf compares their work to that of other filmmakers who fit traditional definitions of "independent." She writes, "The films of these directors are in fact not commercial in the studio sense, and this distinguishes them from filmmakers like George Romero, Tobe Hooper, John Carpenter, and David Cronenberg, who to one degree or another exist outside the industry orbit, but whose affection for Grand Guignol, violence, and sex has attracted commercial money. *Northern Lights* and *Best Boy* are not 'portfolio' films made for the purpose of hopping to Hollywood."[5] Not only are these independent films made without the help of studio financing, Insdorf notes, but the alternative nature of their subject matter or style is meant to appeal to audiences by being something *other* than studio films. Documentaries were central, not peripheral, to American independent cinema at the very moment when commentators were formulating this new and soon-to-be-dominant definition of independence.

Barriers to the Theatrical Marketplace

In the late 1970s and early 1980s, both fiction and documentary independent films faced huge challenges breaking into the commercial market. As Michael Newman writes, since the late 1980s, "the idea of independent cinema has achieved a level of cultural circulation far greater than in earlier eras, making independence into a brand, a familiar idea that evokes in consumers a

[4] Annette Insdorf, "Ordinary People, European-Style, or How to Spot An Independent Feature," *American Film,* September 1981, 57-60.
[5] Annette Insdorf, "Ordinary People, European-Style, or How to Spot An Independent Feature," *American Film,* September 1981, 58.

range of emotional and symbolic associations."[6] This idea was much less familiar before. As one commentator counseled in 1981, "The high-minded intentions of films like *The Boss' Son* and *Northern Lights* work against them, not because the movies seems too radical, but because hard-nosed exhibitors often view them as an indulgence of the rich and spoiled, 'grant pictures' or 'rich uncle pictures,' 'movies which have collected money from everywhere except ticket sales,' as one theater owner puts it."[7] Exhibitors were suspicious of films made outside the normal channels, and they did not trust independent filmmakers to have the bottom line in mind. Even after the much-publicized breakout success of an independent film like *The Return of the Secaucus Seven*, the lack of a fully-formed discursive context for independent films, not to mention the lack of sturdy commercial enterprises throwing their weight behind the films, discouraged most exhibitors from taking chances on independent films.

Filmmakers reported experiencing this kind of attitude when trying to book their films in theaters. Deborah Shaffer, co-director with Stew Bird of *The Wobblies* (1979), relates her experience in self-distribution as follows: "The exhibitors said, 'A documentary? Labor history? You must be kidding.' … A representative of a theater in New York told [Stew] Bird, 'Come back when you make a movie.'"[8] This disdainful response shows how much skepticism exhibitors had about the box-office potential of independent films, especially documentaries. The task of independent filmmakers and their professional organizations was to show that they had business-savvy, and that they shared a common goal with exhibitors: for their films to have a successful run at the box office.

But achieving a successful run was made more difficult by the fact that the independent filmmakers and distributors lacked the resources of a studio to advertise their films. Convincing

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[6] Michael Z. Newman, *Indie: An American Film Culture* (New York: Columbia University Press, 2011), 4.
[7] Gerald Peary, "Getting It On, or How to Make Deals and Influence Exhibitors," *American Film*, September 1981, 61-62.
[8] Gerald Peary, "Getting It On, or How to Make Deals and Influence Exhibitors," *American Film*, September 1981, 61.

exhibitors to take a chance was one thing (eased by the lack of studio product in the late 1970s, and the attractive possibility of a breakout success). But educating audiences about the very notion of "independent" cinema was another thing. Not only were the films not inherently or traditionally sellable—no cast of well-known actors, no pre-sold property like a screenplay adapted from a bestseller, little to no genre appeal—advertising was prohibitively expensive. Whether studio film or independent, newspaper and television ads cost the same amount of money. There were no economies of scale to take advantage of. Independent filmmakers and distributors had to figure out how to market their films as cheaply as possible.

Filmmakers put into practice a few strategies to meet these challenges. The first thing they did was to self-distribute their films, using unusual marketing techniques. The success of some of these films led to them being acquired for further exploitation by actual distribution companies. Next, a couple of enterprising filmmakers joined together to form a cooperative distribution company, continuing to use these advocacy strategies on a larger scale, for more films. At the same time, indies' successes inspired more commercial distributors to use some of the same tactics for releasing their films.

Self-distribution was the first step in building a more robust market for documentary feature films. *Variety* first covered the trend in self-distribution in 1976. Addison Verrell wrote, "The new self-distribs are arty filmmakers with offbeat product, a belief in the quality of that product, but minus the vast financial resource of the majors, mini-majors and quality indies."[9] Verrell relates how John Cassavetes self-distributed *A Woman Under the Influence* (1975) to a $6 million domestic gross, and others, like Joan Micklin Silver (*Hester Street*) and documentarians the Maysles (*Grey Gardens*) followed suit. While *Variety* claimed that showing strong grosses in New York City would be enough to guarantee bookings across the country, many independent

[9] Addison Verrell, "So They Distributed Films Themselves: Recent Instances of On-Own 'Trend'," *Variety,* February 18, 1976, 52.

filmmakers, especially documentarians, took another tack. New York City, while an important market, is also extremely competitive market with very high costs for advertising and theater rental. So the makers of *Word Is Out* and *The War At Home* undertook regionally-focused self-distribution plans, in advance of their PBS broadcasts. They also used unusual publicity techniques to circumvent the high cost of advertising. This allowed them to achieve both political and financial goals through their distribution process, providing a model for later self-distributing documentarians.

The makers of *Word Is Out* began their grassroots campaign during production, by holding in-progress screenings. These screenings allowed them to raise production funds, shape the film according to their core audience's input, and market the film far in advance of its actual opening. Once finished, theatrical distributors wanted to acquire it, but the filmmakers put their political goals ahead of financial ones. The filmmakers wanted to retain non-theatrical rights to the film so that they could hold screenings to benefit local causes in each city it opened, but no distributor wanted to take on the risk of theatrical distribution without also being able to exploit the more-certain non-theatrical market.[10] So the filmmakers four-walled the film in a single theater in their hometown of San Francisco in December 1978.[11] It played for fourteen weeks in San Francisco, then moved on to riskier runs in New York and Los Angeles. April 1979, they decided they could not handle the distribution themselves—the process was too slow and labor-intensive, and they would not be able to exhaust the market before their upcoming PBS airdate. So they sold both theatrical and non-theatrical rights to the film to New Yorker Films, which allowed them to continue to hold benefit screenings in each city.[12]

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[10] Another film with political goals, *Seeing Red*, opened the same way. The filmmakers actually had their own non-theatrical distribution company, New Day. So they did not want to sell off all the rights, only the theatrical rights. They ended up self-distributing, with the help of a professional booker. Susan Linfield, "How to Succeed in Distribution Without Even Signing," *The Independent*, July/August 1984, 20.
[11] Peter Adair, "Adventures in Distribution," *The Independent*, January 1980, 6.
[12] Peter Adair, "Adventures in Distribution," *The Independent*, January 1980, 7.

The makers of *The War At Home* followed *Word Is Out*'s lead by undertaking a regionally-focused self-distribution plan, in advance of its PBS broadcast. One of the film's advantages was timing: it followed on the heels of a number of high-profile films about the Vietnam War, like *Apocalypse Now* and *The Deer Hunter*. The film premiered in the makers' hometown (and the subject of the film), Madison, Wisconsin, in October 1979. Hometown crowds sold out shows, but the directors knew that opening successfully in other cities would take an enormous amount of work. Community organizing and a major publicity effort helped the film break house records in its first week and be held over for five weeks at the Orson Welles Theater in Boston, MA.

Marketing Documentaries as Studios Turn to Exploitation

Self-distribution could yield excellent returns, but only through massive publicity efforts. During the early 1970s, independent exploitation distributors had pioneered a new genre: the family film. They did this by four-walling second-run theaters on a regional basis and concentrating on audiences that seemed to be underserved by studios. It is worth comparing the documentarians' strategy with the commercial independents'. While the documentary filmmakers reached out to community groups, and even held benefits for them, in each city they opened their film, the commercial independents like American National Enterprises and Sunn Classics spent heavily on market research to pinpoint exactly which parts of the country were receptive to their films. They then coordinated targeted television ad buys with short runs at theaters in those areas, squeezing the maximum value out of low-budget, low production values films like *The Life and Times of Grizzly Adams* and *Chariot of the Gods*.[13] This practice moved

[13] Gary Edgerton, "Charles E. Sellier, Jr. and Sunn Classic Pictures: Success as a Commercial Independent in the 1970s," *Journal of Popular Film and Television* 10, no. 3 (Fall 1982), 106-18. Sunn Classics continued the tradition of exploitation documentaries or pseudo-documentaries with "phenomena films, or movies that are structured as

closer to mainstream Hollywood with *Billy Jack*, a family drama and youth revenge picture. Produced by Warner Bros, director Tom Laughlin was unhappy with the studio's release effort and won back control of the release in order to try re-release the film. Justin Wyatt writes about the strategies Laughlin tried. "Rereleased on May 9, 1973, with a generous ad expenditure of $250,000 in Southern California under the four-wall approach to mostly second- and third-run neighborhood theaters, *Billy Jack* grossed $1.02 million in the first week in sixty-two theaters from Santa Barbara to Bakersfield. The gross represented a record box-office return for the region."[14] These grosses caught the attention of studios, which soon shifted the bulk of their advertising budget to television, though they did not practice four-walling. In fact, with the release of *Jaws*, Universal bought national television advertisements, rather than local, and forced exhibitors to chip in to pay for them.

Though independent documentarians did four-wall their films, breaking city by city rather than nationwide, their marketing strategy could not have been more different from that employed by commercial independents, and later, the major studios. Television advertising was prohibitively expensive, and even the cost of newspaper ads could easily overwhelm a filmmaker releasing his film without the resources of a studio. Adair acknowledged that P&A (making prints to circulate and buying advertisements) were fixed costs for all films, and stated, "From what I have learned, the minimum level of these fixed costs is, ironically, the same for little films such as ours as it would be for much larger ones."[15] Since their release strategies could not benefit from any economies of scale, documentarians did what they could to circumvent paid marketing. During the distribution period, Adair says, "The only professional we hired was a publicist—a good decision, I feel, because of the indispensability of their professional

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pseudoscientific investigations into one of nature's mysteries…" (109) The most successful of these was *In Search of Noah's Ark* (1977), which grossed $23.7m.

[14] Justin Wyatt, "From Roadshowing to Saturation Release: Majors, Independents, and Marketing/Distribution Innovations," in *The New American Cinema*, edited by Jon Lewis (Durham: Duke University Press, 1998), 75.

[15] Peter Adair, "Adventures in Distribution" *The Independent* January 1980, 8.

relationship with critics and people who can write background articles."[16] Hiring a publicist to work more directly with the media paid off for *Word Is Out*, as well as for *The War At Home*. According to Silber, "We have received extraordinary press. There was yet to be an unfavorable review out of 25 or 30, including *Variety* who more or less said that they thought our film was better than *Apocalypse Now* and *Coming Home*, which is a little bit much."[17] These reviews surely caused exhibitors to give more serious consideration to playing the films, in addition to encouraging audiences to see them.

In addition to good press, the filmmakers showed themselves to be serious about achieving great box-office numbers, demonstrating a common goal with exhibitors. In a similar vein to Universal's forcing theater owners to pay for their national television ad buys, Silber and Brown negotiated with exhibitors to cover some publicity costs. In addition to convincing the Orson Welles in Boston to hire community organizers to boost their run, they had exhibitors pay for their travel to meet the press and promote the film. Silber says, "When we show our film out in Portland, Oregon in a few weeks, I am going out there, certainly for the press screenings and to hang around to talk to the community that's supporting our effort. I'm getting the exhibitor to pay for my airfare. It was very easy to convince him that if I went out there and met with the press, we'd get a lot more coverage."[18] These innovative strategies allowed the filmmakers to make an end-run around the advertising industry, while showing exhibitors that they were savvy, business-minded filmmakers, not dilettantes making "rich uncle pictures."

In the late 1960s, distribution companies like Pathe-Contemporary, Grove Press, and National Talent Service used theatrical runs as loss-leaders for non-theatrical distribution, then turned fully to the non-theatrical market. Filmmakers who self-distributed their documentaries quickly learned this lesson as well: even if their theatrical runs did not net enough money to

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[16] Peter Adair, "Adventures in Distribution" *The Independent* January 1980, 6.
[17] Alan Jacobs, "Profile: Glenn Silber Interviewed," *The Independent* February 1980, 13.
[18] Alan Jacobs, "Profile: Glenn Silber Interviewed," *The Independent* February 1980, 14.

cover production costs, the work of the publicity machine could be applied to later releases. Adair was encouraged by the limited theatrical release of *Word Is Out*, even as he acknowledged that non-theatrical was the primary market for the film. "By having it in theaters with all the attendant review, publicity and prestige, the main (non-theatrical) market for the film is obviously strengthened. Not only do more potential 16mm users now know about the film, but some are more likely to rent it sight unseen for two reasons: First, they might have read some of the reviews printed nationally; and second, in many of their minds, the film has gained credibility because it was part of the Big Time. In other words, it has lost some of the onus of being a documentary."[19] Even though other independent films were self-distributed, like *The Return of the Secaucus Seven*, Adair points out two significant differences: the category of documentary is, itself, a stumbling block for theatrical distribution. In general, independent features more closely resemble studio films because of their narrative structure and audience address, which is what allowed independent fiction films to grow in esteem and profitability more quickly and seamlessly than documentaries. Second of all, Adair is aware that the non-theatrical market is a fairly stable base for documentary films, a low-risk market for documentaries to be sold and rented. In this way, the Mariposa Group's efforts to distribute the film theatrically, in addition to their national broadcast on PBS, acted as a massive, expensive publicity campaign for the most important phase of release.

These independent documentary filmmakers had two goals when they self-distributed their films: earning back their production costs, and proving that alternative films could work in theaters. Their work certainly paid dividends for the cause, by filtering down to exhibitors and other filmmakers. The 1980 *Variety* article trumpeted the effects of these efforts: "Not to mention word along the specialized exhibitor grapevine that regional distribution experiments, like the

[19] Peter Adair, "Adventures in Distribution" *The Independent* January 1980, 11.

northwestern and midwestern theatre network used by such features as *The War at Home, Word Is Out,* and *Northern Lights*, were paying off at the box office." (46) The greater industry read about these successes, as did the independent film community. In 1980, *The Independent* published interviews with both Adair and Silber, where they discussed their distribution processes in depth.

Just as filmmakers worked to market their films effectively, several non-profit institutions played an important role in raising the profile of documentaries. The Independent Feature Project (IFP), notably, advocated for independent filmmakers and the inclusion of independent film in theatrical settings. IFP's New American Cinema: A Showcase of Premiere Films was a week-long series of nine independent films, including two documentaries, that was exhibited in theaters in five cities during the summer of 1981.[20] Conceived by IFP's Sandra Schulberg and the American Film Institute's Exhibition Services, and funded in part by the National Endowment for the Arts, the series was "designed to give independent films access to a domestic exhibition/distribution system which has traditionally been resistant to them."[21] IFP hoped to stimulate interest in booking the films, as well as strengthen the independent film infrastructure by teaching grassroots marketing techniques to local groups. While the effects of IFP's effort are difficult to measure, anecdotally, IFP's example had a powerful effect in opening up commercial theaters to more independent filmmakers and teaching the filmmakers how to handle these opportunities. In 1981, Herb E. Smith, of the Appalachian media arts center Appalshop, had success exhibiting his feature documentary, *Handcarved*, in a commercial theater in Washington, D.C., one of the cities where the Showcase had traveled. He testified, "The Independent Feature Project had just plowed the ground a little bit and we could use some of the recommendations

[20] The two documentaries were *The Day After Trinity* (Jon Else) and *Model* (Frederick Wiseman).
[21] Marian Luntz, "The New American Cinema Showcase," *The Independent*, May 1981, 14.

they had for how to work it and all."[22] Not only did the visibility of the Showcase open up more mainstream exhibition possibilities for independent filmmakers, putting on the Showcase allowed the IFP to gather information about distribution and exhibition, that it then disseminated to other filmmakers.

While IFP's New American Cinema series traveled around the country, strengthening the regional network of exhibitors interested in independent film, the theater Film Forum helped to till the soil in New York City. New York City is a notoriously competitive market, with high advertising costs and high theater operating costs, making it a risky, expensive place to premiere a film. On the other hand, the significance of the market to the national media means that positive critical response and a successful run in New York City opens up more exhibition possibilities in other cities. As documentarian Julia Reichert learned when self-distributing *Seeing Red*, "Financially, there's very little way to win in New York… Yet the New York grosses are the most important in the country. Other theaters want to know, 'What did you do in New York?'"[23] As Reichert attests, opening in New York is an upfront investment, a gamble on future returns from runs in other cities and, eventually, from the non-theatrical market.

Film Forum was a launching pad for numerous documentaries, providing a screen to many unknown films, where they could be reviewed by major publications, attract a distributor, or prove their appeal to other exhibitors and markets. In 1981, Film Forum's policy was to pay filmmakers thirty percent of the box-office returns or $1,000 for a two-week run, whichever was more. This generous, and transparent, policy eased the way for many broke independent filmmakers, who would have usually only seen returns after the theater rental or theater operating costs were covered. It also "gives filmmakers a risk-free way of getting reviews in the

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[22] Bernard Timberg and Thomas Arnold, "Voices from the Hinterland: Independent Regional Features—Part 1," *The Independent* November 1981, 13.
[23] Susan Linfield, "How to Succeed in Distribution Without Even Signing," *The Independent*, July/August 1984, 21.

Times, the *Voice*, and the *Soho News*," noted director Karen Cooper in 1981.[24] An early example of this is the brief, strategic self-distribution of humorous, nuclear-war compilation film *The Atomic Cafe*. Writing in *The Independent* in 1984, Renee Tajima reported, "While negotiating with Libra Cinema 5, Pierce and Kevin Rafferty and Jayne Loader, the producers of *The Atomic Cafe*, opened it for two weeks at the Film Forum in New York, where it became the theater's all-time top grossing film."[25] The filmmakers had attracted a distribution company to handle the film, but they gained the upper hand in their negotiations by showing the excellent business the film could do in the most competitive market. Other filmmakers followed suit. As Susan Linfield reported later in 1984, the documentary *The World of Tomorrow* (1984, dirs. Lance Bird and Tom Johnson) about the 1939 New York World's Fair was counting on following a similar trajectory as *The Atomic Cafe*. Linfield writes, "The film played for two weeks in Manhattan's downtown Film Forum last March, and [co-director] Bird hopes that *Tomorrow* will follow the path of such films as *When the Mountains Tremble* and *The Atomic Cafe*, which were picked up by distributors following their Film Forum runs."[26] Though Film Forum was certainly not the only arthouse in New York City, it forged a unique identity as a non-profit institution that went out on a limb for less-commercial films and was an important link between independent films and the press.

The market for independent American cinema, especially documentaries, grew through advocacy, at both an individual and an organizational level. These advocacy practices included regional self-distribution and banding together through non-profit organizations to share risks and information. Filmmakers realized that making good work was not sufficient for achieving

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[24] Kathy Davis, "The Return of Film Forum," *American Film*, September 1981, 62. Cooper's personal interest in documentaries is well-known, and her influence in the creation of the theatrical market for documentaries cannot be overstated. In 2010, the Museum of Modern Art even organized a retrospective, to celebrate the 40th anniversary of Film Forum, entitled "Karen Cooper Carte Blanche." It consisted of 21 feature documentaries, all of which premiered at Film Forum.
[25] Renee Tajima, "The Theatrical Track From Courtship to Contract," *The Independent* April 1984, 18-19.
[26] Susan Linfield, "How to Succeed in Distribution Without Even Signing," *The Independent*, July/August 1984, 23.

visibility; rather, creating and proving the viability of a market for their work was the only way to reach audiences in the long term. Distribution companies were another crucial piece of the puzzle. While most commercial distribution companies were not interested in acquiring documentaries, there were a few stalwarts that had been handling documentaries for years, and a few innovative new companies formed in the early 1980s that found ways to exploit the genre.

New Distribution Company: First Run Features

As the American independent cinema movement grew, Cinema V and New Yorker continued their trade, but they faced more competition from new distribution companies. One of the first, and perhaps the most significant, of these companies is First Run Features. It was founded in 1979 as a cooperative venture, by the makers of *The War At Home, Joe & Maxi* (1978, dir. Maxi Cohen), *Northern Lights* (1978, dirs. John Hanson and Rob Nilsson) and *The Wobblies* (1979, dirs. Deborah Shaffer and Stewart Bird). These filmmakers had tried self-distribution, having been part of the group of eight independent films (almost all documentaries) that were "going commercial" in 1980 according to *Variety*.[27] Much like the independent film trade organizations IFP and AIVF, the filmmakers who formed First Run Features did so to share information, learn from each other, and manage risk. This was a step-up from self-distribution—consolidating as a way to be more efficient and more visible. First Run was organized around service deals, wherein it charged a fee to distribute films, and left the cost of print and promotion to the filmmaker and exhibitor. This is the opposite of the way that distribution companies would handle a negative pickup, by paying an advance upfront (large if competing with other companies to acquire the film, small if not) and then subtracting the cost of P&A from the grosses. Only after those costs were covered would profits flow back to the producer.

[27] Stephen Klain, "Indie Filmmakers Go Commercial," *Variety,* March 5, 1980, p. 1, 46.

While the filmmakers could each choose how much to spend on P&A, they centralized the booking process and hired an expert, Fran Spielman, to run First Run. Spielman had worked for New Yorker Films and Cinema V for many years. She came out of retirement to bring her expertise to First Run Features, bridging the gap between the earlier period of specialty distribution and this new world. Interviewed in 1982, Spielman explained her decision to join First Run Features in 1979: "Not only did I feel what these kids were doing was important,… I also felt that their work deserved a chance in commercial houses. I knew there would be obstacles, but we have a growing track record with exhibitors now and our films have been accepted by them as a workable alternative."[28] Even with these successes, she described her work as "a house-by-house, city-by-city operation," a never-ending process of proselytizing to theater owners. First Run also had a non-theatrical division. In 1982, *Boxoffice* reported that non-theatrical screenings for community groups had not taken away from First Run's theatrical business but had in fact helped them break into theaters.

It is important to note that First Run was not a purely rationalized economic endeavor. It was founded by filmmakers on the faith that there was a better way than isolated self-distribution, and run by Fran Spielman with the optimism that their work would pay off and open up new opportunities for independent filmmakers. *Boxoffice* characterized this belief as typical of industry outsiders, writing, "Independent documentary and feature filmmakers have always fought the Battle For An Open Playdate with an optimistic outlook, hoping that their low budget, 'special' films would find their way to first run screens."[29] This may have been ordinary starry-eyed optimism, but the structure of the company proved much more successful than earlier attempts to consolidate indies' distribution efforts, like the Filmmakers' Distribution Center. First Run is still in existence and has distributed numerous notable films, both fiction and

[28] David Linck, "First Run Features: Going to Bat For the Small Filmmaker," *Boxoffice* December 1, 1982, 42.
[29] David Linck, "First Run Features: Going to Bat For the Small Filmmaker," *Boxoffice* December 1, 1982, 42.

documentary. In the 1980s, these films included *The Wobblies* (1979, dirs. Deborah Shaffer and Stewart Bird), *The Life and Times of Rosie the Riveter* (1980, dir. Connie Field), *Soldier Girls* (1981, dir. Nick Broomfield), *Agee* (1980, dir. Ross Spears), *Stations of the Elevated* (1981, dir. Manfred Kirchheimer), *Before the Nickelodeon: The Cinema of Edwin S. Porter* (1982, dir. Charles Musser), *Chicken Ranch* (1983, dirs. Nick Broomfield and Sandi Sissel), *28 Up* (1984, dir. Michael Apted), *Vietnam: The Secret Agent* (1983, dir. Jacki Ochs), *Before Stonewall* (1984, dirs. Greta Schiller and Robert Rosenberg), and *Sherman's March* (1985, dir. Ross McElwee).

Its modest success and sheer longevity inspired imitation by a number of other companies, most of which were better-funded and resourced than First Run. As First Run president and co-founder Barry Alexander Brown noted in 1982, "We have proved that there is an audience out there looking for our films. Now the majors' classics divisions have picked up on that, so it will be harder from now on to just stumble upon a new gem of a film and distribute it. But this competition gives the independent filmmaker more of a marketplace for his work."[30] While First Run did not grow into a mini-major or a competitive independent distributor, it helped lay the groundwork for the commercial exploitation of independent documentaries and fiction films in the 1980s.

New Distribution Companies: Independent and Studio Classics Divisions

A number of new distribution companies were formed in the 1980s, and the growth of these companies propelled the growth of the theatrical marketplace for documentary films. The shrinking studio release schedule also affected the theatrical market for documentaries: studios had also been releasing fewer and fewer films throughout the 1970s, reaching a low of 78 films in 1977. By relying on tentpole films, studios left more open dates on exhibitors' calendars.

[30] David Linck, "First Run Features: Going to Bat For the Small Filmmaker," *Boxoffice* December 1, 1982, 44.

While exploitation films had filled these dates in the early 1970s, the studios had fully integrated the marketing strategies and some of the genres of exploitation films by the late 1970s, pushing exploitation films out of theaters and into still-developing markets like home video and cable. At the same time, the number of "specialized" distribution companies grew. In addition to independent distributors, studios opened classics divisions to acquired and distribute smaller films, spurred on by the surprise success of films like *The Return of the Secaucus Seven* (1980), which grossed $2 million on a $60,000 budget. While fiction films, both American and foreign, were the primary product for these new companies, a few companies also filled out their catalogs with documentaries.

Some of the earliest commercial distribution companies to acquire and distribute documentaries were UA Classics, Cinecom, and Island/Alive. Though they all worked with specialty films—foreign films, American independent films, documentaries—they were organized in a more traditional way than First Run Features. Nevertheless, they had learned from the success of First Run, the earlier distributors like Cinema V and New Yorker, and all the filmmakers who self-distributed. They followed similar marketing strategies to keep costs low, and further reduced risk by picking up a particular type of documentary: all three companies primarily acquired documentaries with a music or performance element. In doing so, they were able to draw on specific pre-sold properties, like the celebrity of the main subject. This is a subtle but meaningful difference in strategy between these newer commercial distributors and the older specialized distributors.

UA Classics was a short-lived company, in operation for only six years (1980-1985), but it successfully released a number of specialty films, including documentaries. Its legacy is most apparent in the independent distribution companies it spawned: UA Classics' former executives went on to found Cinecom (1982-1991), Sony Pictures Classics (1992-present), and Fine Line

Features (1990-2005). UA Classics operated similarly to New Yorker Films in terms of its contracts with filmmakers. It paid no advance and split revenue 50/50 with filmmakers. UA Classics diverged in taking print and advertising costs out of its own pocket, rather than charging those costs to filmmakers as a "distributor's fee." This incentivized the company to keep its marketing costs extremely low. UA Classics pitched its publicity to a niche audience, replacing expensive television advertising with efforts to get newspaper coverage, like having filmmakers present at screenings. UA Classics' CEO Nathaniel Kwit claimed that their average marketing costs for a theatrical distribution campaign amounted to a shockingly paltry $2,000. Yet, Tzioumakis writes, "even if these figures have been exaggerated for publicity purposes and might have been higher in reality, they are nevertheless a far cry from the average marketing and print costs in Hollywood in the early 1980s, which were close to $4 million for the average studio production."[31]

As the first studio classics division, UA Classics began by distributing European art films, most by well-known auteurs, which falls in line with the strategies of specialty distributors during the 1950s and 1960s. These films included *The Last Metro* (1980, dir. Francois Truffaut), *Diva* (1981, dir. Jean-Jacques Beineix), *Veronika Voss* (1982, dir. Rainer Werner Fassbinder), and *Passion* (1982, dir. Jean-Luc Godard). By the end of its lifespan, UA Classics had turned more toward American independent cinema, distributing *Lianna* (1983, dir. John Sayles) and *Streamers* (1983, dir. Robert Altman). At the same time, the division acquired independent non-fiction films, including *From Mao to Mozart: Isaac Stern in China* (1979, dir. Murray Lerner), *The Weavers: Wasn't That a Time!* (1982, dir. Jim Brown) and *Say Amen Somebody* (1982, dir. George Nierenberg), about gospel music. Each of these films deals with music, with the first two referring to a musical artist in the very title, which significantly eased the difficulty of marketing

[31] Yannis Tzioumakis, *Hollywood's Indies: Classics Divisions, Specialty Labels, and American Independent Cinema* (Edinburgh: Edinburgh University Press, 2012), 29.

a documentary feature. The single non-music documentary that UA Classics distributed was *Genocide* (1982, dir. Arnold Schwartzman), a documentary about the Holocaust, narrated by Orson Welles and Elizabeth Taylor, that won the Academy Award for Best Documentary in 1983.

While being distributed by a studio classics division was a very desirable outcome for independent documentarians, taking control of distribution out of the filmmaker's hands can also have negative consequences. As *Say Amen Somebody* director George Nierenberg told *The Independent* in 1984, "The film has never played in a Black theater because UA Classics' strength is in art houses."[32] A documentary about gospel music would seem to be a perfect fit for black audiences, but if the distributor has little experience with that market, they are going to have a hard time placing a film in it. Director Nierenberg lobbied UA Classics to fulfill his distribution desires, which went beyond commercial success to include "special promotions in Black churches, a benefit for the NAACP, and a concert and screening at the Rikers Island prison facility."[33] Even when films do not have an explicit political mission, documentarians often want to reach audiences other than arthouse crowds and to use their films to benefit communities important to them. Those desires might appear incompatible with commercial distribution, but some filmmakers were able to negotiate with distributors to achieve specific goals in addition to box-office success and prestige.

Cinecom was formed in 1982 (bankrupt in 1991) by executives who had left UA Classics.[34] It followed a similar path, distributing both foreign films (including British films like James Ivory's *Room With a View*, 1986, and *Maurice*, 1987) and American independent films by then-proven directors (*Come Back to the Five and Dime, Jimmy Dean, Jimmy Dean* and *Secret Honor* (1982 and 1984, dir. Robert Altman), *El Norte* (1983, dir. Gregory Nava), and *Matewan* (1987, dir. John Sayles). It also mostly distributed documentaries about music or those with a

[32] Renee Tajima, "The Theatrical Track From Courtship to Contract," *The Independent*, April 1984, 20.
[33] Renee Tajima, "The Theatrical Track From Courtship to Contract," *The Independent*, April 1984, 20.
[34] Interference from parent company United Artists may have caused the executives to leave.

performance element, including the Talking Heads' concert documentary *Stop Making Sense* (1984, dir. Jonathan Demme), Laurie Anderson's performance documentary *Home of the Brave* (1986, dir. Laurie Anderson), and Spaulding Gray's monologue performance *Swimming to Cambodia* (1987, dir. Jonathan Demme).

Not all of Cinecom's documentaries were about music, but even those without a performance element had titles and subjects that would have been familiar to exhibitors and potential audiences. One of the first documentaries it acquired was *Burroughs* (1984, dir. Howard Brookner), about author and cult figure William S. Burroughs. Director Brookner reported that exhibitors approached him after the film's New York Film Festival premiere with offers to show the film. Brookner agreed, and he self-distributed *Burroughs* in a few cities. Though documentaries are generally difficult to market, Brookner pointed out, "[*Burroughs*] was easily accessible in its subject matter—you didn't have to explain what it was about, as with a narrative."[35] In addition to the familiar subject, the release of *Burroughs* coincided with Burroughs' 70th birthday and the release of his new novel. These events generated a wealth of publicity for the film, and Burroughs himself made personal appearances at some screenings to promote the film.

Familiar subject matter likely also sold Cinecom on *The Times of Harvey Milk* (1984, Robert Epstein). Milk's assassination had been national news six years before the film's release, and the trial of the assassin was even more recent. In addition, the film appealed to an easily identified and underserved audience: gay and lesbian viewers. Originally picked up by a company called Teleculture, Cinecom acquired the rights to the film after Teleculture abruptly went out of business. *The Times of Harvey Milk* went on to win the Academy Award for Best Documentary.

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[35] Susan Linfield, "How to Succeed in Distribution Without Even Signing," *The Independent*, July/August 1984, 21.

Island/Alive was also a short-lived enterprise (1983-1986) formed during the production of a documentary called *Return Engagement*, about the touring debate between Timothy Leary and G. Gordon Liddy. Counterculture figure Leary was arrested by Liddy for possessing LSD, but the two became friends in prison when Liddy was convicted of participating in Watergate. Fiction filmmaker Alan Rudolph directed the documentary, and Rudolph's producer Carolyn Pfeiffer became the president of Island/Alive. As Pfeiffer put it, "There was a desire to directly generate revenue, by way of a distribution company, from films we would produce."[36] The financing for the company came from two music business executives, Chris Blackwell, record producer, of Island Records and Island Pictures and Shep Gordon, a musician's representative, of Alive Enterprises.

Though *Return Engagement* was the impetus for the founding of Island/Alive, its first release was actually the abstract documentary *Koyaanisqatsi* (1983, dir. Godfrey Reggio). Director Reggio initially self-distributed the film, starting with a single showing at Radio City Music Hall in September 1982. The film then opened at a theater in Los Angeles, where it played for five weeks before moving to another theater. According to the director, the film earned $300,000 during this distribution period, while Island/Alive propelled it to a box-office total over $2 million. Island/Alive's head of distribution, Cary Brokaw, "Our greatest joy… is that we're playing Middle America, which we never expected. It opened in Wichita, did exceptionally well and then followed with a second weekend gross that was even bigger than the first. We're finding that wherever we go the secret is to stage the film as an event. With the right approach we can do well in markets that aren't generally considered sophisticated movie towns."[37] The company used strategies pioneered by filmmakers who self-distributed, by rolling the film out slowly and generating free publicity by making the film an exciting event, often featuring appearances by

[36] Jimmy Summers, "Island Alive," *Box-office* August 1, 1984, 12.
[37] Jimmy Summers, "Island Alive," *Box-office* August 1, 1984, 12.

Reggio and composer Philip Glass. Island/Alive's close connection to Island Records enhanced this strategy, allowing them to coordinate the release of the film's soundtrack with the film's release, on a regional basis. This was similar to the coordination of publicity efforts between Leacock-Pennebaker and Columbia Records for the release of *Dont Look Back*.

Though these companies did not last long, they helped establish a precedent for the theatrical distribution of documentaries by commercial distribution companies. They adopted and refined the marketing techniques of earlier filmmakers and distributors, and led the way to the bigger documentary hits of the late 1980s.

Changes at Established Distributor of Documentaries: New Yorker Films

Prior to the late 1970s, only two commercial distribution companies regularly distributed documentary films. New Yorker Films and Cinema V, both founded in the 1960s by the owners of New York arthouse theaters, primarily distributed foreign films.[38] They traded in both theatrical and non-theatrical situations, like college film societies and museums. Over the course of the late 1970s and 1980s, as more distributors acquired documentary features, this increased competition affected the distribution deals New Yorker Films made with documentarians. In the 1970s and early 1980s, New Yorker customarily acquired all rights to documentary features because non-theatrical circulation was just as lucrative, if not more, than theatrical release. However, as more theatrical distribution companies acquired feature documentaries, and certain filmmakers gained higher status, New Yorker was forced to split the rights to a film with another company. At the beginning of this period, New Yorker often paid no advance to acquire all rights to a documentary feature. But as competition for documentary features increased, New Yorker

[38] Cinema V represented *Gimme Shelter* (1970, dir. Albert Maysles), *The Sorrow and the Pity* (1972, dir. Marcel Ophuls), *Marjoe* (1972, dirs. Howard Smith and Sarah Kernochang), and *Harlan County, USA* (1976, dir. Barbara Kopple).

paid higher advances for a documentary feature, even if the company acquired only the non-theatrical rights to the film.

I traced these changes by studying distribution contracts from the Dan Talbot Papers at Columbia University.[39] I predicate my interpretation of these changes on the idea that the amount of the advance is a reflection of the distributor's estimation of the film's market value and/or the producer's other distribution prospects. If New Yorker Films paid a small advance or no advance at all, I interpret this to mean that New Yorker was not certain of commercial success and no other distributor offered the producer payment up front. I do not mean to imply that all distribution contracts should be interpreted this way, only that, by comparing contracts across many decades at a single company, I can draw soft conclusions and triangulate these data with other data.

New Yorker Films acquired exclusive rights to the following documentary films for a small advance, or no advance at all: *Letter From Siberia* (1969), *Millhouse: A White Comedy* (1971), *Angela: A Portrait of a Revolutionary* (1971), *Eadweard Muybridge* (1975), *Word is Out* (1978), *Koko: A Talking Gorilla* (1979), *I am what my films are: A Portrait of Werner Herzog* (1979), *Sans Soleil* (1983, $5,000 advance), *When the Mountains Tremble* (1984), and *Dark Glow of the Mountains* (1984).[40] Some of these films have since entered the pantheon of documentary film. But at the time of their initial release, New Yorker Films was uncertain of their commercial prospects and, being one of the only independent distributors, it had the leverage to pay producers no money upfront.

Commercial success may have been uncertain, but some films returned a fair amount of money to the distributor (and later, the producer, usually via a 50/50 split of profits after

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[39] Dan Talbot Papers, Rare Book and Manuscript Library, Columbia University Library.

[40] New Yorker Films also acquired the re-release rights to several documentaries: *Portrait of Jason* (acquired in 1971), *Jazz on a Summer's Day* (acquired in 1974), and a number of films by Emile de Antonio (*America Is Hard to See,* acquired in 1973*; In the Year of the Pig,* and *Painters Painting*, both acquired in 1974).

expenses). Two examples from the early 1980s follow: *When the Mountains Tremble*, a film about political turmoil and civil war in Guatemala, and *Sans Soleil*, an essay film by Chris Marker. Acquired in 1984 for no advance, *When the Mountains Tremble* boasted no ready-made audience or pre-sold idea, except interest in the American invasion of Guatemala.[41] Universities and film societies booked it quickly, to the tune of $11,000 per two-month period, and the film also made a respectable showing at a number of commercial theaters. Its largest take was over $5,000 in a one-week run at the York Theatre in San Francisco, followed by almost $4,000 in a three-week run at FACETS in Chicago, both during summer 1984.[42]

New Yorker Films paid $5,000 in advance to acquire all rights to *Sans Soleil*.[43] The film showed in a few theaters during 1984 and 1985, but New Yorker booked it mostly in film societies, art museums, and cultural centers like the Japan Society and the Alliance Francaise. In the first two years of release, theatrical bookings returned over $4,000 to New Yorker, but non-theatrical bookings more than doubled that, returning over $10,000.[44]

The distribution deals for *When the Mountains Tremble* and *Sans Soleil* show how little New Yorker had to pay upfront for feature documentaries in the early 1980s. The films' booking records also point to the strength of the non-theatrical market for feature documentaries, relative to theatrical release.

Yet as early as 1982, New Yorker's distribution deals were already changing because of the increasing number of distribution companies vying for documentary features. A few documentarians were able to sell their film's theatrical rights to other companies and split off the

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[41] Distribution Agreement Motion Picture: "When the Mountains Tremble"; March 28, 1984; Dan Talbot Papers; Box 154, folder "When the Mountains Tremble, 1993"; Rare Book and Manuscript Library, Columbia University Library.
[42] Producers Reports: "When the Mountains Tremble"; Dan Talbot Papers; Box 112, folder "When the Mountains Tremble"; Rare Book and Manuscript Library, Columbia University Library.
[43] Distribution Agreement Motion Picture: "Sans Soleil"; July 5, 1983; Dan Talbot Papers; Box 180, folder "Sans Soleil, 1983-2003"; Rare Book and Manuscript Library, Columbia University Library.
[44] Producers Reports: "Sans Soleil"; Dan Talbot Papers; Box 103, folder "Sans Soleil"; Rare Book and Manuscript Library, Columbia University Library.

non-theatrical rights to New Yorker Films. *Variety* reported on this trend, "Split of theatrical and non-theatrical rights is considered advantageous to the filmmakers…, whose pic benefits from separate, focused handling by the respective distribs."[45] The reasoning behind this thinking is that a film will have a more successful theatrical run if it is marketed and released by a theatrical distribution company, and a better non-theatrical life if handled by a non-theatrical distribution specialist.

Though New Yorker worked in both the theatrical and non-theatrical market, the new distributors concentrated exclusively on high-risk, high-reward theatrical releasing. This left New Yorker Films to handle the non-theatrical market. For example, Libra Films released *The Atomic Café* theatrically in 1982, while New Yorker Films paid $15,000 for non-theatrical rights.[46] Island Alive Releasing released *Koyaanisqatsi* theatrically in 1985, while New Yorker Films paid $12,500 for non-theatrical rights.[47] In 1991, Triton Pictures released *Hearts of Darkness* theatrically, while New Yorker Films paid $2,500 for the non-theatrical rights.[48] And in 1995, Sony Pictures Classics distributed *Crumb* theatrically, while New Yorker Films paid $10,000 to distribute it non-theatrically.[49]

One reason these feature documentaries attracted distribution companies is that their subjects were pre-sold or tapped into extant audiences. *Hearts of Darkness* covers the infamously dramatic making of *Apocalypse Now*, by Eleanor Coppola—Francis Ford Coppola's wife. *Crumb* is a portrait of Robert Crumb, one of the most famous and controversial comic book artists of all time. By taking a new angle on subjects that were likely already familiar to

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[45] "'Atomic Cafe' Rights Libra's Theatrically, Talbot Nontheatrical," *Variety*, April 28, 1982, 5, 46.
[46] Distribution Agreement Motion Picture: "The Atomic Café"; May 7, 1982; Dan Talbot Papers; Box 246, folder: "Contracts - The Atomic Cafe 1982-2006"; Rare Book and Manuscript Library, Columbia University Library.
[47] Distribution Agreement Motion Picture: "Koyaanisqatsi"; April 10, 1985; Dan Talbot Papers; Box 179, folder "Koyaanisqatsi 1985-1990"; Rare Book and Manuscript Library, Columbia University Library.
[48] Distribution Agreement Motion Picture: "Hearts of Darkness"; November 21, 1991; Dan Talbot Papers; Box 178, folder "Hearts of Darkness 1991"; Rare Book and Manuscript Library, Columbia University Library.
[49] Distribution Agreement Motion Picture: "Crumb"; June 30, 1995; Dan Talbot Papers; Box 246, folder "Contracts - Crumb 1995"; Rare Book and Manuscript Library, Columbia University Library.

audiences, these documentaries appealed to distributors who saw that marketing them would be easier than marketing a documentary about an unknown or unfamiliar subject.

For a diachronic angle, I trace New Yorker's relationship with Errol Morris, from his early documentaries *Gates of Heaven* and *Vernon, Florida,* to later films after his breakout film *The Thin Blue Line*, *A Brief History of Time*, and *Fast, Cheap, and Out of Control*. In 1980, New Yorker Films acquired all rights, apart from television, for *Gates of Heaven*. New Yorker Films paid an advance of $3,000 for these rights.[50] The film was booked in both theaters and non-theatrical venues, and these bookings returned over $40,000 in theaters and $22,000 in other venues in its first two years in release.[51] In 1981, New Yorker Films signed a similar contract for Morris's next film, *Vernon, Florida*, and paid an advance of $4,000.[52] However, this film did not deliver returns as stellar as those of *Gates of Heaven* (less than $3,000 theatrical, less than $6,000 non-theatrical in the first two years).[53] Morris broke out with *The Thin Blue Line*, which Miramax acquired for $400,000 and shepherded to an impressive $1.2million theatrical gross. Once this happened, Morris's relationship with New Yorker Films changed: New Yorker would handle only non-theatrical release of his films, and the company would pay higher prices for just those rights than it had for exclusive rights to Morris's features in the past. In 1992, Triton Pictures distributed *A Brief History of Time* in theaters, while New Yorker Films handled the non-theatrical side, paying an advance of $10,000.[54] In 1997, Sony Pictures Classics distributed *Fast, Cheap, and Out of Control* in theaters, while New Yorker Films handled non-theatrical

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[50] Distribution Agreement Motion Picture: "Gates of Heaven"; October 24, 1980; Dan Talbot Papers; Box 178, folder "Gates of Heaven"; Rare Book and Manuscript Library, Columbia University Library.
[51] Producers Reports: "Gates of Heaven"; Dan Talbot Papers; Box 142, folder "Gates of Heaven"; Rare Book and Manuscript Library, Columbia University Library.
[52] Distribution Agreement Motion Picture: "Vernon, Florida"; Dan Talbot Papers; Box 154, folder "Vernon, Florida 1981"; Rare Book and Manuscript Library, Columbia University Library.
[53] Producers Reports: "Vernon, Florida"; Dan Talbot Papers; Box 103, folder "Vernon, Florida"; Rare Book and Manuscript Library, Columbia University Library.
[54] Distribution Agreement Motion Picture: "A Brief History of Time"; Dan Talbot Papers; Box 92, folder: "A Brief History of Time"; Rare Book and Manuscript Library, Columbia University Library.

bookings, paying an advance of $5,000.[55] As Errol Morris's films proved themselves at the box office, Morris and his producers contracted with newer independent distributors, that presumably offered a larger advance and promised a more aggressive marketing strategy/access to better bookings. The subjects of the films likely also played a part in their perceived market value. For example, *A Brief History of Time* is a portrait of famed astrophysicist Stephen Hawking, and it bears the same title as Hawking's bestselling book.

The increasing competition in the market for documentary features is reflected in changes at New Yorker Films in the 1980s. A long-time distributor of documentary features, New Yorker Films continued to acquire documentaries even as new, powerful theatrical distributors began to vie for the same films. This led New Yorker to change its strategy. Rather than acquiring exclusive rights to a feature documentary, New Yorker often took the non-theatrical rights and left the riskier theatrical market to other distributors. New Yorker also increased the price it paid to acquire the rights to documentary features.

Public Policy: Production Grants and Public Television Broadcast

The late 1970s and 1980s saw major changes in the theatrical distribution realm because of the rise of the American independent cinema. More distributors than ever were acquiring independent features, including documentary films, and releasing them in theaters. While these were the most visible evidence of the burgeoning market for documentary, there were subterranean shifts as well. New and expanding institutions helped build the infrastructure for the production, distribution, and broadcast of documentary films. On the production side, an increasing number of federal agencies and private foundations provided grants to

[55] Distribution Agreement Motion Picture: "Fast, Cheap, and Out of Control"; June 23, 1997; Dan Talbot Papers; Box 246, folder "Contracts - Fast, Cheap, and Out of Control 1997"; Rare Book and Manuscript Library, Columbia University Library.

documentarians. They also increased support of media arts centers, which were a crucial element of the independent filmmaking infrastructure during the late 1970s and 1980s.

At the same time, independent filmmakers turned to the national Public Broadcasting Service for more production financing and airtime. PBS complied with a fiction film anthology series, *American Playhouse*, but the question of independent documentaries was more problematic. Independent documentaries often proved controversial, in both subject and form, making programmers wary of scheduling them. Independent documentary filmmakers wanted to work with PBS, without relinquishing their editorial control to cautious broadcast bureaucrats. This conflict recalls the struggle between Robert Drew and the television networks in the 1960s. Drew wanted to make documentaries that did not follow journalistic norms, and he wanted to work outside the tight editorial control of the network news divisions. Eventually, Drew and his associates realized that they would be unable to make work for the networks.

However, this struggle would have a different conclusion: by banding together with the Association for Independent Video and Filmmakers, documentarians eventually convinced PBS to create a stable broadcast home for independent documentary features. After a decade-long battle, PBS founded the national series *P.O.V.*, which has been showcasing a stylistically-varied array of independent documentary features every season for over 30 years.

I traced these changes in public policy by exploring the AIVF's monthly publication, *The Independent*, as well as through mainstream news outlets like the *New York Times*, magazines like *American Film*, and trade papers like *Broadcasting*. *The Independent* published short news items and feature articles about public policy, granting agencies, and public broadcasting in nearly every single issue. This kept members abreast of new production grants on offer and the latest personnel change at federal agencies and private foundations. *The Independent* concentrated, in particular, on the AIVF's fight to get PBS to consistently fund and broadcast

documentary features. The publication printed public letters to officials, calls to action, and transcripts of AIVF's meetings with Congress and Public Broadcasting Service officials. Using *The Independent* allowed me to construct a history of this era that attends to the concerns and demands of independent documentarians, and show how they shaped the infrastructure for feature documentaries.

Production Financing: Federal Agencies and Private Philanthropies

While the Independent Feature Project and Film Forum helped make space for documentary features to be shown in theaters, federal agencies and granting organizations encouraged the production of feature documentaries by providing funding opportunities. These new and expanded sources of public and private financing were a key factor in the growth of the documentary marketplace in the late 1970s and 1980s. Two of the most important sources of funding for documentaries were the National Endowment for the Arts and the National Endowment for the Humanities. Though established in 1965 and 1967, respectively, the organizations only began awarding grants for media production in 1972. In 1981, the NEA awarded $1.1 million to independent film and video producers, with another $900,000 supporting media arts centers around the country, fellowships at the American Film Institute, and the Independent Documentary Fund at New York's WNET. The same year, the NEH awarded $4.7 million in grants to independent productions, usually in larger chunks, between $100,000 and $500,000.[56] Also in 1981, the Reagan Administration installed William J. Bennett as head of the NEH, and his public hostility to the use of federal funding for political documentaries sent a chill through the independent film community. However, because the process of film production is so lengthy, NEA and NEH grants continued to spur the growth in documentaries during this

[56] Regina Cornwell, "Cents and Sensibility, or Funding Without Tears," *American Film*, September 1981, 64.

period. Bennett stepped down from the NEH in 1985, and later directors were less outwardly antagonistic toward funding independent film.[57] Smaller production grants also came from state arts and humanities agencies.

The Ford Foundation provided production financing to films, but it primarily funneled money into building the institutions that supported exhibition of non-mainstream film in the United States. These non-profit organizations included Film Forum, Young Filmmakers Foundation, Anthology Film Archives, and the Whitney Museum. In addition, it matched the NEA's grants to the Independent Documentary Fund, which was administered by WNET.

Private non-profits also aided the production of documentaries during this time. In particular, the Film Fund, active from 1978 to 1985, provided direct funding for the production of both fiction and non-fiction films about "pressing social issues, that are innovative in both content and style, that try to extend people's perception of what is real or possible, that encourage activity rather than passivity."[58] Filmmakers, including documentarians Barbara Kopple, Julia Reichert, and Haskell Wexler, founded the Film Fund. In its first few years, the Film Fund awarded $100,000 annually, in $1,000 and $10,000 increments. Notably, it was focused not only on supporting the production of progressive films, but on getting them distributed widely because, as executive director M-Carmen Ashhurst noted, "theatrical films affect the terms of debate at the national level."[59] Unfortunately, due to the growth of the market for documentaries and persistent problems raising funds, The Film Fund no longer had a place on the scene by the mid-1980s. In a postmortem article in *American Film,* Ashhurst pointed out, "The only people coming in with small films were activists. They had good topics, but they were bad filmmakers. The good, experienced filmmakers were moving into larger documentaries and

[57] "NEH Timeline: How the NEH has fostered the humanities," National Endowment for the Humanities website, https://www.neh.gov/about/history/timeline.
[58] Amos Vogel, "Independents," *Film Comment*, March/April 1978, 76.
[59] Susan Linfield, "The Good Fight," *American Film*, April 1985, 18.

features with budgets of hundreds of thousands of dollars."[60] The Film Fund provided essential resources to many documentary films, but changing market conditions and organizational problems meant it did not last long.

During the late 1970s and 1980s, most documentary filmmakers financed their work themselves, with help from a mix of grants, rather than raising funds from investors. This era saw major growth in government and foundation grants to support the production of documentary films, along with other media projects and media arts centers.

Production Financing: Public Broadcasting Service

Foundation grants helped documentarians during production, but they left open the question of distribution and exhibition. By contrast, production funding from CPB, PBS, or local public television affiliates meant that a film's broadcast premiere would be on public television. In this system, production financing and distribution/exhibition were bound together. However, receiving these funds from public television entities did not *guarantee* that a documentary would be broadcast. Even when the national system or local station did broadcast a film, they would not necessarily program it at a desirable time or heavily promote it to viewers. One upside to this non-exclusive system is that independent producers were allowed to pursue distribution via other routes as well, like a theatrical run prior to the broadcast premiere.

At the national level, PBS had Open Solicitation through the Corporation for Public Broadcasting for funding, wherein producers would submit proposals for projects to be funded. Many documentaries were funded this way, including films by Frederick Wiseman and the early works of Ken Burns. During this period, CPB also experimented with funneling financing to unaffiliated producers through specific programs, like *Crisis to Crisis* and *American Playhouse*,

[60] Debra Goldman, "A Death in the Family," *American Film*, November 1986, 54.

in addition to Open Solicitation. In 1981, CPB invested $7.8 million in independent productions, including documentaries.[61]

Local stations also provided production financing, but the levels of support varied widely between stations. Wisconsin Public Television helped finance documentaries *The War at Home* and *Song of the Canary*, but many stations had little interest or ability to support independent productions. The most important "local" station is New York's WNET, which was once the National Educational Television Center, the main producing station for the public television system. Because of this legacy, and its location in a major media capital, WNET was a leader in providing funds for independent productions. Its TV Laboratory provided grants to many unusual productions, including the Independent Documentary Fund. The IDF underwrote ten to twelve documentaries per year, including major works like *Burden of Dreams* (Les Blank), *Vernon, Florida* (Errol Morris), and *World of Tomorrow* (Lance Bird and Tom Johnson). IDF films were broadcast in the series *Non-Fiction TV*.[62]

MacArthur Foundation

Though cable television did not have a major impact on the documentary film market during this time period, one program on The Learning Channel fostered the entry of the John D. And Catherine T. MacArthur Foundation into major media distribution grants. In 1983, MacArthur awarded a $666,800 grant to TLC for a series entitled *The Independents*. At the time, it was the largest single grant ever given by a private foundation to a media project. The National Endowment for the Arts chipped in $100,000, along with $250,000 from The Learning Channel itself.[63] In its first season, 1985, *The Independents* had two parts: *Dis/Patches*, featuring video

[61] Regina Cornwell, "Cents and Sensibility, or Funding Without Tears," *American Film*, September 1981, 64.
[62] "Documentaries are alive and well on PBS's new series," *Broadcasting*, February 12, 1979, 61.
[63] "Record Grant Resuscitates Indie Cable Channel," *The Independent,* January/February 1984, 6-7.

art, and *Agenda*, featuring documentaries. Independent filmmakers were invited to submit their work, similar to the Open Solicitations that PBS used.

Advocacy for Independent Film

One organization was instrumental in opening the public broadcasting system to more independently-produced features: The Association of Independent Video and Filmmakers. The AIVF was founded in 1975 and played a crucial role in advocating for independent filmmakers' access to theaters and public broadcasting. It also disseminated information and connected the independent community through its semi-monthly newsletter, *The Independent*. Pressure from the AIVF helped pass the provision that CPB provide funding directly to independent producers, and they continued lobbying for this order to be enacted throughout the 1980s. Headquartered in New York City, it also closely monitored WNET's programming and engaged with the station a number of times throughout the decade. For example, in 1979, the executive producers of WNET's *Independent Focus* rejected four of the films that the peer panel had chosen for the series. This incensed the independent community, which viewed this action as a betrayal by its supposed partner. The AIVF held public forums with WNET representatives and published many articles and statements on the issue in its newsletter, *The Independent.*

While not a funder or exhibitor of documentary features, the AIVF's lobbying efforts were a source of significant pressure on PBS during this era. The organization held PBS accountable for carrying out its Congress-mandated mission to include independently-produced films in its national schedule.

PBS & *P.O.V.*: Journalism v. Filmmaking

Barriers to Accessing Public Television

At the same time as independent filmmakers were figuring out how to get their films into commercial theaters, they were also fighting for a place on public television. This battle included both fiction and documentary filmmakers, but the impact on documentary film was more significant and long-lasting. Independent filmmakers and the Association of Independent Video and Filmmakers consistently lobbied the Public Broadcasting Service for access to funding and national broadcasts. The AIVF was deeply involved in this battle, populating the pages of its newsletter, *The Independent*, with transcripts of meetings with PBS officials, position papers that it delivered to Congress, reports on the national public television organization and local public television stations, and comparisons with other nations' television systems.

It may seem strange for filmmakers and their organizations to work so hard to obtain financing and broadcast time from the American public television system. But this relationship was law: the Public Telecommunications Financing Act of 1978 had ordered that a substantial amount of PBS funding go to independent film and television producers, and that it be chosen by a panel of other independent producers. Apart from that, Congress did not include any specific instructions for how this decree should be enacted, or even how much of the programming funds constituted a "substantial" amount. The vagueness of the Act led to confusion and a pitched debate between the AIVF and the Public Broadcasting Service and the Corporation for Public Broadcasting.

It is important to note that there was already a mechanism in place for filmmakers to work with public television. For funding and a national broadcast, they could submit their work to PBS, or a large producing station like WGBH or WETA that funneled programs to local stations, through an Open Solicitation. The film might be granted some production funds, in exchange for rights to the broadcast premiere. Such was the case for *Word Is Out* and *The War At Home*. Both documentaries received production funds from stations (WNET and Wisconsin ETV,

respectively), and then were broadcast on those stations after their successful theatrical runs. However, PBS and the producing stations did not guarantee broadcast of their funded project. Even when funded films were fed by satellite to local stations for broadcast, local stations might decide to schedule them at undesirable times or to preempt them altogether. Independent filmmakers and the AIVF sought more funding for independent work and a regular primetime spot for their completed work.

However, there were a number of hurdles to winning access to higher levels of funding and wider broadcast. The public television system favors local control, and, like theater owners who considered independent films suspect, local station programmers were very wary of independently-produced programs. They were suspicious for a number of reasons: schedule disruption, potential for controversy, and the unwanted flow of financing to independent producers and out of the public television system. Schedule disruption was a real fear for local stations, and it was one reason why they might decline to schedule an independent documentary that PBS had helped fund. The conventional wisdom was that one-off broadcasts of fiction films and documentaries were not conducive to building strong schedules that attracted audiences. In the late 1970s, the public television system was still wrestling with its identity and struggling to survive. While being noncommercial theoretically freed public broadcasters from the tyranny of ratings in making programming decisions, both local stations and the national system needed to continually demonstrate their value to audiences and government. This is not to say that independent documentaries necessarily generated low ratings or translated to low value for the public, but the industry lore discouraged their programming, in favor of branded and easily-marketed continuing series like *NOVA*.

Another reason local stations were wary of independent productions was the potential for controversy, which could anger viewers and lead to state governments threatening to pull funding

from precarious stations. Only a decade before, in a significant episode in the history of American public broadcasting, local stations' fear of controversy had actually sunk the National Educational Television Center. NET had operated like a network, supplying public affairs programming to other educational television stations in the 1960s. NET, intent on becoming "the alternative network," had had to attract viewers to its programs with an advertising budget of only $80,000 per year, while the commercial networks were free to spend $1million on advertising per week. As Carolyn Brooks shows, NET battled against this substantial disadvantage by embracing the free publicity that often accompanied somewhat controversial programs, like “Three Faces of Cuba” (an episode of *Changing World*) and “John Birch Society” (an episode of *Regional Report*).[64] NET differentiated itself by covering topics that commercial broadcasters would not, particularly the plight of African-Americans, the treatment of the poor, and the Vietnam War. This made local stations extremely skittish about broadcasting NET's shows. Even though NET's gambit succeeded, leading *Variety* and other media outlets to publicize NET programs more consistently, the local stations won out. In 1967, the Public Broadcasting Act of 1967 created PBS to supplant NET. PBS took over as station manager in 1969, banishing NET to station status. NET became the station WNET and remained a principal producer for PBS, but the new administration of WNET shut out all the producers and filmmakers who had been working for NET for the past decade. The recent history of pre-PBS educational television illustrates some of the hurdles and risks that colored the AIVF's fight for more funding and access to national broadcast.

Finally, the funding and programming of more independently-produced films represented a drain on local stations' own power and funding. Any money that went to independent documentarians was interpreted as money that stations did not get for operations or in-system

[64] Carolyn N. Brooks, “Documentary Programming and the Emergence of the National Educational Television Center as a Network, 1958-1972” (dissertation, University of Wisconsin-Madison, 1994).

production. In 1979, *The Independent* printed a confidential letter from Bob Thomas, Director of the Association of Public Broadcasting Stations of NY, to managers of stations about a meeting of the New York State Electronic Media Organization, where filmmakers were organizing for more access to public television. He writes about the independent filmmakers, "Their actual purpose is to get their mitts on CPB funds—as much as possible—and their products aired over PTV stations... Part of the horror of this whole baleful business is that a corporation set up to promote the interests public broadcasting must now by law (and inclination) promote the interests of non-broadcasters. ...The bottom line, it seems to me, is to have maximum federal dollars go by law directly to the stations."[65] Thomas's fear-mongering sentiments set up "non-broadcasters" as the enemy—interlopers who want to take money and power away from the stations, not partners whose work could enhance the station's schedule and perceived value.

Even though WNET's role in national programming decisions was much-diminished, it supported independent filmmaking as a local station, with programs that funded and showcased independent films. Some other stations acquired these series, but broadcast was uncertain and piecemeal because they were not part of the national PBS schedule.

Local Stations & Documentary Films

Early on, some local stations had found solutions to the problem of independent productions. They developed long-running, regular anthology series to showcase independent work, from fiction to documentary to experimental video and film. Writing in the *The Independent* in 1979, documentarian and media activist Dee Dee Halleck pointed to these programming exemplars: "*Image Union, Frontier,* and *Territory* are regularly scheduled programs of independent work on public television. If you haven't heard of them, it's because

[65] "Confidential: from Bob Thomas," *The Independent*, November 1979, 10.

you don't live in Chicago, Buffalo or Houston." All were associated with a production center, like a media arts center, and were programmed by a member of the independent film community, not by the station staff members. These programs were AIVF's ideal solution to the problem of independent film on public television, but their advocacy for a national anthology series would not pay off for another decade.

Apart from a few special series, most local stations had abysmal records on relationships with independent producers. The chief programmer at WYES in New Orleans, Julian Cain, describes the financial obstacles to programming independent documentaries. He told *The Independent*, "I can acquire a BBC-produced documentary hosted by a well-known personality for as low as $280 through the Station Programming Cooperative of PBS or through the Interregional Programing Service... My mid-range price for non-blockbuster programming runs between $300 and $500."[66] For filmmakers who spent years, and tens of thousands of dollars, making a documentary, $500 for regional broadcast is a pittance. National broadcast remained the holy grail for independents not only because of the ability to reach a much larger audience, but also because PBS paid much higher broadcast licensing fees.

Another problem for local stations was union rules, which could prohibit the funding and broadcast of independent productions. "WTTW's labor contract effectively restricts the public from creating programming for Chicago's public TV. The contract states that any program that is produced exclusively for Channel 11 broadcast within 200 miles of the station must be done with the employed union crew of Channel 11."[67] This led Chicago-based documentary collective Kartemquin Films to seek funding from WNET's TV Lab, rather than being able to partner with its local station.

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[66] Louis Alvarez, "Once in a Blue Moon, Bayou Indies On Local TV," *The Independent*, December 1982, 7-8.
[67] Howard Gladstone, "Outlook for Windy City: Cold Front Moving in Fast," *The Independent*, December 1982, 11-12.

Anthology Series and Expectations of Journalism

In an effort to reconcile the interests of stations and independent filmmakers, PBS introduced several anthology series to collect independent films. Filmmakers would submit their films to a peer panel, made up of both public TV staff and independent filmmakers. These series included *Non-Fiction TV* (1978-1984, in collaboration with TV Lab's Independent Documentary Fund), *Crisis to Crisis* (1980), and *Matters of Life and Death* (short films, 1981-1982).[68] These short-lived series, and the individual documentary films that continued to be programmed, reveal key fault lines that would hobble the AIVF's efforts until later in the 1980s. Station representatives remained concerned about the potential for controversy. With each program, they expressed fears about the show's framing and timing, unconventional formal approach, and its relationship to journalism.

In the case of *Crisis to Crisis*, Program Fund director Lewis Freedman wanted to create an "op-ed" television series, "which would supplement the middle-of-the-road broadcast journalism that has little by little taken over the airwaves."[69] Here, the timing of this approach may have jeopardized the program. The Corporation for Public Broadcasting's Program Fund had allocated $1.5million for the series, and in December 1980, it granted production financing to four independent documentaries in its first round. Its first broadcast was *Roses in December* (1982, Ana Carrigan and Bernard Stone), the portrait of an American missionary woman killed in El Salvador, supposedly by members of the Salvadoran National Guard. But by the time of the film's broadcast in 1982, with a new presidential administration in power, *Crisis to Crisis* was already dead. Although the Fund spent a little over $500,000 in its first round, it declined to fund any of the proposals in the next round of the series. Writing in *The Independent*, AIVF President

[68] PBS also designed a series called *No Sacred Cows*. Programmers rejected it at the annual Program Fair in 1983, so it was never produced.
[69] Arthur Ungar, "The 'Crisis to Crisis' Series - an 'op-ed' page for PBS," *The Christian Science Monitor*, July 23, 1982, http://www.csmonitor.com/1982/0723/072300.html.

Lawrence Sapadin surmised, "Given the current political climate and the Reagan Administration's undisguised hostility toward CPB, there has been speculation that the Fund found its hard-hitting crisis format too hot to handle."[70] Indeed, the idea of funding and broadcasting op-eds was antithetical to a newly-powerful man in Washington: President Reagan's appointee to the National Endowment for the Humanities, William J. Bennett. Bennett helped usher in new rules to bar NEH from funding projects that "advocate a particular program of social change or action." As Bennett said in a 1984 interview, "'I don't object to point-of-view films. If independent filmmakers have an ax to grind, the First Amendment protects that right—but not their right to use tax dollars to do so."[71]

As the head of one of the most powerful documentary funding agencies, Bennett's views permeated the land, and probably led to the end of *Non-Fiction TV*, as well. The series was an offshoot of the Independent Documentary Fund, created in 1978 with support from the Ford Foundation and the National Endowment for the Arts. Head of TV Lab and the Independent Documentary Fund David Loxton recalled, "There was a period when every documentary we made won every major award."[72] In spite of these successes, the Corporation for Public Broadcasting did not step in to provide continuation funds when the the Ford Foundation's support ended in 1983. *Non-Fiction TV* broadcast its final season in 1984.

Deviation from traditional documentary form and journalistic norms was another problem that plagued both series and individual documentaries on PBS. Similar problems had dogged Robert Drew and his associates in the early days of Direct Cinema because their work consciously flouted the conventions of network news reports and documentaries. On *Matters of Life and Death*, a series of short documentaries, the form of its films was an issue. Two of the

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[70] Lawrence Sapadin, "From Crisis to Crisis: Cold Feet at the Program Fund," *The Independent*, May 1981, 8.
[71] Ellin Stein, "Leaner Times for Documentaries," *The New York Times*, June 10, 1984, https://www.nytimes.com/1984/06/10/arts/leaner-times-for-documentarians.html.
[72] Ellin Stein, "Leaner Times for Documentaries," *The New York Times*, June 10, 1984, https://www.nytimes.com/1984/06/10/arts/leaner-times-for-documentarians.html.

funded projects, by established filmmakers, were rejected for broadcast because they mixed fact and fiction: *Some of These Stories Are True* (Peter Adair) and *Energy and How to Get It* (Robert Frank and Gary Leon Hill).[73] While the flexibility of documentary form was a boon to theatrical successes like the humorous compilation-film *The Atomic Cafe* and dialogue-free, experimental *Koyaanisqatsi*, any television documentary that deviated from conventional form was cause for consternation or cancellation. Documentaries were expected to hew to a relatively neutral style and objective stance, to mimic the standards of journalism.

As PBS vice president of news and public affairs Barry Chase told *American Film* in 1986, "The conventions of TV journalism are a fait accompli. ...I can't change that. The audience expectations are there."[74] These expectations often conflicted with filmmakers' goals, and set up a strange situation by which PBS funded but then refused to air certain films. One example is the film *When the Mountains Tremble* (1983, dirs. Newton Thomas Sigel and Pamela Yates), about Guatemalan Indians' opposition to their government. The film clearly favors the side of the Indian guerillas.[75] Because the documentary's lack of balance does not align with supposed audience expectations about journalism, PBS produced a segment featuring opposing views to follow the film's broadcast. This “wrap-around” segment was meant to neutralize the film’s political stance. One of the co-directors of *When the Mountains Tremble* explained the conflict as such: “We wanted it presented as a film. [PBS] wanted it as a public affairs package. They had to say, ‘Here’s the latest news about Guatemala.’ But while our films is a documentary, it’s not a news documentary.”[76] In 1984, PBS did not have a good way to package or present non-news documentaries. As the decade progressed, the development of documentary series would help clarify the distinction between documentary films and broadcast journalism.

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[73] Kathleen Hulser, “Truth or Consequences: Fact & Fiction on PTV,” *The Independent,* July/August 1982, 4-7.
[74] Debra Goldman, “It’s A Rap,” *American Film*, September 1986, 17.
[75] In 1984, New Yorker Films paid no advance to acquire the exclusive theatrical and non-theatrical rights to *When the Mountains Tremble*. It premiered at Film Forum in January 1984.
[76] Debra Goldman, “It’s A Rap,” *American Film*, September 1986, 18.

Freedom from Controversy: Frontline

Rather than continue to fund and air series of independently-produced documentaries, CPB's Program Fund turned to a safer solution: *Frontline*. In 1982, the Program Fund granted WGBH $5 million for the series, the largest production grant ever made. Even before the series had a name, its executive producer David Fanning told *Broadcasting* that it would not be "'a documentary showcase' but rather an 'exercise in broadcast journalism.'"[77] The deliberate turn from documentaries with a point of view is even more evident in this part of Fanning's statement: "The *Frontline* format won't work with people who are more filmmakers than journalists.[78]" In addition to this shift away from eclectic documentaries and toward more conventional journalistic forms, the series was not to be programmed through the peer panels that reviewed projects for *Non-Fiction TV* and *Crisis to Crisis*. Fanning, formerly the executive producer of WGBH documentary series *World*, would hold all the decision-making power. In order to manage the risk of dealing with sensitive topics and the possible backlash that can accompany investigative journalism, *Frontline* employed a strong executive producer to exercise editorial control. The centralized editorial control of *Frontline* mimicked the network news departments' command over all non-fiction and current events programming, which led to internal disagreement over whether to broadcast documentaries by Drew Associates or not.

While some episodes of *Frontline* were to be produced in-house, others were to be made by independent producers. This would seem to fulfill the Congressional mandate of the 1978 Act, but the AIVF vehemently opposed the idea that documentaries included in *Frontline* would count as "independent." As former president of WNET James Day explains, filmmakers who worked for *Frontline* were actually "freelance," not independent: "The distinction, [the AIVF] argued,

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[77] "Public broadcasting enters neglected documentary field," *Broadcasting* January 11, 1982, 55.
[78] Ellin Stein, "Leaner Times for Documentaries," *The New York Times* June 10, 1984, https://www.nytimes.com/1984/06/10/arts/leaner-times-for-documentarians.html.

was clear and crucial: independents speak with their own voice, free of outside editorial control, unlike freelancers, whose ideas are subject to the editorial standards of the series they are working for."[79] Of course, during this tumultuous time, having strict editorial standards helped insulate both the national service and local stations from critics, like NEH Chairman William Bennett.

Cable Television and The Independents

While *Frontline* became the flagship documentary series on PBS, one cable channel made an unusually strong commitment to independent film: The Learning Channel. Though it did not provide the production funding that so complicated PBS's relationship with independent filmmakers, The Learning Channel created a series intended to be "the premiere national showcase for independent film and video works."[80] It was called *The Independents*, and in its first season, premiering in 1985, it had two parts: *Dis/Patches*, featuring video art, and *Agenda*, featuring documentaries. Independent filmmakers were invited to submit their work. The series was programmed by Gerry O'Grady of Media Study/Buffalo, one of the production centers involved with the local station series *Frontier*, linking it back to public television. But unlike local public television stations, The Learning Channel could afford to pay filmmakers a fair price for the non-exclusive right to show their work: $210/minute for 4 showings in 3 years (just under $19,000 for a 90-minute feature). The Learning Channel was able to pay filmmakers through funding from the John D. And Catherine T. MacArthur Foundation. The MacArthur Foundation began funding media work in 1983, and one segment of this was the largest single grant ever given by a private foundation to a media project: $666,800.

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[79] James Day, *The Vanishing Vision: The Inside Story of Public Broadcasting* (Berkeley: University of California Press, 1995), 320.
[80] Debra Goldman, "Media Clips: The Learning Channel's Agenda," *The Independent*, May 1985, 4-6.

When The Learning Channel began broadcasting *The Independents* in 1985, it was a not-for-profit channel that shared satellite space with other cable channels, broadcasting only between 11am and 4pm. It had 5 million subscribers and in order to grow more subscribers, it had to prove to cable operators that it was worth carrying. *The Independents* was part of their plan to grow. While broad accessibility is an essential part of PBS's mission, the mandate to serve the entire American public detracted from its ability to program more-specialized, niche shows. In contrast, The Learning Channel's executive vice-president Robert Shaman saw the value in independent films for its narrowcasting mission, saying, "The audience for *The Independents* is a small sliver of our cable universe... Put all those splinters together and you have a critical mass that makes it attractive."[81] In addition to its mission to gain more subscribers, The Learning Channel had other plans for *The Independents*: selling the packaged series to other broadcasters. Among its first buyers were public television stations WTTW (Chicago) and KTCA (Minneapolis). This move had independent filmmakers reeling: PBS had abdicated its responsibility to independent filmmakers in order to stay safe in a tense political environment, but public television stations in large metropolitan areas still showed a demand for well-curated packages of independent films.

This incident spurred the AIVF to continue applying pressure to PBS to fund and broadcast more independent film. In March 1988, a number of well-regarded independent filmmakers, including documentarians Pamela Yates, Frederick Wiseman, and Marlon Riggs, testified before the House Subcommittee on Telecommunications and Finance about problems that independents have accessing PBS funds and audiences.[82] Transcripts of this testimony were printed in an issue of *The Independent* devoted to advocacy for independents and minority

[81] Debra Goldman, "The Learning Channel, Round Two," *The Independent*, September 1985, 4.
[82] This meeting with the congressional subcommittee preceded the Culture War waged by right-wing activists over Riggs' *Tongues Untied* (1991) receiving a grant from the National Endowment for the Arts and being broadcast on *P.O.V.*

producers in public television. These public debates proceeded through the mid- and late 1980s, and they almost certainly added urgency to the task of getting a showcase of documentaries on PBS.

The Path to P.O.V.

While PBS struggled to find a series format to accommodate independent documentary films, it had great success with an anthology of independent fiction features: *American Playhouse*. Presented by a consortium of stations, it provided some production funding and national broadcast to over 200 independent films between 1982 and 1994. The seal of approval from *American Playhouse* encouraged other organizations and financiers to partner with the filmmakers to fill out their production budgets. It also helped films cross into theaters: about 40 *American Playhouse* films were acquired by theatrical distributors and played in theaters before their television premieres on PBS. The success of *American Playhouse* also paved the way for *P.O.V.*

The inciting impetus for *P.O.V* originated during a panel discussion at the 1986 US Film Festival (later Sundance Film Festival), when Nick Hart-Williams of the UK's Channel Four "reported that Channel 4 has acquired so many independent films and tapes the broadcaster was creating a new anthology series. …[*Frontline* executive producer David] Fanning replied that he had often thought there should be something similar on U.S. public television."[83] Clearly, Fanning had never heard of PBS's earlier attempts at documentary anthology series. Word got around to *American Playhouse*'s executive producer David Davis, who had also facilitated the Ford Foundation's grant to WNET's Independent Documentary Fund. He agreed to be executive director of the new documentary series, with Marc Weiss as executive producer. The same

[83] Debra Goldman, "Media Clips: Package Deal: A New Documentary Series," *The Independent*, December 1986, 5.

consortium of stations that backed Playhouse also backed the series. Cognizant of the suspicion that station staff always have about broadcasting independent film, Weiss proposed the consortium so that, he said, "The stations feel they have a stake in the program."[84] The selection process was also designed to minimize station skittishness and to prevent revolt from the AIVF. Rather than screening applications with a peer panel, like earlier failed series *Crisis to Crisis* and *Matters of Life and Death*, employees of the consortium would make editorial decisions, with input from stations and the independent community.[85] *P.O.V* was also planned to allow for the possibility of theatrical distribution of the documentaries, prior to their television premiere. Thus, this documentary series built on the example of *American Playhouse*, and in fact, *P.O.V* has outlasted *American Playhouse* by two decades.

P.O.V also built on The Learning Channel's *The Independents* series, particularly in its funding source and compensation for filmmakers. The MacArthur Foundation awarded *P.O.V* a grant in 1987. As vice-president of The MacArthur Foundation's board of directors William Kirby explained to *The Independent*, "We felt the most important influence we could exert was to pay producers and get their works distributed as widely as possible. …The question of PBS and its relationship to independents is of great concern to us. We feel we may be able to help by inducing PBS, through our own example, to pay more fairly for independent works."[86] Indeed, *P.O.V* improved upon *The Independents*' compensation to filmmakers: it paid $300 per minute of film, while *The Independents* paid $210 per minute. This level of compensation was much higher than any of the local stations' anthology series had been able to pay, and *P.O.V*'s consortium, the American Documentary, Inc, continues to be the funding backbone of the documentary film industry.

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[84] Debra Goldman, "Media Clips: Package Deal: A New Documentary Series," *The Independent*, December 1986, 6.
[85] *The Independent* listed some of these members as Lawrence Sapadin, executive director of AIVF, Lillian Jimenez, former program officer of the Film Fund and AIVF chair, and filmmaker Julia Reichert. Debra Goldman, "Media Clips: Package Deal: A New Documentary Series," *The Independent*, December 1986, 6.
[86] Quynh Thai, "MacArthur Foundation Boosts Media Funding," *The Independent*, July 1988, 4.

P.O.V was also a breakthrough because it provided a context for stylistically adventurous and personal documentaries, away from the troublesome constraints of journalistic documentary. As early as 1986, when the series was first proposed, Weiss expressed his goal that the series "move away from what public television sees as journalism and emphasize instead a strong personal vision."[87] The series was originally entitled *The American Documentary*, but it was changed to avoid confusion with other PBS programs with "American" in the title, and to avoid the widespread negative connotations of the word "documentary." As Weiss joked, "We can't rehabilitate the word if they won't even tune in."[88] Rather, the title "Point of View" connotes the subjective and the personal, two aspects of documentary filmmaking that are distinct from broadcast journalism. The packaging of the program reflects this tilt away from the journalistic as well. In the early seasons of *P.O.V*, the filmmakers themselves appeared on screen before their films played, in order "to introduce their work and provide a context, explain the motivation for tackling their subject, or give other relevant background information."[89]

Independent producers and the AIVF had long lobbied for a show like *P.O.V*, and they finally got it. The dividends it paid were not huge box-office receipts, but they were substantial: the prestige of being chosen for the program was akin to winning a prize or getting a critic's seal of approval; a television premiere, with a possible theatrical release beforehand; and a fair payment for the rights to their work. In addition, their films had national exposure, which translated to a social good that many documentarians aimed for: reaching people who wouldn't or couldn't see documentaries anywhere else.

Conclusion

[87] Debra Goldman, "Media Clips: Package Deal: A New Documentary Series," *The Independent*, December 1986, 6.
[88] Patricia Thomson, "New Doc Series Gets Ready for Launch," *The Independent,* April 1988, 4.
[89] Patricia Thomson, "New Doc Series Gets Ready for Launch," *The Independent,* April 1988, 4.

The late 1970s to late 1980s saw major changes in the visibility and viability of feature documentaries. Like other independent filmmakers of the period, many documentarians undertook the arduous process of self-distributing their features in theaters. Some earned substantial box-office figures, and these successes led more distribution companies than ever to acquire documentary features for theatrical release. The most obvious indicator of feature documentary's shift in status was Warner Bros' high-stakes acquisition of *Roger & Me* and its success in theaters and on video in 1989. This event would have been unimaginable 15 years prior. But it only hints at the wider changes afoot. At the same time as more theatrical distributors showed interest in releasing feature documentaries, there were new opportunities for filmmakers to license their feature documentaries for broadcast. The terms were fiercely debated, but by the close of the decade, the community of independent documentarians had won substantial access to production funding and national airtime from the Public Broadcasting Service. These developments set the stage for a fuller integration in the independent film marketplace and a blossoming of documentary features on cable television in the 1990s.

In this chapter, I have argued for the inclusion of documentary films in the history of American independent cinema. Previous scholarship has barely hinted at the role that documentaries occupied in the American indie renaissance. Documentaries were an integral part of the independent film scene at the moment with "independent" was being redefined and imbued with new cultural meaning. Documentarians helped guide this redefinition by fighting to integrate independent documentaries into the theatrical marketplace. They did this by pursuing regional self-distribution, publicizing their films in unique ways rather than paying for advertising, and partnering with supporting organizations like the AIVF, IFP, and Film Forum.

As filmmakers demonstrated that documentaries, and other independent features, could be viable in theaters, new distribution companies entered to capitalize on this growing market.

Because filmmakers founded it as a collective venture, First Run Features took chances on challenging or genre-bending documentaries, and it ended up distributing many of the most influential non-fiction films of the decade. The commercial distribution companies showed more interest in documentaries that featured a musical or performance element, or that had an easily-marketable hook. Nevertheless, the combination of all these distribution activities effectively cultivated the market for documentaries, such that they had grown in status and desirability by the end of the decade. I demonstrated these changes by analyzing New Yorker Films' distribution deals with documentary filmmakers in the 1970s, 1980s, and early 1990s. While the ceiling for documentary films remained much lower than that for independent fiction features, it certainly rose during this era.

Public television was another avenue for the distribution and exhibition of documentaries, though the stakes were even higher because public television could also provide production funding to independent filmmakers. However, local stations stood staunchly against the disbursement of funding or airtime to independent films, especially independent documentaries. One reason for this is that PBS ran into political problems when broadcasting documentaries that did not conform to the expectations of objective, journalistic films, like the programs made by network-news divisions. Even when local stations did take the initiative to showcase independent work, they were unable to actually support the high cost of film production. The national service would have to package independent work for the whole system in order to compensate filmmakers fairly. PBS was able to do this with fiction films first, on *American Playhouse*, but it faltered on documentaries. Finally, after many years of pressure from independent filmmakers and the AIVF, PBS instituted a sustainable solution, *P.O.V*. Through many seasons of national broadcast, *P.O.V* encouraged the diversity of styles and stances in documentary cinema, setting it

apart from the conventions of journalism. It has also provided consistent financial support to the documentary film community for decades.

Chapter 3: 1990-1999

Introduction: "Whose art, whose commerce?"

The late 1980s and 1990s saw a dramatic increase in box-office receipts for documentaries and in the sheer number of hours of non-fiction television, particularly on cable channels. Powerful independent distribution companies and studio classics divisions propelled documentaries to unprecedented levels of box-office success. More than a dozen documentaries earned more than $1 million, including *Paris Is Burning* (1992, dir. Jennie Livingston, $4million), *Crumb* (1995, dir. Terry Zwigoff, $3m), *Unzipped* (1995, Douglas Keeve, $2.8million), and *When We Were Kings* (1996, dir. Leon Gast, $2.7m).[1] One documentary even earned more than $10 million: *Madonna: Truth or Dare* (1991, dir. Alek Keshishian). Meanwhile, cable channels HBO, Discovery Channel, The Learning Channel, the Arts & Entertainment Network, and Lifetime joined PBS in producing and airing hundreds of hours of non-fiction television each year.[2]

Even as there was more non-fiction programming on cable television every year, documentary film was no longer primarily associated with television journalism, as it had largely been in the 1950s and 1960s. By the 1990s, documentary film was firmly regarded as part of American independent film. And yet, as part of American indie cinema, documentaries were caught up in the mounting competition among increasingly powerful and well-resourced theatrical distribution companies. The higher stakes led to a conflict about what determines a film's cultural position: the documentary film's primary exhibition context or the origin of its producing and financing. The distinction between documentary film and documentary television seems clear-cut: feature-length films screen in theaters, whereas unified series of formulaic thirty- or sixty-minute episodes air on television. Even when the line separating film and

[1] Mike Goodridge, "Top 10 Documentaries at Box Office, 1991-2000," *Screen International*, June 23, 2000, 43.
[2] Discovery bought The Learning Channel in 1991. p. 9. Bill Edelstein, "Producers Hitch Stars to Docus," *Variety* April 3-9, 1995, 9-10.

television is fuzzier, as in the case of PBS's anthology series of documentary films *P.O.V.*, the distinction was inconsequential. That is, until the 1990s. The tension arose because of a symbol of prestige that often translated into better market position: Oscar nominations and wins. In the 1990s, the Academy of Motion Picture Arts & Sciences repeatedly snubbed the most visible and financially successful documentary films. The furor that followed shows that documentary films were becoming more central to the mainstream film industry.

In early 1992, both documentarians and studio executives publicly objected to the Academy's exclusion of well-reviewed, successful theatrically-distributed films from the nominations for Best Documentary Feature. Directors and producers of excluded documentaries *Paris Is Burning, 35 Up, Hearts of Darkness: A Filmmaker's Apocalypse, A Brief History of Time, Madonna: Truth or Dare,* and *Empire of the Air* accused the Academy of "promoting unknown docus [rather] than honoring the finest examples of the genre."[3] Simultaneously, Miramax executives circulated a letter to Academy president Bruce Davis and the press, pushing for changes to the documentary category of the Academy Awards. In addition to technical changes to the nominating process, Miramax co-chairmen Bob and Harvey Weinstein and executive vice-president Russell Schwartz suggested renaming the category "nonfiction" to remove the negative associations of the word "documentary."[4] Most pointed was their desire for the Academy to deemphasize documentary films made for television. They wrote, "Are not the Oscars meant for theatrical films? …The rules are loose here, and should be further defined."[5] But it is the rare documentary film that has no connections to television: public broadcasting and cable television provide much of the production financing for the documentaries that play in film festivals and in theaters. Though theatrical distributors acquire the occasional documentary for

[3] Charles Fleming, "Oscar Mocks Boffo Docs," *Variety*, March 2, 1992, 41.
[4] The Miramaxers suggested that the nominating committee be expanded from 60 to 200 members.
[5] Joseph McBride, "Miramax urges docu rule revamp," *Variety*, March 16, 1992, 5.

theatrical exhibition, public broadcasting and cable television show many more documentary films than are ever released theatrically.

Nevertheless, this campaign increased pressure on the Academy, and in June 1995, the Academy announced new rules. *Documentary* magazine outlined the most consequential changes: "In 1996 and thereafter, a documentary film will no longer qualify for Academy Award consideration by participating in a film festival. The Documentary Screening Committee will only consider those films that have had theatrical exhibition of at least seven days during the qualifying period. Documentarians will have the option of screening their films either in Manhattan or in Los Angeles County for a qualifying run."[6] By requiring that documentary films be released theatrically, despite the historically difficult prospects of doing so, the Academy's mandate shifted power to the well-resourced theatrical distribution companies able to afford the high costs of a theatrical campaign *before* the Academy Awards. As filmmaker Robert Epstein wrote in 1992, "The current hassle [over Academy Award nominations] may not be so much art versus commerce as much as whose art, whose commerce?"[7] The Academy's new rules solidified the Academy's emphasis on a film's primary exhibition conditions, rather than the source of its funding, as an indicator of its position in media culture.

But this episode is not just about Oscar politics and the standard denunciation of new developments on the part of aging Academy members. This upheaval signals shifting industrial and generic boundaries. Documentary film was recognized as cinematic, rather than purely journalistic and informational. It acquired the sheen of quality and import via association with American indies and public broadcasting, while much non-fiction programming was pitched as

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[6] "Academy Awards Rules Revised," *Documentary*, April 1996, https://www.documentary.org/feature/academy-awards-rules-revised. Changes to the nominating procedure that went into effect immediately in 1995 included: Feature Documentary Screening Committee split into two groups, LA and NY. Each group screens half the submissions and narrows to group of finalists, then the other group watches the finalists. Then they decide on the five nominees. Change in scoring system, now a scale of 6 to 10, rather than 4 to 10. 6 to 10 is what the Academy does in other categories.

[7] Robert Epstein, "Latest Academy Stir-Fry: Documentary Pictures," *Los Angeles Time*s, March 12, 1992, F3, F8, F9.

family entertainment or sensational exploitation. But this generic distinction belied an industrial shift taking place: the borders between indie film production and high-end cable were breached. In this chapter, my analysis of the shifting business practices throughout the 1990s among studio and independent distributors and cable brought about a shift in the status of documentary in the American media landscape.

Cable Television & Documentary Films

The deregulation of cable television, brought about by the Cable Communications Policy Act of 1984, fostered the multilayered market for documentary film in myriad ways. While the highly-regulated environment of the classical network era discouraged consistent investment in documentary film or non-fiction programming, many new cable channels filled their schedules with non-fiction programming. They were not beholden to regulations dictating that they carry local or public-service programming, so they were free to fill their schedules with low-cost programming like non-fiction series. Not only was the cost of non-fiction attractive, it was a niche that had been ignored by network television. One practice cable channels used to build brand identity was expanding and concentrating programming niches, including non-fiction. A premium cable channel, HBO, courted prestige by *producing* documentaries, going one step further than The Learning Channel's curation of grant-funded anthology series *The Independents* during the 1980s. By the end of the 1990s, two basic cable channels, the Independent Film Channel and the Sundance Channel, regularly programmed documentary films as part of their schedules of American indie cinema. Though cable expanded rapidly during the 1980s, cable television's investment in and points of contact with documentary filmmaking came to full flower in the 1990s.

By the mid-1980s, broadcast networks had almost ceased producing documentaries, with only 51 hours of documentary programming in 1977 and even fewer, 31 hours, in 1987.[8] But on cable television, non-fiction programming thrived. The founding of the Discovery Channel in 1985 and the rapid growth of its parent Discovery Communications Inc, made documentary programming ubiquitous on television. While Discovery did make some forays into the theatrical market, by and large it stayed out of the hunt for prestige that caused theatrical distributors to try to draw sharp distinctions between television documentaries and film documentaries.

On the other hand, HBO's producing and programming strategies made significant contributions to the multilayered market for documentaries. HBO's inroads into the independent film arena—its films' presence at film festivals and in the nominations for major film awards—caused consternation among established film distributors. The premium cable company had been producing documentaries in significant volume since the mid-1980s, but the 1990s saw HBO change its documentary strategy.

While theatrical releases were constrained by the number of available screens and the increase in specialty releases, cable television became an important ancillary market for documentary films. Two new cable channels, the Independent Film Channel and the Sundance Channel, licensed documentaries aggressively. Because documentaries were such an integral part of the American indie renaissance, they perfectly complemented the independent fiction films that made up the bulk of the channels' schedules.

Discovery Communications

[8] Michael Curtin, *Redeeming the Wasteland: Television Documentary and Cold War Politics* (New Brunswick, NJ: Rutgers University Press, 1995), 246.

Discovery conquered the cableverse by programming exclusively documentary or "factual" programs. There are many reasons for this. First of all, non-fiction series cost less to produce than dramatic content. "An hourlong dramatic episode costs the Big Four anywhere from $1 million to $1.6 million. Syndicators can get by for no less than $700,000-$800,000. The cost for documentaries seems sale-priced in comparison. A&E offers $75,000-$90,000 for an episode of *Biography*. The Learning Channel spends $135,000 to $170,000 for a half-hour of its *Archaeology* series."[9] Not only that, Discovery Communications' investment in programming stretches far and wide because it is evergreen rather than timely, allowing endless replay and recycling. It is also appropriate for and legible to all ages, and with just a change of voiceover language, to audiences in the 145 countries it reaches. To do this, Discovery Communications has strategized: its programs "have largely avoided current political matters and historical subjects irreducible to curiosities or long-resolved dramatic conflicts… Instead, these channels have regularly featured natural disasters, unexplained phenomena (which might be spontaneously combusting bodies on TLC or Big Foot on Animal Planet), forensic science, reality-based crime stories, surgical procedures, or human and animal mating practices."[10] Discovery Communications is also involved in book and multimedia publishing, home video, and, for a time, had a chain of retail stores.

The sheer quantity of documentary programming that Discovery orders means that there are opportunities for production companies to get contracts and generate programming. And there are multiple budget levels—extremely low, as low as $7500 per half-hour for a how-to show—to high—$600,000 per hour for major flagship standalone programs shot on 16mm film, *In the Company of Whales* and *The Space Shuttle*.[11] Discovery also keeps the rights to the work it

[9] Bill Edelstein, "Producers Hitch Stars to Docus," *Variety* April 3-9, 1995, 10.
[10] Cynthia Chris, "All Documentary, All the Time? Discovery Communications Inc. and Trends in Cable Television," *Television & New Media* 3, no. 1, February 2002, 22.
[11] Bill Edelstein, "Producers Hitch Stars to Docus," *Variety* April 3-9, 1995, 9-10.

produces, meaning that producers/filmmakers are basically freelancers delivering a product that they cannot circulate in other ways. While Discovery's programming covers numerous subjects, it leaves little room for work that is personal, idiosyncratic, or politically potent. Documentary producer Steve Fischler described the compromise succinctly, "The good news is that they have the money, and it's not in challenge grants… The other side of the coin is that it will be harder to sell social issue projects."[12] Fischler refers to the tortuous process of applying for challenge grants from PBS and is pleased that Discovery's financing is much simpler. However, he also acknowledges that Discovery does not program the kind of social-issue documentaries that are welcome on public television.

Even as it was expanding into new territories and creating new channels like Animal Planet, executives at Discovery took note of the growth in the theatrical market for documentary films. In 1995, Discovery Communications Inc founded Discovery Channel Pictures to produce theatrical films. Its first foray was a $3 million film called *The Leopard Son* (1996, dir. Hugh van Lawick), narrated by Sir John Gielgud. In addition to being a documentary, *The Leopard Son* is also an explicitly family-friendly film, with a G-rating and a title and storyline resembling the animated mega-hit movie *The Lion King*. Thanks to the power of conglomeration, Discovery Channel Pictures used the Discovery Channel to cross-promote *The Leopard Son* via a television program: a week before the September 27, 1996 theatrical release of *The Leopard Son*, Discovery Channel aired an hour-long documentary on the making of *The Leopard Son*.[13] This promotional campaign would also help Discovery's home video line sell *The Leopard Son* following its theatrical run. However, this was an experiment that Discovery Channel Pictures was never to repeat. Though it was well-reviewed, *The Leopard Son* did not meet expectations at the box-office. According to the *Chicago Tribune*, "Discovery Channel Pictures vice president

[12] Bill Edelstein, "Producers Hitch Stars to Docus," *Variety* April 3-9, 1995, 9.
[13] "*The Leopard Son* from the Discovery Channel: From the Theatre to Cable," *Documentary*, October 1996, https://www.documentary.org/feature/leopard-son-discovery-channel-theatre-cable.

Linda Isaac says the company hoped the movie would earn between $500,000 and $1 million, but it has stalled at $368,000."[14]

While Discovery Communications found room for expansion the American cableverse and the rapidly-deregulating international television scene, the theatrical film realm was much more crowded. After the disappointment of *The Leopard Son*, Discovery Channel Pictures turned to making films for a wide-open market: large-screen format, often called IMAX. Only four to six large-screen format films were being released per year in 1997, and screen capacity was projected to grow by 30% within three years. Discovery Channel Pictures commissioned two large-screen films in 1997, *Africa's Elephant Kingdom* and *Wildfire*, and it planned to use its cross-promotional power as leverage to get its films onto screens. As a writer for *Realscreen* explained, "Discovery will support its large-screen releases with the full brunt of its expertise in cross-promoting non-fiction material across all DCI platforms, including developing affiliate relations with theater owners and assuming the burden of marketing for them… Discovery's ability to do surround marketing at its retail outlets and on its networks provides theater owners with an incentive to schedule the films."[15] Discovery made its large-screen releases more attractive to exhibitors by committing to a major marketing push in its stores and on its television networks. Discovery found the mainstream theatrical market too crowded, so executives identified a different niche that needed filling: the large-screen film market.

HBO Documentaries

[14] Mark Caro, "Curses!? (Violence? Villains? Name-brand Star?) After A Disastrous Summer, Filmmakers And Studios Search For The Added Ingredient That Will Sell Live-Action Family Films," *Chicago Tribune*, October 28, 1996, http://articles.chicagotribune.com/1996-10-28/features/9610280164_1_family-movies-family-films-live-action-movies.
[15] Ed Kirchdoerffer, "Discovering the Big Picture: Museums and producers set to reap the rewards of Discovery's large-screen adventures," *RealScreen*, September 1, 1997, http://realscreen.com/1997/09/01/19687-19970901/.

While Discovery Communications was blanketing the world in non-fiction television, and PBS remained committed to independent documentary film even during the *Civil War* ratings bonanza, HBO cut another path. The premium cable channel did not primarily program documentaries, like Discovery and its offspring; its schedule was mainly comprised of recent Hollywood films. It did not have a network schedule, with designated daytime and primetime shows, as PBS did; its schedule was extremely variable because of the irregular lengths of films. And yet, HBO's documentary sector echoed some aspects of PBS's series *P.O.V.*, *Independent Lens*, and funding body ITVS. Like PBS, HBO's documentaries cover contemporary social and political issues. HBO also hired many documentarians who made work for PBS. But HBO executives operated with greater latitude and more sizable budgets. In a single season of the series *America Undercover*, they could program films on serious topics and films on prurient or exploitative topics. Without responsibilities to numerous stakeholders or a mandate to serve a broad public, HBO pioneered a form of popular documentary programming that would influence the era of the "docbuster" in the 2000s.

HBO started funding and programming documentary-style television early in the 1980s. Its television series *America Undercover* was a consistent source of production financing for independent producers, during a time when PBS was undergoing turbulent changes in funding structures and programming strategies and when commercial networks were reducing their news department staffs. HBO-funded documentaries also earned major accolades, like nominations for the Academy Award for Best Documentary Film, and a win for *Down and Out in America* (1986, dir. Lee Grant). However, partly in response to the growing theatrical market for documentaries and changes in Academy Award qualifying rules, HBO shifted its strategy in the 1990s. HBO began to finance and acquire more feature-length documentaries, thus attaching its brand to the

newly-visible and profitable genre of popular documentaries. HBO also began working with more well-known filmmakers, like Spike Lee.

HBO was founded in 1972 as a cable channel in the New York City area, then expanded its reach throughout the 1970s to become a pay-cable channel showcasing the latest studio films. In doing so, it opened up a new window for the exhibition of films, prior to their broadcast on network television.[16] As the only premium, pay-cable channel, HBO held the power to set its price for licensing new releases. Studio executives complained that HBO was holding prices down, that its monopoly power was artificially deflating prices for cablecasting even the most desirable films. The studios even colluded to create their own pay-cable channel, to be named Premiere, in order to break HBO's monopoly.[17]

Because of this rocky relationship with its suppliers, HBO developed original programming to lessen its dependence upon studio films.[18] Original programming was a way to fill schedule hours for a lower cost than acquiring blockbusters. At first, HBO's original programming included boxing matches, stand-up comedy specials, and documentaries, or what executives preferred to call "non-fiction television." Along the way, HBO developed into a kind of low-budget film and television studio, producing programs that echoed both public television series and direct-to-video exploitation films. HBO also adopted marketing techniques from studio classics divisions and independent distributors, using limited theatrical releases and awards-qualifying runs in key markets to highlight its most prestigious/serious documentaries.

One of the first documentaries produced for HBO was *She's Nobody's Baby: American Women in the Twentieth Century*, a one-hour program produced by *Ms. Magazine* in 1981. For its

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[16] During the first half of the 1980s, Hollywood studios actively resisted the home video market. Executives worried that selling copies of their films would significantly decrease the value of their libraries. This allowed independent distributors to thrive, but it also meant that HBO was an important outlet for studios' recent releases to be seen after their theatrical run.

[17] Michele Hilmes, "Pay Television: Breaking the Broadcast Bottleneck," in *Hollywood in the Age of Television*, edited by Tino Balio (Boston: Unwin Hyman, 1990).

[18] Stanley H. Slom, "HBO: How Fuchs—and HBO—rose to the top," *Variety*, July 27, 1992, 36, 71.

broadcast of the show, HBO won the first Peabody Award for a pay-cable channel. Then in 1984, HBO took a bigger step into the documentary market with its non-fiction series, *America Undercover*. *America Undercover* strains the boundaries of the term "series" for a number of reasons. It has no driving theme or central philosophy. Its episodes are made by independent producers, who are funded by HBO and whose work is overseen by HBO executives. For many years, it did not have a consistent timeslot on HBO's schedule. Most episodes of *America Undercover* are one-hour long, but some are one-and-a-half-hours long, and some are multipart events. HBO's branding of the show has been fluid—sometimes it is marketed as a series, other times the fact that a film was produced for the series is downplayed. This series continues to this day.

America Undercover has encompassed films on a mix of topics, both socially-relevant and openly salacious. The series' first season consisted of six episodes: "Murder: No Apparent Motive," about serial murders, "Stoned: Kids on Drugs," "When Women Kill," "One Man's Fight For Life," "Being Homosexual," and "Getting Even: When Victims Fight Back." These episode titles get at the series' most typical subjects: violent crime, illicit drugs, and sexuality. The series has also covered sober topics like poverty in the United States, abortion, the AIDS epidemic, and rape. In the 1990s, HBO increased the strands under *America Undercover*'s banner with *Real Sex* (1990) and *Taxicab Confessions* (1995). The addition of *Real Sex* and *Taxicab Confessions* added an explicitly tawdry aspect to *America Undercover*, and usually garnered the series' highest ratings, though the two strands made up only 10 percent of HBO's documentary output.[19]

HBO's method for producing documentaries differs from that in place at commercial networks and within American public broadcasting. The three commercial television networks

[19] "Staying Real," *Broadcasting & Cable*, November 4, 2002, 15A.

placed their news divisions firmly in charge of reporting and producing documentary/non-fiction. As a general rule, the networks do not commission independent productions or accept submissions from outside producers of documentaries or non-fiction pieces.[20] Editorial control is centralized within the news departments because network documentaries are usually journalistic. Drew Associates' documentaries were a significant exception to this rule, but their observational nature provided cover by distinguishing them from the news departments' journalistic pieces. HBO also exercises editorial control over individual episodes of *America Undercover*, but it does so by hiring and collaborating with independent producers, rather than maintaining a news department. While PBS holds calls for individual projects to be financed and curated collections of finished films in its anthology series like *P.O.V*, HBO reaches out to filmmakers and pitches subject matter for them. The filmmakers would then create a detailed prospectus, including a list of interview subjects, and present it to HBO for approval. HBO executives viewed dailies and were involved in the editing process with the filmmaker. HBO provided production budgets between $200,000 and $300,000 in the 1980s; by 1997, budgets hovered around $600,000.[21] This is similar to PBS's process for its themed series, like *American Experience* and *American Masters*, and its investigative journalism series, *Frontline*, in which there is substantial collaboration between the PBS executive producers and the independent producers making the episodes.

In the early days of *America Undercover*, HBO did not acquire completed documentaries; rather, executives took a firm hand in producing the work they wanted to air. While PBS was dedicated to funding projects based on merit through democratic processes like Open Solicitation, HBO espoused no such commitment. Rather, HBO chose independent producers based on "who the person is, what's the angle, and his or her experience," explained long-time

[20] Significant exceptions include Robert Drew's work and the historical clip shows like *Project XX*.
[21] Stephen Farber, "HBO Documentaries Fill 3 Networks' Breach," *The New York Times*, June 27, 1984, C26. John Dempsey, "HBO docu dilemma: Ted vs true grit?" *Variety* February 10-16, 1997, 27, 29.

executive producer Sheila Nevins.[22] Choosing independent producers based on their professional experience and portfolio of work is a safe and rational way of operating. It lowers the risk that HBO would finance work that did not meet its standards, but it also raises the barrier of entry to newer producers with fresh ideas. This led HBO to hire many documentarians and journalists who had proven themselves through work on the networks and on PBS. For example, the first episode of *America Undercover* was made by Imre Horvath, a former producer for CBS's *60 Minutes*. Over the years, many filmmakers who had worked with PBS worked with HBO as well. These included Jon Alpert and Maryann DeLeo, Renee Tajima and Christine Choy, and Rob Epstein. They also keep talent in their stable, contracting filmmakers to make multiple works for them. HBO even took on projects that otherwise would have fit into PBS's schedule, like Susan and Alan Raymond's follow-up to their groundbreaking PBS vérité series *An American Family*.[23]

Another aspect of *America Undercover* that differs from network news-produced non-fiction and independent documentaries on PBS is its scheduling: for the series' first eighteen years on-air, it was programmed at irregular intervals, on different days at different times. HBO did not operate according to network scheduling logic, mainly because its primary programming is feature-length films, which vary in length.

What is an HBO Documentary?

From the very beginning of *America Undercover*, HBO executives have worked to position the series as entertaining and cinematic, pushing away conventional definitions of documentary. In an article introducing the series, Bridget Potter, senior vice president of original

[22] Larry Jaffee, "Plugged In Producers: A Guide to Working with Cable Networks," *The Independent*, June 1991, 25.
[23] Recently, HBO even took over the long-running PBS Kids' series *Sesame Street*. It covers production costs for the show in exchange for the right to premiere the new episodes on HBO. The episodes are then syndicated back to the series' original home, PBS.

programming, explicitly states that HBO's documentaries are not news documentaries. "'We are not trying to make or report the news, such as the networks frequently have done with their documentary reports. We simply are trying to enlighten, which is another form of entertainment."[24] In addition to aligning *America Undercover* with entertainment, rather than information or journalism or the public forum, Potter points to the difference in subject matter between "traditional" documentaries and *America Undercover*: "To most people, documentaries mean programs about Indonesia and talking-head discussions…ABC News next month will air a three-hour program on education in America. Now that's a documentary. But with non-fiction tv, it's fascinating to see people's lives unfold."[25] Here, Potter also alludes to the narrative aspect of *America Undercover*'s documentaries, seeing lives "unfold" generally being more entertaining than the analysis of educational systems. Nevins put it plainly: their documentaries must be "a high profile, high gloss concept."[26] In other words, the subject matter should be broadly and immediately appealing, and the finished product should look expensive and inviting. Specifically, people associated with this work observe, such documentaries should look like a feature film.

Personnel hired to make episodes for the series echo Potter's statements, and even praise HBO for its focus on visually-driven non-fiction films. Malcolm Clark, executive producer of the first-season episode "Being Homosexual," declared that HBO was "putting filmmaking values back into documentaries. At HBO they stress the visual, while network documentaries are often nothing but radio with a light on."[27] One way that HBO stressed the visual was by allowing the use of reenactments, a technique that was all but taboo in documentary practice in the mid-1980s. For example, in the first season's first episode, "Murder: No Apparent Motive," the

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[24] Clarke Taylor, "HBO Sees Harvest in Documentaries," *Los Angeles Times*, April 20, 1984, H12.
[25] "HBO Following The Docu Trail Via 'America Undercover' Fare," *Variety* August 15, 1984, 72, 76.
[26] Larry Jaffee, "Plugged In Producers: A Guide to Working with Cable Networks," *The Independent*, June 1991, 25.
[27] Stephen Farber, "HBO Documentaries Fill 3 Networks' Breach," *The New York Times*, June 27, 1984, C26.

filmmakers staged a scene of a woman being abducted. In response to this, ABC News head Richard Richter told *The New York Times*, "I am frankly appalled by some of the techniques they use on HBO. They have used dramatizations within a documentary. That's the kind of tampering with the documentary form that set a dangerous precedent."[28] Here, the entertainment value of recreated footage clashed with more traditional journalistic values held dear by networks.

America Undercover films are not only visually "high gloss," they also use sensationalist narrative strategies and content choices. Because HBO holds editorial control, executives work directly with filmmakers to make these decisions, usually in the name of entertainment. In the very first season of *America Undercover*, some filmmakers alleged that HBO executives encouraged them to add in elements to jazz up the films. Clark, executive producer of "Being Homosexual," told a reporter, "HBO wanted more people who had an ax to grind, so there would be more conflict."[29] Another person who worked on an episode about cocaine abuse among ordinary Americans alleged that HBO coerced the producers into adding a segment on cocaine use among celebrities. Cis Wilson, associate director of documentaries at HBO, did not deny that she gave these editorial notes. She claimed that "Being Homosexual" was "a little too soft" without segments on the difficulties of being gay in America. She also defended the move to focus on celebrities' drug use by appealing to the value of context, as well as entertainment value. "We wanted to remind people of the jet set that has received most of the publicity. That way you have context for the rest of the show. And frankly, we needed something to make the film move."[30] HBO's *America Undercover* married prurient subject matter with sensationalist filmmaking techniques and narrative strategies, going against the grain of both network news reporting and personal or political independent documentaries on public broadcasting.

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[28] Stephen Farber, "HBO Documentaries Fill 3 Networks' Breach," *The New York Times*, June 27, 1984, C26.
[29] Stephen Farber, "HBO Documentaries Fill 3 Networks' Breach," *The New York Times*, June 27, 1984, C26.
[30] Stephen Farber, "HBO Documentaries Fill 3 Networks' Breach," *The New York Times*, June 27, 1984, C26.

Producing for HBO

Most independent producers were happy with their experience working with HBO, not least of all because the process was smooth and the production budgets were generous. Filmmaker Renee Tajima said, "It was clear we were hired hands, freelance workers hired to make the program for HBO…we sit down, we fight, we discuss, we throw things out. [HBO] knows how to work with filmmakers. If you want to develop a good relationship, there's a degree of professional respect. If we weren't happy, we'd take our names off it."[31] While independence and the retention of editorial control are often cited as crucial values for people working with PBS, it is clear that many filmmakers were glad to have the opportunity to make work on a stable financial basis and with competent collaborators like the executives at HBO.

This satisfaction is also reflected in the fact that many filmmakers teamed up with HBO again and again during the 1980s and 1990s, with HBO signing some to contracts to make multiple documentaries. For example, Jon Alpert started making the film *One Year in a Life of Crime* (1989) while a correspondent on NBC's *Today* show. But the network was interested only in short segments, not in a feature-length documentary, so Alpert brought the completed film to HBO. HBO bought it, then contracted Alpert and his associate Maryann DeLeo to make a number of films for *America Undercover*, including *Rape: Cries from the Heartland* (1991), *High on Crack Street: Lives Lost in Lowell* (1995), *A Cinderella Season: The Lady Vols Fight Back* (1998), *Latin Kings: A Street Gang Story* (2003, dir. Alpert), and *Dope Sick Love* (2004, dir. Felice Conte, EP Jon Alpert). HBO also commissioned Maysles Film to make multiple films for the series: *Abortion: Desperate Choices* (1992), *Letting Go: A Hospice Journey* (1996) and *LaLee's Kin: The Legacy of Cotton* (2001), all directed by Albert Maysles, Deborah Dickson,

[31] Larry Jaffee, "Plugged In Producers: A Guide to Working with Cable Networks," *The Independent*, June 1991, 25.

and Susan Froemke. The latter film was nominated for an Academy Award for Best Documentary Feature.

Nurturing relationships with documentarians paid off in prestige. HBO first garnered an Academy Award nominated for best documentary feature for *Soldier in Hiding* (1985, prod. Japhet Asher), just a year after the premiere of *America Undercover.* Its first win came for the 1986 film, *Down and Out in America*, which was directed by actress Lee Grant, who made a handful of documentaries for HBO. Bill Guttentag made many films for *America Undercover*, and earned two Oscar nominations for HBO: *Crack USA: County Under Siege* (1989) and *Death on the Job* (1991). Partnering with Susan and Alan Raymond, HBO earned an Academy Award nomination for *Doing Time: Life Inside the Big House* (1991) and a win for *I Am A Promise: The Children of Stanton Elementary School* (1993). Films produced for HBO were a consistent presence at film festivals and in the running for Academy Awards, a situation that other filmmakers and Miramax executives protested in early 1992.

HBO Shifts Strategy in Mid-1990s

Though those protests in 1992 did not lead to immediate change, the Academy did respond finally with rule changes in 1995. According to the new regulations, documentaries would need to be theatrically released in order to qualify for the Academy Awards; film festival screenings would not count. Around the same time as the announcement of the rule change, and partly in response to it, HBO shifted its strategy around documentary programming. First, HBO pivoted toward investing in more theatrical/feature-length documentary films, which would allow it to continue vying for Academy Awards. It also began paying for theatrical releases of some documentaries, in order to qualify for awards. Second, HBO increased the amount of documentary programming it produced. In 1996, HBO nearly doubled non-fiction production,

increasing its investment from 13 to 24 documentaries per year.[32] This was part of a larger strategy to create more original programming. And while original fiction films cost HBO about $7 million to produce, by the mid-1990s, hour-long documentaries cost HBO about $600,000.[33] Documentaries were a cost-effective way for HBO to expand its slate of original programming, and they brought an additional bonus: prestige and buzz.

Finally, in 2001, HBO gave *America Undercover* a stable place on the schedule, and a prized one at that: Sunday night, following *The Sopranos*.[34] By that time, the balance of HBO documentaries had shifted to include more acquisitions than in the early days. *Broadcasting & Cable* reported, "It finances about 60 percent of the films it airs, acquires another 20 percent and co-finances the rest…"[35] To illustrate HBO's strategy during the mid- to late 1990s, I will turn to a few of its higher-profile feature documentaries.

Investing in talent also helped HBO pivot to the theatrical realm. Though Carolyn Anderson writes that HBO began releasing its documentaries in theatres in 2002, with the founding of HBO Theatrical Films Releasing, the company actually made forays into theatrical releasing earlier, working with already-established film distributors and filmmakers self-distributing their work.[36] Robert Epstein directed *Common Threads: Stories From the Quilt* (1990), which won an Academy Award for HBO. Then, during the course of making his next film, *The Celluloid Closet*, with co-director Jeffrey Friedman, Epstein convinced HBO to invest. *The Celluloid Closet* played at major festivals, including the 1995 Venice Film Festival, 1995 New York Film Festival, and 1996 Sundance Film Festival, and it attracted the attention of a theatrical distributor. Sony Pictures Classics acquire the film during the New York Film Festival.

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[32] Rich Brown, "Original Cable Programming: HBO," *Broadcasting & Cable*, February 19, 1996, 36.
[33] John Dempsey, "HBO docu dilemma: Ted vs true grit?" *Variety* February 10-16, 1997, 29.
[34] Bob Fisher, "*America Undercover* Reaches its Prime (Time) of Life), *Documentary*, April 1, 2001, https://documentary.org/feature/america-undercover-reaches-its-prime-time-life.
[35] "Staying Real," *Broadcasting & Cable*, November 4, 2002, 15A.
[36] Carolyn Anderson, "Theatricals," in *The Essential HBO Reader*, edited by Gary Edgerton and Jeffrey Jones (Lexington: The University of Kentucky Press, 2008).

The Celluloid Closet screened on HBO once, in March 1996, and then Sony Pictures Classics released it theatrically.[37] It earned $1.4 million in theaters.

HBO also worked with directors Joe Berlinger and Bruce Sinofsky on a film to be released in theaters, though through self-distribution. The filmmakers had self-distributed their first film, *Brother's Keeper*, in 1992, racking up $1.2 million. HBO fully funded their second film, *Paradise Lost: The Child Murders at Robin Hood Hills*, for $750,000. It premiered on HBO in June 1996, then earned $250,000 at the box office via self-distribution. Though the box-office earnings were not spectacular, the television ratings were. *Variety* reported, "On the night of its first HBO showing, *Paradise Lost*, which deals with the aftermath of the murder of three 8-year-old boys in Arkansas, chalked up to a 10.9 rating and 17 share in HBO households, winning the night against Big Four programming in those homes."[38] Excellent ratings and a theatrical release certainly helped build HBO's brand, even if the documentary was more pulp than prestige fare. By 1997, HBO had signed Berlinger and Sinofsky to make three more documentaries for them.

Finally, HBO made a significant partnership with filmmaker Spike Lee in the mid-1990s. It financed his documentary *4 Little Girls* about the 1963 Birmingham, AL, church bombing that killed four girls and helped catalyze the Civil Rights Movement. In what would become a standard practice to circumvent the Academy's nominating rules, HBO paid for a theatrical release of *4 Little Girls*. It opened at Film Forum in July 1997 and played in three more theaters over the summer and fall, grossing a little over $200,000 total.[39] While the film did not secure an Oscar nomination, the qualifying run raised the profile of both *4 Little Girls* and HBO. HBO continued to partner with Lee on some of his documentary works, including *Jim Brown: All American* (2002) and his two-part series on the effect of Hurricane Katrina on New Orleans,

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[37] David Noh, "Opening the Closet," *Film Journal International*, March 1, 1996, 24, 199.
[38] John Dempsey, "HBO docu dilemma: Ted vs true grit?" *Variety* February 10-16, 1997, 29.
[39] Todd McCarthy, "*4 Little Girls*," *Variety* July 21-27, 1997, 38. Box office take from *The Numbers* online: https://www.the-numbers.com/movie/4-Little-Girls#tab=summary

When the Levees Broke: A Requiem in Four Acts (2006) and *If God Is Willing And Da Creek Don't Rise* (2010). Lee's documentaries gained substantial acclaim, with *When the Levees Broke* screening at the 2006 Venice Film Festival, the 2008 Whitney Biennial, and winning Emmy Awards, Peabody Awards, and NAACP Image Awards. All of these honors reflected well on HBO, even if the glory was centered upon Lee. In the end, enhancing HBO's brand is the ultimate reason for its investment in documentaries: ratings matter less because there are no advertisers to please. Instead, subscribers have to believe that HBO is worth paying for, and documentaries are part of the holistic picture. This is why Sheila Nevins called a 2002 documentary on the global AIDS epidemic a "low watch but high visibility show."[40] By earning accolades and awards, it would burnish the HBO brand, even if it did not earn ratings to match episodes of *Real Sex* or *Taxicab Confessions*.

It was in the 1990s that HBO became a major player in the field of documentary film. While HBO had been producing and commissioning documentaries for its *America Undercover* series since the late 1970s, its strategy changed in the 1990s. Partly as a response to changes in the Academy Award nominating rules, HBO began to invest in more feature-length documentaries, rather than one-hour films. It also doubled production of documentaries in 1996, as part of an overall strategy to enhance its original programming. Most of HBO's documentaries were intended only for cablecast, but others were produced for possible theatrical distribution as well. These films went to theaters in myriad ways—through acquisition by theatrical distributors, through self-distribution by filmmakers, and through HBO paying for award-qualifying theatrical runs. HBO would employ this final strategy more and more in the late 1990s and into the 2000s, in order to place its documentaries within the conversation about film, rather than television. For

[40] "Staying Real," *Broadcasting & Cable*, November 4, 2002, 15A.

its growing commitment to documentary, HBO reaped many rewards: high ratings, critical acclaim, and numerous prizes from both film and television societies.

Indie TV: An Ancillary Outlet for Documentary Films

Cable television was not only an originator of documentary films and non-fiction series, it also served as an ancillary market for documentary films. Because of the expansion and mainstreaming of independent film culture in the late 1980s, two rival cable channels dedicated to American independent cinema were founded in the mid-1990s. Upon their founding, the Independent Film Channel and the Sundance Channel consistently programmed documentaries, in addition to their main schedule of independent fiction films. Both channels highlighted the documentary genre through special programming tactics. IFC also founded a production company that helped finance and distribute some notable documentaries in theaters.

According to Robert Eberwein, the two channels had slightly different overall programming philosophies.[41] The Sundance Channel framed itself as a premium cable channel that was focused on premiering independent films left without theatrical distribution after a film festival run. In order to differentiate the films it licenses from low-budget B-films or made-for-TV films, the Sundance Channel referred it its content as "first-run."[42] Nevertheless, even the films the Sundance Channel "premiered" were bargain programming. In 2000, *Broadcasting & Cable* reported that the Sundance Channel paid between $15,000 and $100,000 to license independent features that did not have a theatrical release. This is inexpensive relative to HBO's film licensing practices: "In comparison, HBO pays $750,000 for a 'busted theatrical,' or a film that didn't get a theatrical release but has a big name."[43] For instance, the Sundance Channel

[41] Robert Eberwein, "The IFC and Sundance: Channeling Independence," in *Contemporary American Independent Film*, edited by Chris Holmlund and Justin Wyatt (London: Routledge, 2005), 265-281.
[42] Rich Brown, "Redford, Showtine form movie channel," *Broadcasting & Cable*, January 23, 1995, 7.
[43] Deborah D. McAdams, "Bucks, capacity and the Sundance Kid," *Broadcasting & Cable*, May 8, 2000, 42.

premiered a number of fiction films that received limited release only after their cable television premiere, including *Getting to Know You* (2000, Lisanne Skyler) and *Code Inconnu* (2000, Michael Haneke).[44]

The Independent Film Channel, on the other hand, was more interested in programming a wide variety of films, even if they had been released in theaters or shown on other cable channels. To do this, IFC dealt more with distribution companies than with individual filmmakers. In 1996, *Broadcasting & Cable* reported, "To build up programming, IFC has signed agreements with 12 independent distributors that will add 200 films to its 750-film library. Distributors include Columbia TriStar (91 films); New Line/Fine (32); Samuel Goldwyn Co. (27), and Live Entertainment (12)."[45] Later that same year, IFC beefed up its library of licenses even further by making a deal with Buena Vista Television, allowing it to air Miramax titles like *Pulp Fiction, The Crying Game*, and *Clerks*.[46]

Both channels were owned by larger companies and, especially in the early days, these companies used cross-promotion to advertise IFC and Sundance Channel's programming. Bravo co-owned IFC and, in 1996, had five times as many subscribers as IFC. "While catering to different markets, Rainbow is cross-promoting the channels with IFC Fridays, a program block of IFC films that airs Friday evening at 8 on Bravo."[47] Bravo and IFC also shared an office of film acquisitions, managed by George Lentz. Similarly, Robert Redford and Showtime Networks Inc co-owned the Sundance Channel. "SNI hopes to boost sampling of the new network at launch by featuring Sundance programing on Showtime and The Movie Channel."[48]

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[44] Robert Eberwein, "The IFC and Sundance: Channeling Independence," in *Contemporary American Independent Film*, edited by Chris Holmlund and Justin Wyatt (London: Routledge, 2005), 271.
[45] Jim McConville, "IFC on the movie," *Broadcasting & Cable*, February 26, 1996, 48, 44.
[46] Jim McConville, "More subs for IFC," *Broadcasting & Cable*, April 29, 1996, 90.
[47] Jim McConville, "Bravo broadens its reach," *Broadcasting & Cable*, September 16, 1996, 56.
[48] Rich Brown, "Redford, Showtine form movie channel," *Broadcasting & Cable*, January 23, 1995, 7.

Both channels programmed and advertised documentary films according to two logics: generic and topical. Beginning in 1999, the Sundance Channel branded its weekly block of documentary films, scheduled for Monday nights at 9pm, as *Matters of Fact*.[49] IFC regularly grouped documentaries in short-term series, including *Raw Footage* (October 1996), a showcase of political documentaries hosted by Alec Baldwin, and *20 Docs in 20 Days* (November 1996), hosted by Michael Moore and beginning with a broadcast of *Roger & Me*.[50] IFC continued this practice into the 2000s with Doc Week (January 2002). This event was a mix of well-regarded documentaries from the past 15 years—*Paris Is Burning, Crumb, Troublesome Creek: A Midwestern Tale* (1995, Jeanne Jordan)—and IFC Originals documentaries.

They also scheduled documentaries according to topic, mixing the documentary films with fiction films on a related topic. For example, Eberwein points out that the Sundance Channel always ran a gay-themed film series during June, Gay Pride month. In 2001, the Sundance Channel programmed documentary *The Jaundiced Eye* (Nonny de la Pena, 1999) in addition to independent fiction feature *The Delta* (1996, Ira Sachs).

Both channels also produced original television documentaries about film and filmmakers. These documentaries helped explicate and build the cinephilic and American indie culture that the channels promoted. They also acted as implicit marketing for the channels themselves, by glorifying the channels' mission. Sometimes these documentaries were made to advertise specific programming. In 1997, *Broadcasting & Cable* reported, "In November the [Sundance] channel will air an original long-form documentary, *The Last Beat Movie.* The originals will lead into Sundance's November Film Fest series, *The Beats Go On*, focused on writers and poets of the Beat generation."[51] IFC was more prolific in producing made-for-TV

[49] Shelley Gabert, "Sundance on Prime Time," *The Independent*, Jan/Feb 1999, 22-25.
[50] Jim McConville, "Bravo broadens its reach," *Broadcasting & Cable*, September 16, 1996, 56. "Headendings: IFC to air documentary special," *Broadcasting & Cable*, October 28, 1996, 81.
[51] Donna Petrozzello, "New networks: Doing more with less," *Broadcasting & Cable* October 20, 1997, 42.

documentaries. Its productions included *The Typewriter, the Rifle and the Movie Camera* (1996, Adam Simon) about Samuel Fuller; *In Bad Taste: The John Waters Story* (1999, Steve Yeager); *American Nightmare* (2000, Adam Simon) about horror films; and *Crossover* (2001, dir. Steve Cantor) about musicians crossing into acting and directing.[52] IFC used its original documentary *Indie Sex: Taboos* (2001, dir. Lisa Ades and Lesli Klainberg) as a lead-in for a series featuring films with unusual or taboo sex scenes, like *Crash* (1996, David Cronenberg) and *Kissed* (1996, Lynne Stopkewich).[53] Other documentary programming on IFC included *First Person* (2001), an interview series made by Errol Morris, and *With the Filmmaker: Portraits by Albert Maysles* (2001) which featured documentaries on directors Martin Scorcese, Wes Anderson, Robert Duvall, and Jane Campion.[54]

There is one aspect of IFC that distinguished it most from the Sundance Channel: soon after its founding, the Independent Film Channel moved into film production and theatrical distribution. Not only did IFC produce original television documentaries, a division named IFC Productions produced documentaries for possible theatrical release through its distribution company IFC Films. The fruits of this venture were a growing library of films, and the possibility of prestige and profit. This library of films would lessen IFC's dependence on the distribution companies from whom IFC bought the rights to show films. This is similar to HBO's push to create original fiction and documentary films, along with other original programming. Unlike most of HBO's productions, however, IFC was intent on pushing the films through the entire film distribution cycle before showing them on its own channel. IFC president Kathleen Dore said, "We won't be seeing these films until after five to six years for the most part—after

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[52] Donna Petrozello, "Documentaries try to fill bill," *Broadcasting & Cable* January 25, 1999, 110-111. Robert Eberwein, "The IFC and Sundance: Channeling Independence," in *Contemporary American Independent Film*, edited by Chris Holmlund and Justin Wyatt (London: Routledge, 2005), 273.
[53] Robert Eberwein, "The IFC and Sundance: Channeling Independence," in *Contemporary American Independent Film*, edited by Chris Holmlund and Justin Wyatt (London: Routledge, 2005), 271.
[54] Robert Eberwein, "The IFC and Sundance: Channeling Independence," in *Contemporary American Independent Film*, edited by Chris Holmlund and Justin Wyatt (London: Routledge, 2005), 273.

pay per view, after HBO and after broadcast windows. We are really looking forward to having them available to us at some point down the road."[55] This move was also a response to what executives perceived as an opening in the market. IFC senior vice president of programming and production Jonathan Sehring explained, "There is really a funding gap right now in terms of independent and quasi-independent distribution… The Miramaxes and New Lines of the world have gotten so large they have all but abandoned getting involved in ultra-low-budget projects."[56]

IFC Productions produced a number of documentaries. Frances Berwick, vice-president of programming for IFC, explained the budgetary difference between IFC Originals and theatrical documentaries made by IFC Productions: the former cost anywhere between $70,000 and $200,000 per hour, similar to the cost of documentary series on basic cable channels like Discovery and HGTV. The latter cost much more to produce: IFC Productions' first film, *Gray's Anatomy* (1997, Steven Soderbergh), a Spaulding Gray performance documentary, commanded a production budget of $1 million.[57] IFC Productions also funded the documentaries that other distribution companies acquired for theatrical release: *Mr. Death: The Rise and Fall of Fred A. Leuchter, Jr* (1999, dir. Errol Morris, distributed by Lions Gate) and *My Best Fiend* (1999, dir. Werner Herzog, distributed by New Yorker Films). In addition, IFC Productions provided partial funding and support for independent fiction films by notable director John Sayles (*Men With Guns*, 1997) and produced by longtime independent producer Christine Vachon (*Boys Don't Cry*, 1999, dir. Kimberly Pierce).

With IFC producing and distributing films and HBO working with distribution companies to release its films in theaters, the borders between independent film and cable television were

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[55] Joe Schlosser, "IFC will fund independent films," *Broadcasting & Cable*, March 10, 1997, 68.
[56] Joe Schlosser, "IFC will fund independent films," *Broadcasting & Cable*, March 10, 1997, 68.
[57] Donna Petrozzello, "New networks: Doing more with less," *Broadcasting & Cable* October 20, 1997, 42. Jim McConville, "IFC on the movie," *Broadcasting & Cable*, February 26, 1996, 48, 44.

fully breached. Cable companies' incursions into film companies' territory added pressure to an already tumultuous time of transformation in the independent film sector

Documentaries in Theaters: Indiewood & the Second Wave of Studio Classics Divisions

In the 1990s, competition in the independent film arena became fiercer. Once Hollywood saw that independent films could appeal to large audiences, they moved in to the market. Studios bought many independent distribution companies, and they founded their own specialty divisions as well. Suddenly, more companies than ever were acquiring and releasing independent films, including documentaries, in theaters, and they had more money to market their releases than ever before. This fundamental shift in the structure of the industry shifted the status of the documentary film. As the decade went on, a chasm opened between the most dedicated, consistent distributors of documentaries—very small, independent companies—and those distributors that, with the vast resources of global conglomerates, plucked the most marketable documentaries from film festival slates and propelled them to high visibility, if not stunning box-office grosses. The result was a stratification of the theatrical market for documentary films: a few films earned most of the critical acclaim, screen time, and audience attention, while the majority of documentaries struggled to hold onto screens and expand beyond a few urban markets. Nevertheless, the visibility and acclaim of the few top documentaries led to more interest in and acceptance of the genre as a theatrical film product. This completed the shift in the status of documentary that had started slowly in the 1960s, from television journalism to independent film.

I argue that this period saw growth in the number of distributors handling documentaries and in the number of documentaries being released theatrically. However, this growth resulted in higher churn and steeper competition than the specialty market had ever experienced before. This

caused a split between those companies releasing documentaries for a core audience and those releasing documentaries in hopes of attracting a general audience. Independent film adviser Peter Broderick defines a core audience as that linked by identity (religion, ethnicity, sexual orientation) or interest in a subject matter, while a general audience is broader and need not have specific ties to a film's subject or message.[58]

A few companies, Zeitgeist Films and Seventh Art Releasing, theatrically distributed the greatest number of documentary films during the 1990s. Their small annual slates were mostly documentaries. They acquired a variety of documentaries, often by new filmmakers, and rolled them out slowly and methodically, city by city. This process allowed them to carefully target their marketing to a core audience and take advantage of the free publicity generated in each release area, rather than spending freely to attract a general audience. They also held onto the nontheatrical and educational rights to the documentaries because they recognized the potentially long life the films could have after theatrical release, just as self-distributing filmmakers and specialty distributors had learned in previous eras. Nevertheless, theatrical release was never just a loss-leader for these distributors: by keeping marketing costs low and rolling out films carefully, ticket sales could generate solid income.

The most powerful and well-resourced distribution companies had a different strategy for releasing documentaries. They concentrated on fiction films, stocking their large annual slates with only a few documentaries. Most independent distributors and studio classics divisions tilted away from acquisitions-only and toward producing their own films by the end of the 1990s, but documentaries remained all acquisitions. The idea was to offset the high risk of producing their own films and spending astronomical sums on high-profile festival films by acquiring lower-priced documentaries. These large distribution companies also mitigated risk by acquiring

[58] Peter Broderick, "Maximizing Distribution," originally published in *DGA Magazine*, January 2004. Republished on http://www.peterbroderick.com/writing/page20/maximizingdistribution.html.

documentaries made by well-known filmmakers or about major celebrities. These documentaries were designed and marketed to reach a general audience, rather than a core audience. Though these distributors released relatively few documentaries, their documentary releases generally reached higher box-office numbers and were more visible than those released by small, independent outfits. These companies also spent so much on marketing a few documentaries that they pushed for the Academy to emphasize initial exhibition context as the deciding factor for Oscar nomination contention. However, none made documentary films the centerpiece of their companies because their returns were not high enough to support their large corporate apparatuses.

The stratification of the documentary market led to a paradox: the most consistent distributors of documentary films were not the most visible. They are often left out of accounts of documentary film in the 1990s, including in Tzioumakis' account. There is a tendency to focus on the highest-grossing films, rather than tracing the contours of the whole landscape of theatrical releasing. To better understand this landscape, and the tension that led to Oscar nomination controversy, I will explain how the chasm opened up between independent distributors and studio classics divisions. I will then describe individual theatrical distributors and films, paying special attention to the strategies used to release them.

Indie Film Industry in the 1990s

The disparity between distributors of documentaries is an effect of the popularization of indie cinema and the radical reconglomeration of the film industry in the late 1980s. Media industry and consumer electronics companies acquired media production companies in order to feed the home entertainment pipelines they owned: they needed content for their cable channels and video companies. As Yannis Tzioumakis describes, "This 'reconglomeration' came into full

force in 1989–90 with Sony's takeover of Columbia (1989), the Time Warner merger (1989), the takeover of MCA Universal by Matsushita (1990) and Disney's aggressive expansion to other media segments following the 1990 announcement of the 'Disney Decade', a corporate plan to reinvent and expand Disney on a global scale in the 1990s."[59] This industry-wide reorganization came at the exact moment when American independent cinema was growing in popularity and acclaim, reaching new audiences and looking like a perfect growth area. Following this high-level reorganization, studios bought or formed specialty labels in quick succession. In 1993, Disney acquired Miramax and Turner Broadcasting bought New Line Cinema (including its specialty label Fine Line Features). Most of the studio classics divisions formed in the 1980s were short-lived, but this new wave would have more staying power: Sony Pictures Classics, formed in 1992, and Fox Searchlight, formed in 1994, are still in business. Gramercy, distributor of PolyGram productions, was founded in 1992 as Universal's arthouse label; it was rolled up with October Films in 1999, forming USA Films, which later became Focus Features. Paramount Classics/Vantage was founded slightly later, in 1997.

All the major conglomerates wanted to acquire or create their own specialty labels. In the 1990s, the value of specialty labels was unquestioned. First of all, specialty labels allowed conglomerates to bring different kinds of product to the same market—they could place action films *and* indie pictures in theaters. Second, specialty labels fed the conglomerates' cable and video delivery systems. They won prestigious awards like Oscars, and they delivered excellent box-office returns to their parent companies. By the middle of the 1990s, the major conglomerates controlled over 96 percent of box-office returns. Tzioumakis points out that, "out of this 96.47 per cent, the specialty film distributors that have been associated heavily with the American independent film sector (Miramax, New line, Gramercy, Fine Line, Sony Pictures

[59] Yannis Tzioumakis, *American Independent Cinema*, second edition (Edinburgh: Edinburgh University Press, 2017), 262.

Classics and Fox Searchlight) accounted for 11.78 per cent of the theatrical market, representing both a very healthy picture for the sector and a significant contributor to their conglomerate parents' bottom line."[60] These highly successful and profitable specialty film distributors pushed the popularization of American independent cinema in the 1990s, leading to the rise of "indiewood" filmmaking. Documentary films were one part of this rise.

The Core of Theatrically-Released Documentaries in 1990s

Small independent distributors handled a greater number of documentaries and had a more eclectic line-up of documentaries than the growing number of specialty film distributors. Nancy Gerstman and Emily Russo founded Zeitgeist Films in 1988 after having learned the business of film distribution at First Run Features and Interama, Inc., respectively. The first documentary they acquired, *Let's Get Lost* (1988, dir. Bruce Weber), garnered an Academy Award nomination for Best Documentary. Though the founders did not plan for their catalog to be mostly documentaries and foreign films, Zeitgeist hasn't distributed an American fiction film since it released *Poison* (1991, dir. Todd Haynes) to great acclaim, controversy, and a box-office gross of $800,000. As Gerstman told *Variety* in 1995, "It's easier for us to find films by younger, newer filmmakers, whose movies might not be commercial enough for larger distribution, but who can still get the kind of press that larger distributors would go for. …We helped open the door for larger companies to see that there was revenue to be made from these smaller films…"[61] Once the door was open, the larger companies were willing to circumvent the marketplace and start investing in promising talent, leaving fewer and fewer independent fiction films available for acquisition. Indeed, after *Poison*, Sony Pictures Classics financed Haynes' follow-up, *Safe* (1995).

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[60] Yannis Tzioumakis, *American Independent Cinema*, second edition (Edinburgh: Edinburgh University Press, 2017), 264.
[61] Laurence Lerman, "Smaller indies find tough going," *Variety*, September 18-24, 1995, 22.

Nevertheless, documentaries were much more than a consolation prize for Zeitgeist. Documentaries make up a quarter to half of the company's annual slate of 5 to 6 films, and Zeitgeist's principals found ways to market them very successfully. Zeitgeist's marketing strategy is targeted—they try to reach a core audience of people who are interested the subject of a documentary, rather than blanketing a general audience with ads. This attitude is reflected in Russo's statement from 1999: "Sometimes documentaries can be easier to release than features… They have very specific built-in audiences, and you just need to find that audience."[62] According to Gerstman, the first part of reaching that audience is researching the documentary's subject area thoroughly, to figure out who will be interested in it. Then they make calls to groups that care about the subject and deliver materials to them. They also create posters, trailers and postcards, and do wild posting in urban areas. Finally, Zeitgeist works with radio stations and travel agents to create ticket contests, a form of free publicity.[63]

Zeitgeist bases its acquisition decisions on the quality of a film and on the possible audiences it can market to. For example, Gerstman relates the process of marketing *The Corporation* (2004, dirs. Mark Achbar and Jennifer Abbott), a documentary that asks, If the 14th Amendment regards corporations as individuals, what type of person would a corporation be? She says, "When you come to *The Corporation*, there are like 50 subject areas that it can go to in a school, therefore in terms of marketing it, it was a really interesting film to market, there weren't any other films like it. We worked really hard with everyone from anarchists to economics majors."[64] This work paid off in the form of $2 million in box office receipts, and sales of 100,000 DVDs and 1000 educational DVDs.[65] Zeitgeist distributed other politically-oriented documentaries like *Manufacturing Consent* (1993, dirs. Mark Achbar and Peter

[62] Holly Willis, "Docus struggle in theatrical runs," *Variety*, April 5-11, 1999, M74.
[63] Nancy Gerstman in conversation with the author, November 2016.
[64] Nancy Gerstman in conversation with the author, December 2017.
[65] Nancy Gerstman in conversation with the author, Decmeber 2017.

Wintonick), a documentary on Noam Chomsky; *Ballot Number 9* (dir. Heather Lyn MacDonald), about the fight to stop a proposed anti-LGBT law in Oregon; and *A Place Called Chiapas* (1998, dir. Nettie Wild), about an uprising in Mexico in response to the passage of the North American Free Trade Agreement. Other subject areas Zeitgeist has mined include LGBTQ issues, with films like *Silverlake Life: The View From Here* (1993, dir. Peter Friedman), *Coming Out Under Fire* (1994, Arthur Dong), *Paris Was a Woman* (1996, dir. Greta Schiller) and *The Brandon Teena Story* (1999, dirs. Susan Muska and Greta Olafsdottir). Zeitgeist has also released more personal portrait documentaries like the female road-trip movie *Anthem* (1997, dirs. Shainee Gabel and Kristin Hahn), the playful, essayistic *The Gleaners and I* (2000, dir. Agnes Varda), and *Bill Cunningham New York* (2010, dir. Richard Press) about the fashion street photographer.

Zeitgeist remains focused on theatrical release because it has been its most consistent area of success. Gerstman and Russo also acknowledge the importance of educational sales and television licenses, but television channels' changing priorities can affect their business. Gerstman recalls "When the Sundance Channel was buying films, we had wonderful sales. Then they started their own original programming and it really dried up."[66] By staying small and focused, Zeitgeist has outlasted many of the larger companies that briefly distributed documentaries in the 1990s.

Seventh Art Releasing was another small company that focused on documentaries and some foreign films. Udy Epstein and Jonathan Cordish founded the company in 1994 in order to distribute a fiction film they had produced, *Midnight Edition* (1994, dir. Howard Libov). Since then, Seventh Art moved to acquire and release almost all documentaries. In a 1999 interview with *The Independent*, Epstein was asked what the most surprising thing about Seventh Art is; he replied, "…we love docs and want to do more of them theatrically."[67] Even with large

[66] Nancy Gerstman in conversation with the author, November 2016.
[67] Lissa Gibbs, "Distributor F.A.Q.: Seventh Art Releasing," *The Independent*, June 1999, 34.

distribution companies showing interest in a select number of documentary films, they were still a risky foundation on which to build a company. Seventh Art released a mix of documentaries, most focused on either war and remembrance or on music. In the first category were *Vietnam Long Time Coming* (1998, dirs. Jerry Blumenthal, Peter Gilbert, and Gordon Quinn), which was made for NBC; *Photographer* (1998, dir. Dariusz Jablonski); and *The Long Way Home* (1998, dir. Mark Jonathan Harris), which won the Academy Award for Best Documentary Feature. Then there were the musical documentaries, like *Speaking in Strings* (1999, dir. Paola di Florio) about Nadja Salerno-Sonnenberg, "the bad girl of violin," and *Meeting People Is Easy* (1999, dir. Grant Gee) about alternative band Radiohead.

What follows is an example of Seventh Art's strategy for releasing *The Farm: Angola, U.S.A* (1998, dirs. Jonathan Stack and Liz Garbus), about inmates at a maximum-security prison in Louisiana. Whereas in the past, the directors might have made the work as a piece of long-form investigative journalism for a television series like *See It Now!* or *Frontline*, documentaries were so fully integrated into the indie film by the 1990s that it made sense to sell it as a theatrical film. Financed by cable channel A&E, the film won the Grand Jury Prize for Documentary at the Sundance Film Festival in 1998. There is no report on a bidding war for the film at Sundance in 1998, so Seventh Art likely paid well under $1 million for the theatrical rights to it. Seventh Art released the film in a few major cities soon after the festival to get reviews. Once *The Farm* was nominated for an Academy Award, a year later, Seventh Art rereleased it in Los Angeles and expanded its run to other cities.[68] By releasing in a few key cities, and then waiting months for a potential Oscar nomination to expand, Seventh Art could hedge its bets and capitalize on the free publicity that comes with Oscar buzz. No box office figures are available for *The Farm: Angola, U.S.A*, likely as a result of the extremely small grosses. Seventh Art's distribution and marketing

[68] Holly Willis, "Docus struggle in theatrical runs," *Variety*, April 5-11, 1999, M69.

strategy contrasts starkly with that of the larger distributors, backed by global conglomerates, that released documentaries and spent money campaigning for Academy Award nominations.

In Contrast: the General Documentary Releases

For a succinct contrast with Seventh Art's releasing strategy for *The Farm*, let us turn to another documentary that also won the Grand Jury Prize at the Sundance Film Festival and was nominated for an Academy Award, two years earlier. *When We Were Kings* is documentary about the "Rumble in the Jungle," the legendary 1974 prizefight between Muhammed Ali and George Foreman. It was produced by David Sonnenfeld, a major music manager who packaged the film with an all-star soundtrack. The film inspired a bidding war at Sundance in 1996, which ended when Gramercy, a well-funded company controlled by Universal and Polygram, paid an advance of $3 million. Gramercy released the film in limited release during the 1996 fall season, then put it in general release in early 1997. Leading up to the film's general release, Mercury Records' label DAS heavily promoted the soundtrack album, featuring James Brown, B.B. King, and Bill Withers, along with contemporary artists The Fugees, Bryan McKnight, and Diana King. MTV broadcast a concert celebrating the film and its soundtrack just days before the general release.[69] The film won the Academy Award for Best Documentary Feature. Despite this major marketing push and the Oscar, *When We Were Kings* earned only $2.5 million at the box office—less than the advance paid at Sundance.

This was the fate of many documentaries acquired and released by specialty labels and large indie distributors in the 1990s. While $2.5 million would be a great windfall for Zeitgeist or Seventh Art, it was not enough of a return on investment for these larger companies. While more studio specialty labels and well-resourced independent distributors dipped into the theatrical

[69] Jim Bessman, "Mercury Ready To Rumble With Ali Film's Soundtrack," *Billboard*, January 18, 1997, 9, 15.

distribution of documentaries in the 1990s, none made documentaries a central part of their businesses. They experimented with releasing documentaries because acquiring them was less risky than the other move they were making: producing and financing fiction films. They used synergy to release soundtrack albums and released the documentaries on their own video labels, which were stocked at normal rental stores. This led to a handful of documentaries being widely-known and lauded. This helped to raise the ceiling for the success of documentary films and led to more interest in the genre from both industry insiders and audiences. However, even with expensive marketing campaigns and partnerships with record labels, the payoff for documentaries was not consistent.

To trace the contours of this landscape, I will discuss all of the companies that distributed documentaries, noting how often they did so. Then I will discuss one strategy they used to minimize risk: releasing films by well-known documentarians that would attract a lot of publicity. Then I will go into detail about the two specialty divisions that released the most documentaries during the decade: Miramax and Sony Pictures Classics.

A number of companies distributed only a single documentary during the decade. In spite of the relatively successful and high-profile releases of *When We Were Kings* and *Hoop Dreams*, respectively, Gramercy and Fine Line released no other documentaries in the 1990s. Even when documentary films earned accolades and strong box-office returns, the rewards were often not worth the expense for the specialty divisions of conglomerates. There were also a number of new, bullish companies that drove their resources into acquiring and releasing a few documentaries during the decade. The short-lived Triton had two high-profile documentary releases, *Hearts of Darkness: A Filmmaker's Apocalypse* and *A Brief History of Time*, before its foreign investors pulled out and effectively ended the company. October Films was short-lived, but successful: before being acquired by Universal in 1999, it released three documentaries by

well-known directors: D.A. Pennebaker (*The War Room*), Michael Apted (*Moving the Mountain*), and Jim Jarmusch (*Year of the Horse*). Later in the decade, as the specialty labels became more and more like mini studios, producing their own expensive, star-driven features, new companies popped up to take over the ground they had ceded. Artisan and Lions Gate were two extremely well-funded, bullish independent companies that aggressively acquired festival films, including documentaries, and co-produced features immediately upon their founding.

Many of the documentaries that studio classics divisions and larger independent distributors acquired were made by well-known filmmakers, some of whom had been working for decades. For example, well-funded distributors handled all the films released in the 1990s by two long-time documentarians D.A. Pennebaker and Errol Morris. The name recognition of the two filmmakers, as well as their experience making and promoting films, meant that their films were less risky investments. A few of their films also had recognizable figures in them, like Bill Clinton and Stephen Hawking, which made these documentaries an easier sell to exhibitors and audiences.

Whereas D.A. Pennebaker had founded his own distribution company with Richard Leacock in 1967 to distribute *Dont Look Back*, by the early 1990s, there was an array of distribution companies interested in his cinéma-vérité look at the Clinton presidential campaign, *The War Room* (1993, dirs. D.A. Pennebaker and Chris Hegedus). Seasoned film executives Bingham Ray and Jeff Lipsky acquired *The War Room*, making it the first release from their new company, October. They also spent $40,000 on an Academy Awards push, but *The War Room* did not win the award.[70] It did gross $850,000 at the box office. Later in the decade, bullish Artisan Entertainment acquired *StartUp.com* (dir. Chris Hegedus) prior to its festival run, in August 2000. As announced in *Variety*, the company planned to premiere the documentary at the

[70] The film was nominated but it lost the Oscar to *I Am a Promise: The Children of Stanton Elementary School* (dirs. Susan and Alan Raymond) a documentary made for HBO.

Sundance Film Festival in 2001 and release it theatrically soon thereafter. Specialty labels began using a festival runs as a marketing campaign for already-acquired fiction films as a strategy in the mid-1990s, and they carried it over to documentary films by the end of the decade.

Errol Morris's stature grew from the critical acclaim and respectable box-office performance of *The Thin Blue Line*, which Miramax acquired and shepherded to a $1.2 million gross in 1988. Following that, Morris directed *A Brief History of Time*, which featured Hawking and was based on Hawking's best-selling book. Triton Pictures picked up *A Brief History of Time* and played it in more than one hundred theaters, eventually reaching a gross of $2.3 million.[71] His next film, *Fast, Cheap, and Out of Control*, premiered at Sundance in 1997. Sony Pictures Classics picked it up and released it ten months later. It made $800,000 at the box office. *Mr. Death: The Rise and Fall of Fred A. Leuchter, Jr.* premiered at the Toronto Film Festival in September 1999, and was released theatrically by Lions Gate later the same year. *Mr. Death* grossed half a million dollars in theaters. Though the box-office returns for his films dropped continually throughout the 1990s, well-financed companies maintained interest in distributing Morris's films.

Among the large, conglomerated film companies, Miramax and Sony Pictures Classics were the most consistent distributors of documentaries throughout the 1990s. They both had large annual slates of films, often between 20 and 40. They aggressively acquired films at Sundance and other festivals, and began financing and co-producing films as more companies fought to acquire films through negative pick-up.

Prior to being bought by Disney, Miramax released three major documentaries in quick succession. Later in the decade, it continued to release documentaries, including *Unzipped* (1995, dir. Douglas Keeve), *I Wasn't Made For These Times* (1995, dir. Don Was), *Microcosmos* (1996,

[71] Mike Goodridge, "Top 10 Documentaries at Box Office, 1991-2000," *Screen International*, June 23, 2000, 43.

dirs. Claude Nuridsany and Marie Perennou), and *Get Bruce* (1999, dir. Andrew J. Kuehn), but none of them would attract as much notoriety or ticket sales.

Miramax had released Morris's now-classic *The Thin Blue Line* in 1989, but by 1991 it had the rights to a different sort of documentary: *Madonna: Truth or Dare*. The film on the internationally-known pop star was rumored to be risqué and full of spectacle, not unlike *Mondo Cane* or the rock 'n' roll documentaries of the 1960s. Yet, though the films offer similar attractions, "for adults only," their status as films has changed. While *Mondo Cane* and *Monterey Pop* offered sights and sounds that one could not see at home on television, the greatly-expanded American television scene would have welcomed the sex, drugs, and rock 'n' roll in *Madonna: Truth or Dare*. Cable television, in particular, was awash in musical and explicitly sexual content. The decision to release the film in theaters was a financial calculation: ticket-buyers pay directly to see the highly-sought-after film, whereas on cable television the film would not necessarily generate more revenue, because it comes as part of a channel's whole package.

Madonna: Truth or Dare, premiered at Cannes in May 1991 and was released soon after. Miramax circulated 350 prints of the film, in a much wider release than most documentaries have, and it grossed $15 million.[72] Around the same time, as Miramax began to release more expensive, star-driven fare, it briefly had its own specialty division dedicated to niche releases. Named Prestige Films, it released the two documentaries that shared the Grand Jury Prize at the 1991 Sundance Film Festival: *American Dream* and *Paris Is Burning*. The divergence between Miramax and Prestige's release patterns points to the variability of the documentary genre, at the beginning of the 1990s, as well as Miramax's hybrid market position.

Prestige released *American Dream*, Barbara Kopple's film about a labor dispute in Minnesota, in a more traditional way than Miramax released *Madonna: Truth or Dare*. The film

[72] Anne Thompson, "Madonna's latest 'Dare' tests concert pic waters," *Variety*, May 6, 1991, 354.

played at the New York Film Festival as part of the Independent Feature Film Market in October 1990, won multiple prizes at Sundance in January 1991, and won the Academy Award for Best Documentary Feature in March 1991. Only after winning the Academy Award did Prestige acquire *American Dream*. It released the film in spring 1992, to ride the wave of Oscar buzz. Playing on only 7 theaters at its widest release, the film grossed $269,000. In spite of Miramax executives' complaints that the Academy did not nominate the best or most popular documentaries, the company still took advantage of these rules to acquire a film *after* it won the prize.

Miramax also benefited from documentarians' self-distribution of their work. Jennie Livingston initially released *Paris Is Burning* at Film Forum without a distributor, a practice that continued from the 1980s. Beginning in March 1991, it made an incredible half-million dollars in its four-month run. During that time, Prestige acquired the film. In August 1991, it expanded *Paris Is Burning* to 20 markets, with plans to branch out to 75 screens.[73] The film eventually grossed $4 million, making it one of the top-five grossing documentaries of the 1990s. Miramax was able to work at different levels of documentary distribution in the early 1990s, but the company turned its focus to the production of fiction films later in the decade, following Disney's acquisition of the company. While the grosses of *Madonna: Truth or Dare* and *Paris Is Burning* are impressive for documentaries, they cannot compare with the outsized numbers for fiction films like *The Crying Game* (1992, dir. Neil Jordan)—$62 million, *The English Patient* (1996, dir. Anthony Minghella)—$78 million, and *Good Will Hunting* (1997, dir. Gus Van Sant)—$138 million.

Sony Pictures Classics was also committed to documentaries. It released a number of them during the 1990s, both from established filmmakers like Errol Morris (*Fast, Cheap, and*

[73] "Doings in Distribution: Prestige set to release 'Paris Is Burning' docu," *Variety*, July 22, 1991, 12.

Out of Control, 1997) and Robert Epstein (*The Celluloid Closet*, 1996), and from newer filmmakers like Chris Smith and Sarah Price (*American Movie*, 1999) and Terry Zwigoff (*Crumb*, 1995). Sony Pictures Classics generally did not acquire political or historical documentaries. Rather, most of their films are character studies of unusual people, like *Crumb, American Movie,* and *Fast Cheap and Out of Control*.

Like the other specialty divisions that released documentaries, Sony Pictures Classics was interested in selling documentaries to general audiences, rather than a core group that would be naturally interested in a film by virtue of its subject matter. *The Celluloid Closet* is a good example of this strategy. It premiered in September 1995 at the Venice Film Festival, where *Variety* gave it a glowing review. Reviewer David Rooney called it "immensely entertaining" and predicted that it "stands to bust out of niche markets into significantly broader commercial territory."[74] After splendid reviews, and strong ticket sales at the New York Film Festival, Sony Pictures Classics picked it up in October 1995. It then played at the Sundance and Berlin Film Festivals, which helped drum up publicity.[75] Because *The Celluloid Closet* was co-produced by HBO, Sony Pictures Classics allowed the channel to show it once before the film's release.[76] The film finally opened in limited release March 15, 1996. It played on 38 screens at its peak, and grossed $1.4 million.

By the end of the decade, new companies entered the specialty market and tried their hand at releasing documentaries. From its founding in 1997, Artisan Entertainment did it all: develop, produce, market and distribute films, both wide-release genre fare like *The Blair Witch Project* (1999, dirs. Daniel Myrick and Eduardo Sánchez) and arthouse films like *Pi* (1998, dir. Darren Aronofsky).[77] One of Artisan's early releases was the music documentary *Buena Vista*

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[74] David Rooney, "Review: *The Celluloid Closet*," *Variety* September 11-17, 1995, 106-7.
[75] David Noh, "Opening the Closet," *Film Journal International*, March 1, 1996, 24, 199.
[76] David Noh, "Opening the Closet," *Film Journal International*, March 1, 1996, 24.
[77] Lissa Gibbs, "Distributor F.A.Q.: Artisan Entertainment," *The Independent*, January/February 1999, 41-3.

Social Club (1999, dir. Wim Wenders), which earned a sensational $7 million at the box office and was nominated for an Academy Award.

Though the most consistent documentary distributors are small, independent companies, there are always large, ambitious distributors that try out documentaries, pushing some to great grosses and high visibility. As the large companies begin to produce their own films, and move away from acquiring documentaries, new companies enter to fill the void. This is a pattern that continues in the 2000s.

Conclusion

The multilayered market for documentary films grew in new and surprising ways in the 1990s. While HBO had been producing a documentary series since the mid-1980s, it shifted its strategy in the 1990s to ramp up production on documentaries and concentrate more on documentary films that could be released theatrically. Basic cable channels Sundance and the Independent Film Channel became important ancillary markets for documentary films, with each scheduling and marketing them prominently alongside independent fiction features.

The mainstream film industry's interest and investment in American independent film extended somewhat to documentary features, with more documentaries released in theaters than ever before. Studios and well-resourced independent companies added one or two documentaries to their large annual slate of films, but smaller independent companies actually handled the majority of documentary theatrical releases in the 1990s. These different types of distribution companies had different patterns of documentary acquisition, marketing, and release. While the smaller independent firms took risks on documentaries by first-time or unknown filmmakers, often on difficult or unusual subject matter, and marketed them to a specific niche filmgoer, the

specialty labels and larger independent companies battled for the splashiest documentaries on familiar topics or made by market-tested directors.

The combined interest from cable channels and theatrical distributors continued the documentary's shift in status from television journalism to independent film. Network news divisions were no longer a dominant source of documentary, and many of the norms of television journalism were pushed aside in favor of other approaches to the creative treatment of actuality. With this shift came new stakeholders, and conflict between them: studio classics division executives demanded recognition for the documentaries they distributed, and cable television executives adjusted their strategies in response. And through documentary film's participation in the American indie movement, documentarians gained a new ancillary market: basic cable channels.

Chapter 4: 2000-2007

In the early 2000s, one documentary after another earned phenomenal box-office grosses, breaking records and rising to new heights of popular consciousness in the United States. Box office figures from the biggest successes from two major years, 2003 and 2004, hint at the heightened market for documentaries. MGM/UA released *Bowling for Columbine* (Michael Moore) in late 2002, and in 2003 it became the highest-grossing documentary in history, with a record $21.5 million at the box office. It also won the Academy Award in early spring 2003, twinning profitability with prestige. In the summer months, three documentaries succeeded commercially at the same time: *Winged Migration, Spellbound,* and *Capturing the Friedmans*, eventually reaching grosses of $11.6 million, $5.7 million, and $3.1 million, respectively. Other top-earning documentaries from 2003 alone include *Tupac Resurrection* ($7.7 million), *To Be and To Have* (*Etre et avoir*, $7.6 million worldwide), *The Fog of War* ($4.1 million), *The Real Cancun* ($3.8 million), *Step Into Liquid* ($3.6 million), *My Architect* ($2.8 million), and *DysFunkTional Family* ($2.5 million). The next year, a number of documentaries captured big box-office numbers, including *Super Size Me* ($11.5 million), *What the #$'! Do We Know* ($10.9 million), *Touching the Void* ($4.5 million), *The Corporation* ($3.4 million), and *Born Into Brothels* ($3.4 million). But these respectable returns pale in comparison to the behemoth that was *Fahrenheit 9/11*. It earned a whopping $119 million domestically, a record unsurpassed by any documentary release since.[1]

The subjects of these films varied widely, encompassing gun control, migratory birds, penguins, climate change, dance competitions, a family rocked by allegations of child abuse, fashion design, and corporate fraud. Tone, structure, and style also ran the gamut, from comedic to poetic, narrative to argument-based, using direct address, a collage aesthetic, reenactments,

[1] All box-office figures from The Numbers, https://www.the-numbers.com/movies/genre/Documentary.

interviews, and home movies. Despite these differences, writers have usually generalized about the films' appeal when offering explanations for the documentary boom. In 2003, pundits quoted in *Variety* gave reasons like the terrorist attacks of September 11, 2001 generating more interest in real stories; the popularity of reality TV, making viewers more accustomed to non-fiction media; the narrative quality of many current documentaries; and the ease and thrift of digital video technology for capturing and editing documentaries.[2]

The popularity of *Fahrenheit 9/11* was particularly fascinating. In 2005, *Cineaste* asked distributors, filmmakers, and scholars for their opinions about why topical political documentaries were earning so much at the box office. Most offered up some version of the claim that sophisticated audiences had propelled political documentaries to high grosses because they were "weary of televised pap."[3] "I'd speculate that more demanding segments of the public are finally fed up with the drivel that currently passes for entertainment both in terms of television and studio-made movies," one said.[4] Another claimed that television news, in particular, was the bad object driving audiences toward political documentaries. "This phenomenon has happened mainly because the public is totally disappointed with television in terms of news and subject matter that offers truly unbiased content. …So people are returning to theaters and grass-roots events to find news in America. Without this anti-TV-news effect, political documentaries would not be that successful in theaters."[5]

These reasons, for the documentary boom in general and the interest in political documentaries in particular, imply that audiences have the freedom to choose the media that suits them, and that they automatically vote for that media through ticket sales. This argument is

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[2] HBO's Sheila Nevins suggested the influence of 9/11; Bingham Ray, president of United Artists, suggested that reality TV paved the way, and Ira Deutchman, formerly of Fine Line Features, is quoted about the effect of digital tools. David Rooney, "What's up, docs? Auds love reality," *Variety*, June 23-29, 2003, 16.
[3] Quotation from Michael Renov, "The Political Documentary in America Today," *Cineaste*, Summer 2005, 30.
[4] Quotation from Karen Cooper, Director of Film Forum, "The Political Documentary in America Today," *Cineaste*, Summer 2005, 34.
[5] Quotation from Philippe Diaz, founder of Cinema Libre Studio, "The Political Documentary in America Today," *Cineaste*, Summer 2005, 33.

tempting because it fits easily into the popular trope of the eventual full democratization of media, in which consumers can access all media that interests them (and distributors can profit) indefinitely through the power of digital technology. Chuck Tryon has convincingly critiqued this teleological and utopian vision of media democratization, as powerfully instantiated in Chris Anderson's *The Long Tail: Why the Future of Business Is Selling Less of More*. Tryon contends that Anderson's argument "downplays the role of theatrical distribution and other classical 'gatekeeping' mechanisms in shaping the reception and marketing of movies."[6] This is precisely the case for much writing that tries to account for the documentary market during this period. As much as the early 2000s ushered in an exciting time of heightened visibility and availability for documentary films, this period, I argue, was more a time of evolution than revolution. I argue that the growing visibility of documentary films during this period is the result of a highly-developed and stable market, not an expression of consumer freedom and media democratization.

In this chapter, I present case studies of theatrically-released documentaries that were unusually successful at the box office in the early to mid-2000s. Rather than seeing these documentaries' popularity as anomalous, however, I show how the growth and stabilization of the market allowed more feature documentaries to break through. By the early 2000s, every level of the documentary market had grown, so there were a greater variety of financing sources, a number of distributors that released documentaries theatrically, and a robust ancillary market that could capture revenue after the peak publicity engendered by a theatrical release. During this time, theatrical distributors and other gatekeepers did not wane in importance; rather, new distribution companies and new marketing methods brought more documentaries to theaters than ever before. One particular sort of gatekeeper grew in number during this period as well: the film

[6] Chuck Tryon, *Reinventing Cinema: Movies in the Age of Media Convergence* (Piscataway: Rutgers University, 2014), 96.

festival. Film festivals have long been important to the documentary feature market, but in the early 2000s, their number and significance increased. There was overall growth in the number of film festivals, and specifically, the number of exclusively documentary festivals. Festivals became increasingly imbricated with the film industry. By awarding grants for production and running labs to mentor documentarians, film festivals bolstered the infrastructure that allowed for the documentary feature market to regularize and stabilize.

Because theatrical release raises the profile of films through advertising, publicity, and reviews, I argue that the larger number of documentary features in theaters led to a stronger ancillary market for documentaries. In the past, the non-theatrical and educational market had been the backstop to theatrically-released documentaries, providing most of the actual income for the films after a small run in theaters. By the early 2000s, however, cable television and DVD were the strongest ancillary markets for documentary films. Cable companies Discovery, and A&E followed HBO's model for building documentaries into their businesses and catalogs, as prestige products and as gateways to the theatrical market. With so many companies committed to financing and acquiring documentary features, the market became more competitive. This led cable companies to invest in and acquire documentaries long before their broadcast dates, which steadied the market infrastructure for documentary features.

At the same time, DVD became a significant ancillary market for documentary features. The diffusion of DVD technology in the United States coincided with, and influenced, the stabilization of the documentary market. I argue that DVD label Docurama and rental company Netflix intervened to push documentaries as a special product available only on the new video technology of DVD. They also worked to associate their brands with documentary features because it was an increasingly popular mode of filmmaking. This fed back into the documentary market and propelled more DVD companies to release documentaries.

Finally, even as the market for documentaries was strengthened at every level, some documentarians still designed individualized distribution and exhibition plans. The most prominent filmmaker to self-distribute documentaries during the early 2000s was Robert Greenwald, who used the internet to directly connect with, and sell to, audiences. Other filmmakers who wanted to retain control over their documentaries' release had a new option: they could pay for a service deal with Truly Indie, a branch of media company 2929 Entertainment. Truly Indie's service deals were the ultimate expression of the mainstream industry finding value in catering to the world of documentary.

Theatrical Distribution of Documentaries in the Early 2000s

While the previous decade had finally cemented the documentary film as a theatrical product rather than a type of television journalism, the early 2000s saw documentary films earn unprecedented revenue in theaters. At certain times in the 2000s, there were multiple documentaries playing to large, general audiences, some at multiplexes rather than the traditional arthouse. In the previous decade, a few companies released the most visible documentaries, often marketed to a more general audience, while certain smaller distributors actually distributed a larger quantity of documentary films in theaters and targeted niche audiences. In this decade, the situation became complicated due to wider shifts in the specialty film business. While independent fiction films seemed to hit a wall in terms of profitability, there was room to grow in the documentary market, and more companies than ever began releasing documentaries in theaters. Writing in *Filmmaker Magazine* about the watershed year of 2003, Mary Glucksman pointed out this sea change. She stated, "In fact, only six indie fiction features—three horror pics and three female-helmed films—released in 2003 scored double-digit box office. … Documentaries, meanwhile, performed in record numbers, with four distributors earning

considerably more [from their documentary releases] than the narrative features on their slates."[7] The idea that documentaries could outpace fiction films for multiple companies was new, and it encouraged more distributors to acquire and release documentaries.

The split between distributors marketing documentaries to general audiences and those marketing to niche audiences, as identified in the last chapter, becomes more complex in the "docbuster" era. Two companies, Lionsgate and Sony Pictures Classics, distributed both very high-grossing documentaries—*Fahrenheit 9/11* and *Sicko* for the former, *Winged Migration* for the latter—in addition to a long list of eclectic documentaries that did not cross over to general audiences. Apart from Lionsgate and Sony Pictures Classics, the highest-grossing documentaries during this time were released by companies that otherwise released few documentary films, similar to the previous decade. MGM/UA (*Bowling for Columbine*), Paramount Classics/Vantage (*An Inconvenient Truth*), and Warner Independent (*March of the Penguins*) acquired a few high-profile documentaries, but these were special cases; they mostly pursued in-house production of fiction films with high production values, becoming more and more like their parent companies.

At the same time as a few documentaries earned truly record-breaking returns at the box-office, new companies Magnolia, ThinkFilm, IFC Films, and Roadside Attractions released many documentary films, filling the gap left by specialty divisions and former independents that had moved closer to mainstream studio productions and release patterns. They also partnered with institutions like HBO, which nurtured another facet of the documentary market. The documentary features these companies released earned consistently strong, mid-range grosses. Finally, long-running independent distributors New Yorker Films, Zeitgeist Films, and Shadow Distribution continued to release documentary features, with more succeeding at higher levels

[7] Mary Glucksman, "The Numbers Game," *Filmmaker - The Magazine of Independent Film*, Winter 2004, 78.

than before. For example, Shadow's release of *The Wild Parrots of Telegraph Hill* earned a truly incredible $3 million.

With few exceptions, documentaries retained the trappings of an independent release, even as deep-pocketed specialty divisions acted more and more like studios in terms of their narrative film releases. Within the wider world of specialty film, documentaries stand out because distributors mostly acquire them (rather than produce them), and they mostly release them slowly via a limited release and then open them wider if it appears they will be successful. Mostly distributors of documentaries market and publicize them to niche groups with the hopes of eventually reaching general audiences. There are no precise numbers available for documentary films' marketing budgets; writers hint at a $10 million marketing budget for *Fahrenheit 9/11* and $4.5 million for *An Inconvenient Truth*.[8] It is likely these are the very high end of the scale, since both were fronted by celebrities and were released by studio specialty divisions. Yet even if distributors spent an average of $2.5 million on marketing per documentary during this period, which is unlikely, that price would still pale in comparison to the wider specialty/indiewood market. By 2007, the average cost for producing a specialty film was $49.2 million, with marketing costs averaging $25.7 million.[9] In addition, the release pattern for documentaries was still gradual: start small in a few markets, then slowly open on more screens in more markets. In contrast, by the early 2000s, the norm for specialty divisions was to open their films wide, on at least 1000 screens.

There are also significant changes in the marketing of documentaries. First is the appeal to the family sector. During the 1990s, Discovery tried to woo families with children to see *The Leopard Son*, a coming-of-age story about a leopard cub, but the film had a paltry box-office

[8] David Loftus, "Review: *Fahrenheit 9/11*," DocumentaryFilms.Net, June 28, 2004, http://www.documentaryfilms.net/Reviews/Fahrenheit911/index.htm.
[9] Motion Picture Association of America, "Entertainment Industry Market Statistics," 2007, http://www.immagic.com/eLibrary/ARCHIVES/GENERAL/MPAA_US/M00925E.pdf.

performance and was deemed a failure. By the 2000s, however, companies had figured out how to appeal to families, a strategy key to documentary films crossing over to the mainstream. Auteur appeal was another novel strategy for marketing documentaries during this time. There are few documentarians who are household names, but one of them is both director and star of his own films: Michael Moore. Moore's recognizability and notoriety made his films easier to promote. Sergio Rizzo describes Michael Moore as a commercial auteur. He writes, "Like other commercial auteurs, Moore's celebrity as an auteur 'produces and promotes texts that invariably exceed the movie itself, both before and after its release.' …these texts work to prepackage the film, as in 'a Michael Moore movie,' helping it to address its segment of the viewing audience across various distribution methods: movie theater, cable, home video, and Internet."[10] Moore's participation in leftist political discourse helps to promote his films as they move through various release windows. Interestingly, his celebrity works in two ways: his name promises a certain type of film, and it also promises the presence of the director-star himself.

Controversy was another significant marketing appeal for documentary features during this time. Distributors had marketed documentaries like *Mondo Cane* and *Warrendale* on the basis of their lurid content, but they capitalized on provocation to a new degree during this time period. Distributors ably used controversy to generate organic publicity on mass-communication outlets as varied as network talk shows, national newspapers, and political websites. *Capturing the Friedmans* was marketed this way, and it had the added allure of ambiguity: *Capturing the Friedmans* was promoted as a film to-be-talked-about. Political provocation was another facet of controversy-as-promotion. *Fahrenheit 9/11* was marketed on the basis of its politically-sensitive content, and the circumstances of its release contributed a double layer of controversy.

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[10] Sergio Rizzo, "The Left's Biggest Star: Michael Moore as Commercial Auteur," in *Michael Moore: Filmmaker, Newsmaker, Cultural Icon*, edited by Matthew H. Bernstein (Ann Arbor: University of Michigan Press, 2010), 30. The same could be said of Morgan Spurlock, director of *Super Size Me, Where In the World Is Osama Bin-Laden,* and *The Greatest Movie Ever Sold*.

Analysis of the precise release circumstances of four different films, including their acquisition, marketing and publicity strategies, and dissemination, is required to move beyond the standard account of the documentary feature market in the glorified "docbuster" period. Released by different companies and dealing with vastly different topics, these films were all major documentary hits. Yet, they were marketed to appeal to two different veins of viewers: *Spellbound* and *March of the Penguins* were family-friendly films and courted niches that desired heart-warming tales, about child spelling bee contestants and penguin families, respectively. *Capturing the Friedmans* and *Fahrenheit 9/11* dealt with controversial subjects—child sexual abuse and the Bush Administration's war-mongering—and used their ability to engender disputes as fodder for the publicity machine. *March of the Penguins* and *Fahrenheit 9/11* remain two of the highest-grossing theatrically-released documentaries of all time, while *Spellbound* and *Capturing the Friedmans*' success was more measured. Apart from *Fahrenheit 9/11*, all reached their impressive grosses through slow rollouts, appealing to niche audiences more than to general audiences, and relying on organic publicity more than paid advertising. Thus, while I include *Fahrenheit 9/11* because of its historical significance, its release pattern and marketing strategies should be seen as extremely exceptional, even for this era. The other three films' histories are more exemplary of the way that independent companies and studio classics divisions distributed documentaries during the "documentary boom" of the early 2000s.

Spellbound was acquired by HBO, which then partnered with ThinkFilm to release the film in theaters in April 2003. In June, two months after its initial release, ThinkFilm predicted a final gross for *Spellbound* of $3 million.[11] The film eventually scored $5.7 million at the box office. Though ThinkFilm was a new company, it drew on existing documentary institutions like Film Forum and HBO to launch *Spellbound*. *Spellbound* began its theatrical run with an

[11] David Rooney, "What's up, docs? Auds love reality," *Variety*, June 23-29, 2003, 7.

exclusive engagement at Film Forum, with screenings sold out for three weeks. In addition, ThinkFilm could draw on the strength of HBO's brand to sell *Spellbound*, painting it as a prestigious and entertaining documentary worthy of attention.

Festival play and free preview screenings built positive word of mouth, at a lower cost than paid advertisements in newspapers or on television. ThinkFilm executive Mark Urman reflected, "For every person who saw 'Spellbound' for free [at a film festival or preview screening]…it was as good as seven inches of ads in the New York Times."[12] Timing the release of *Spellbound* with the 2003 National Spelling Bee meant that ThinkFilm built in angles that were easy for the media to cover. *Variety* reported that ThinkFilm had plans to buy TV ads, but they were able to get the stars of the film—child spelling bee contestants—on shows instead. "Twice they shelved TV ad campaigns after the kids in the film were asked to appear on *Oprah* and *The Today Show*, giving the pic better and more targeted coverage than money can buy."[13] By appearing as guests on national talk shows, word of *Spellbound* reached a wide swath of American adults, including the parents of children. This strategy served as a valuable model for documentaries that could appeal to families, like *March of the Penguins* and *Mad Hot Ballroom*. In addition to national media publicity, ThinkFilm also targeted specific groups through niche marketing. Its grassroots campaign emailed educators and parents on listservs and worked with family- and education-oriented groups like the PTA and local libraries.

The theatrical campaign for *March of the Penguins* was similarly pitched to families and drew on associations with a trusted institution, the National Geographic Society. It was also rolled out slowly, though it expanded to more screens and grossed much more than *Spellbound*.

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[12] Anthony Kaufman, "Marketing case study: 'Spellbound'," *Variety*, August 18, 2003, variety.com/2003/scene/markets-festivals/marketing-case-study-spellbound-1117891028.

[13] Tamsen Tillson, "Sales strong for unique nonfiction," *Variety*, September 27-October 3, 2004, 16.

Produced in France for $2.4 million, Warner Independent Pictures and National Geographic Feature Films acquired *March of the Penguins* for North American release for over $1 million. To appeal to the American market, executives made significant changes to the original film. They wrote and recorded expository, voice-of-god narration voiced by Morgan Freeman to replace the original French narration, which is from the penguins' perspective.[14] They also had a new orchestral score composed, to replace the original electronic score.

National Geographic Feature Films executive Adam Leipzig describes how and why they acquired the film and invested in changing it for the North American market. "There was nothing else in the movie marketplace remotely like the penguins. They were the ultimate product differentiator. …there hadn't been a hugely successful nature documentary before. But there had been *Winged Migration,* and other nature films that attracted smaller audiences. We had evidence there was an audience for the film—we just didn't know how big it would be."[15] Because of the uncertainty in how *March of the Penguins* would appeal, Warner Independent and National Geographic first opened it on a few screens in New York and Los Angeles, without a large, expensive marketing push. As Leipzig describes, "Only when that niche audience came out for the movie, and kept coming, did we gradually expand, eventually to 2,500 screens. … We went niche. Then the niche grew into astounding success."[16] By initially targeting niche audiences, the distributors could judge whether or not interest was high enough to push it to general audiences. *March of the Penguins* eventually earned $77 million in theaters (15 times as much as *Spellbound*), making it the second highest-grossing documentary ever. It also won the Academy Award for Best Documentary Feature.

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[14] Doreen Carvajal, "Compared With Their Filmmakers, the Penguins Have It Easy," *New York Times*, September 28, 2005, nytimes.com/2005/09/28/movies/compared-with-their-filmmakers-the-penguins-have-it-easy.html.
[15] Adam Leipzig, "10 Lessons 'March of the Penguins' Taught Me About Success and the ROI of Risk," *Cultural Weekly*, June 27, 2013, culturalweekly.com/10-lessons-march-of-the-penguins-taught-me-about-success-and-the-roi-of-risk.
[16] Adam Leipzig, "10 Lessons 'March of the Penguins' Taught Me About Success and the ROI of Risk," *Cultural Weekly*, June 27, 2013, culturalweekly.com/10-lessons-march-of-the-penguins-taught-me-about-success-and-the-roi-of-risk.

This approach worked extraordinarily well. It built on the success of previous documentaries that appealed to all ages. An exhibitor, Greg Laemmle, president of Laemmle Theatres, made this point clear: "You've got that rarest of commodities—an arthouse film that also appeals to families. Just as we saw with *Spellbound* and *Winged Migration*, you've got something where people are coming with kids and people who have no kids are coming."[17] The crossover appeal of *March of the Penguins* was not just from niche to general audiences, but a demographic crossover as well. Documentary films are painted as serious and often politically engaged, which implies an adult audience, but the success of these documentaries is due in great part to their appeal to children and their parents.

One niche group in particular found *March of the Penguins* to be ideal family fare: conservative Christians. Though the distributors did not specifically target this niche with marketing, conservative Christians publicized *March of the Penguins* in their community media outlets. Christian publications highlighted the film, ministers published viewing guides on their websites, and church groups took trips to the theater to see the film. The film appealed because there is no mention of "political" issues like evolution and climate change, and because it evinces a pro-family stance. Writing in the Christian-oriented *World Magazine*, Andrew Coffin interpreted the procreation story in *March of the Penguins* as evidence of intelligent design and suggested that parents reinforce this idea with the children they accompany to the film. "That any one of these eggs survives is a remarkable feat—and, some might suppose, a strong case for intelligent design… It's sad that acknowledgment of a creator is absent in the examination of such strange and wonderful animals. But it's also a gap easily filled by family discussion after the film."[18] The fact that *March of the Penguins* centers on a nuclear family of penguins appealed to

[17] Roshan McArthur, "Super fluffy animals," *Guardian*, July 15, 2005, G2, 7.
[18] Conservative columnist George Will countered, "If an Intelligent Designer designed nature, why did it decide to make breeding so tedious for those penguins?" Jonathan Miller, "March of the Conservatives: Penguin Film as

conservative media figures in a more general way, beyond the idea of intelligent design. Both the editor of the *National Review*, Rich Lowry, and conservative radio host Michael Medved praised the film for emphasizing the penguins' dedication to their families. Lowry told a gathering of young Republicans that "penguins are the really ideal example of monogamy," while Medved expressed to an interviewer that *March of the Penguins* is "the motion picture this summer that most passionately affirms traditional norms like monogamy, sacrifice and child rearing."[19] The passion that the American Christian niche felt for *March of the Penguins* demonstrates that when unexpected groups support a film and mold an interpretation of it for their members, they can greatly expand the audience for it.

While *Spellbound* and *March of the Penguins* were heavily marketed to parents and families, in addition to niche audiences, *Capturing the Friedmans* and *Fahrenheit 9/11* were sold, principally, on the controversial nature of their subject matter. *Capturing the Friedmans* fired up viewers in debates over the guilt or innocence of the characters. The film is a somewhat lurid account of a family in which the father and one of the sons are in prison for child pornography and sexual abuse, while the other son is a popular clown for children's parties. Juxtaposing home movies of the Friedman family with contemporary interviews, the film plays with ambiguity and memory, like a family-centered *The Thin Blue Line*. Similar to *Spellbound* and *March of the Penguins*, festival play, word of mouth and publicity helped sell *Capturing the Friedmans*, which was acquired by HBO in advance of its festival play. The film premiered at the Sundance Film Festival to acclaim, but it was not immediately acquired by a theatrical distributors. A few months later, Magnolia Pictures, a new distributor, bought the theatrical rights to the film. The film began its theatrical run at three New York City theaters. It set a box-office record for

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Political Fodder," *New York Times*, September 13, 2005, nytimes.com/2005/09/13/science/march-of-the-conservatives-penguin-film-as-political-fodder.html.

[19] Jonathan Miller, "March of the Conservatives: Penguin Film as Political Fodder," *New York Times*, September 13, 2005, nytimes.com/2005/09/13/science/march-of-the-conservatives-penguin-film-as-political-fodder.html.

documentary at the Angelika Film Center. Magnolia rolled out the film slowly, playing in a maximum of 78 theaters at a time.

The film's shocking story, real-life mystery, and discourse of ambiguity allowed Magnolia to follow a similar marketing strategy as ThinkFilm did for *Spellbound*. "We didn't have to spend much on advertising because it was so publicity-driven," [Magnolia's Eamonn] Bowles says. "I thought the subject matter was going to be more difficult to get past, but the film hit a chord, and it got incredible word of mouth. People hung out for hours discussing it—I've never seen audiences get engaged like that.[20]" Once again, television appearances and newspaper articles pushed the film without the distributor having to invest in paid advertising. According to *Filmmaker Magazine*, the *New York Times* wrote nine articles about *Capturing the Friedman*, covering every angle "from the legal section to the op-ed page."[21] Director Jarecki also appeared on the *Today Show* and *Charlie Rose*.

Fahrenheit 9/11 is the rare documentary to be produced by a large studio with an equally large budget. Michael Moore's celebrity, along with his two television programs, encouraged Disney/Miramax to provide production financing for *Fahrenheit 9/11*. In return for fronting the $6 million budget, Disney/Miramax got the right to distribute the film domestically.[22] Bought by Disney in 1993, Miramax had moved from a distribution company to a producer as well, using the resources of the studio to invest in higher-budgeted and higher-profile films, winning awards along the way. However, parent company Disney blocked Miramax's release of *Fahrenheit 9/11*[23], causing a controversy laced with accusations of censorship. Harvey and Bob Weinstein,

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[20] Mary Glucksman, "The Numbers Game," *Filmmaker - The Magazine of Independent Film*, Winter 2004, 79.
[21] Mary Glucksman, "The Numbers Game," *Filmmaker - The Magazine of Independent Film*, Winter 2004, 79.
[22] Disney advised Moore's agent to not allow Miramax to invest in the project because the film could alienate families that does not agree with its politics.
[23] Jim Rutenberg, "Disney Is Blocking Distribution of Film That Criticizes Bush," *The New York Times*, May 5, 2004, https://www.nytimes.com/2004/05/05/us/disney-is-blocking-distribution-of-film-that-criticizes-bush.html.

founders of Miramax, fanned the flames of controversy as they formed a separate company, the Fellowship Adventure Group, to purchase *Fahrenheit 9/11* back from Disney.

Fahrenheit 9/11 played the Cannes Film Festival in May 2004, in the middle of this firestorm. The film's premiere coincided with France's and other American allies' very negative views of the United States and the Bush administration's unilateral invasion of Iraq. Painted as a victim of censorship and a *cri de coeur* against Bush, *Fahrenheit 9/11* won the Palme d'Or. Lionsgate and IFC acquired the theatrical rights to the film at Cannes. The controversy provided a flash point for publicizing the film, and also became a main theme for the paid advertising. Posters featuring Michael Moore standing next to President George W. Bush were printed with the tagline, "Controversy? What controversy?" These posters, and much of the film's publicity and marketing, linked the film's distribution controversy with its fiery message against the current presidential administration.

Fahrenheit 9/11's controversial subject matter and brush with censorship increased its appeal for many, convincing audiences that attending the film was a way to participate in high-stakes politics. As Tom Sherak of Revolution Studios commented on the film's huge opening, "If you make it feel like it has urgency, people will have to go."[24] As powerful as this urgency was in pushing ticket sales, it was matched by a powerful and confident release strategy. Lionsgate's risky decision to open *Fahrenheit 9/11* wide actually allowed the marketing to pay off. *Fahrenheit 9/11* opened in 868 theaters on June 23, 2004, earning $21.8 million and rising to number one at the box office.[25] That first weekend's earnings alone made the film the top-grossing documentary of all time. *Fahrenheit 9/11* eventually playing in more than two-thousand

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[24] Sharon Waxman, "The Political 'Fahrenheit' Sets Record At Box Office," *New York Times*, June 28, 2004, nytimes.com/2004/06/28/movies/the-political-fahrenheit-sets-record-at-box-office.html.

[25] Sharon Waxman, "The Political 'Fahrenheit' Sets Record At Box Office," *New York Times*, June 28, 2004, nytimes.com/2004/06/28/movies/the-political-fahrenheit-sets-record-at-box-office.html.

theaters and grossed $119 million in North America. The film's domestic box-office take was the 17th highest of all films released in 2004.

The case studies above add fine-grained historical detail to accounts of the "docbuster" era. While successful documentary films at this time are often discussed collectively, as a surprising trend, the individual circumstances of release are largely determinative of their box-office grosses. The early 2000s saw more powerful distribution companies release documentaries and exploit trends like family appeal and controversial subject matter. While the quantity of documentaries released increased, the typical release pattern did not change radically. Though the early 2000s saw numerous documentaries cross over to the mainstream, the vast majority were still initially released on very few screens, relying on critical acclaim and early grosses to determine the next steps of release. This distinguishes documentaries from most other specialty films released at the time, which were being released wide right from the start. Older institutions like Film Forum continued to help launch documentary films into theatrical release, while HBO increased its aggressive acquisition of documentary broadcast rights.

Film Festivals Increase in Number and Scope

Film festivals have always been important to the documentary market. As events that showcase films for their artistic and political significance rather than commercial prospects, film festivals were a natural home for documentaries, which have usually been separate from the commercial arena of cinema. Marijke de Valck characterizes festivals as "sites of passage" because they are obligatory stops along a film's journey through the market. She writes, "Festivals are sites of passage at which 'art cinema,' 'world' cinema,' and 'auteur cinema' find audiences and through which they might attract sufficient attention for further release."[26] For

[26] Marijke de Valck, *Film Festivals: From European Geopolitics to Global Cinephilia* (Amsterdam: Amsterdam University Press, 2007), 109.

many years, the prospects for further theatrical release were slim for most documentary features. Nevertheless, the exposure and cultural prestige conferred through festival screenings could help a documentary feature be nominated for an Academy Award, be acquired by a non-theatrical distributor, or be licensed by a broadcaster.

In the late 1990s and 2000s, a number of new festivals dedicated to documentary films were founded. There was also an explosion in the sheer number of film festivals around the world. Some major film festivals also increased their purview during this time period, at the moment when the market for documentary features expanded and stabilized. These major festivals developed programs to fund documentary projects and mentor filmmakers throughout the process. By acting as quasi-studios, film festivals were more firmly integrated in the documentary feature market. Film festivals' traditional role as curators and exhibitors also supported the documentary feature market: festival programmers' decisions on what to screen influenced the hungry buyers of documentaries (theatrical distributors, cable companies, and later, streaming services).

The 2000s and 2010s saw major growth in the number of film festivals. According to Stephen Follows, as of 2013 there were around 3000 film festivals in the world, and 75% of all film festivals were created between 2003 and 2013. In 1995, the number of film festivals increased by 1.1%, the first time there was growth greater than 1%. This growth rate jumped to 2.7% in 2000. In 2003, there was a 4.3% growth rate in the number of film festivals. In 2005, 2006, and 2007, the growth rate jumped up to and hovered above 8%.[27]

During this growth period, there was also a blossoming of film festivals dedicated to documentary films. For many years, there were only a few documentary-specific film festivals, with one founded each decade in a different European country: Visions du Reel, in Switzerland

[27] Stephen Follows, "How many film festivals are there in the world?" *Stephen Follows, Film Data and Education*, August 19, 2013, https://stephenfollows.com/many-film-festivals-are-in-the-world/.

(founded 1969); Cinema du Reel, France (founded 1978); and International Documentary Filmfestival Amsterdam (IDFA), the Netherlands (founded 1988). The first American documentary-specific festival is Hot Springs Documentary Festival, Arkansas (founded 1992). Hot Docs, Canada, and Sheffield International Documentary Film Festival, United Kingdom, followed swiftly thereafter, in 1994. The growth in the number of documentary film festivals began in the late 1990s and the first half of the 2000s. In the United States, these included Full Frame Documentary Film Festival (1998), SF Docfest (2001), MoMA's documentary fortnight (2001), Big Sky Documentary Film Festival (2003), AFI Docs (2003), True/False Film Festival (2004), Camden International Film Festival (2005), and Atlanta DocuFest (2005). A number of international documentary film festivals were formed around the same time, including DOXA (Canada) in 1998, CPH: Dox (Denmark) in 2003, Doclisboa, (Portugal) in 2003, and London International Doc Fest (United Kingdom) in 2007. Having more documentary festivals is significant because they demonstrate, on a large scale, that audiences exist for documentaries. Film festivals generate press in local and regional outlets, engaging audiences by drawing connections between documentaries and proximate community concerns. Even when they do not have an official film market, they facilitate the documentary industry by being a meeting place for non-fiction film professionals.

The growth in documentary film festivals is significant, but there was also a change in the scope of some major film festivals' operations which effectively strengthened the infrastructure of the documentary market. In the past, film festivals had pointed out trends in documentary and been consistent supporters of independent documentary filmmaking. The Social Cinema in America sidebar at the 1967 New York Film Festival drew attention to the cinéma-vérité movement, and showed that there was an audience eager for socially-conscious, observational documentaries. The Sundance Film Festival showed documentary features from its inception,

then founded its documentary competition in 1982. Sundance became a major showcase for documentaries during the indie cinema renaissance of the 1980s and 1990s, with many theatrical distributors acquiring documentary features after their Sundance screenings.

But in the late 1990s and early 2000s, many major film festivals took on new responsibilities. While film festivals' core mission was the annual screening of new works for the public, many festivals extended their reach to become non-profit granting agencies and education centers. De Valck argues, "An important trend of the late 1990s is that film festivals turn en masse to the industry's facilitating services. They organize film markets, industry meetings, producers' networks, training for script development and production, and all kinds of seminars. With these kinds of initiatives, festivals try to make useful contributions to the development of the transnational film market." This was true for both fiction and documentary films, and the change took place at general festivals and documentary-exclusive festivals.

For example, in 2001, the Sundance Institute took over administration of the Soros Documentary Fund from the Open Society Foundation. The Soros Documentary Fund had been awarding production grants totaling $1.5 million annually, which the Sundance Institute continued with its Sundance Documentary Fund.[28] This was Sundance's first step toward being a non-profit agency for documentary features.[29] Following that, the Sundance Institute moved into education and training for documentary filmmakers. Founded in 2002, the Documentary Film Program offered "creative and strategic support in addition to providing grants for nonfiction filmmakers."[30] The next year, the Documentary Film Program continued its professionalization program with a Composers Lab and an Edit and Storytelling Lab.[31]

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[28] Susan Zeller, "Soros Fund moves to Sundance," *RealScreen*, January 1, 2002, http://realscreen.com/2002/01/01/soros-20020101/.
[29] The Sundance Institute offered its first Feature Film lab in 1981.
[30] "Sundance Institute Timeline," https://www.sundance.org/timeline.
[31] "Sundance Institute Timeline," https://www.sundance.org/timeline.

Hot Docs, a documentary-exclusive film festival in Toronto, similarly developed programs to tighten its connections with the film industry during this time.[32] In 2000, Hot Docs began the Toronto Documentary Forum (later called Hot Docs Forum), a setting in which filmmakers pitch documentary projects to international financiers.[33] The next year, the festival founded its market, The Doc Shop, which runs concurrently with the film festival. It also introduced other "market initiatives" like Rendez-vous, which formalized one-on-one meetings between filmmakers and producers/distributors.

Programs like these involved film festivals in earlier phases of the filmmaking cycle. Rather than the film festival being only a "site of passage," it became a pivotal element of pre-production for selected documentary features. They were a key element that sustained the documentary market as documentary features became more prevalent in theaters. Because market stabilization requires the regular production and release of product, these film festival programs strengthened the documentary market's infrastructure.

In addition to running labs, hosting pitch events, and doling out grants, film festivals' traditional role—programming and curation—also increased in importance. With the documentary feature market expanding, and the increased ease of making documentaries with digital cameras and editing platforms, film festivals screen submissions and put their stamp of approval on films. This means that broadcasters and distributors do not have to sift through everything themselves, they rely on festivals to bring the best of the best to their attention. Through their pre-production mentoring and market-focused programs, festivals identify potentially successful projects at earlier and earlier stages, and can connect documentarians with theatrical distributors and broadcasters. The major film festivals are quasi-industrial players, even as they often brand themselves as separate from the mainstream film industry.

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[32] Hot Docs was founded in 1994.
[33] "Hot Docs 25th Anniversary Timeline," https://www.hotdocs.ca/p/anniversary-timeline.

In addition to starting programs to facilitate the production and distribution of documentary films, major festivals began giving documentary features more recognition than they had in the past. *Bowling for Columbine* and *Fahrenheit 9/11* were two of the only documentaries to ever play in competition at Cannes. In 2004, surfing documentary *Riding Giants* was the opening night film at the Sundance Film Festival. This marked the first ever time a documentary opened the Festival. In offering pride of place to feature documentaries, these major film festivals tacitly acknowledged their increasing audience draw and cultural relevance.

In order to see whether film festivals' actual programming of documentaries changed over time, I investigated a single, very influential festival: Sundance. I counted the number of documentaries programmed at the Sundance Film Festival, from its inception as the U.S. Film Festival in 1978, to 2007. I compared that number to the total number of films screened at each festival, to see if Sundance Film Festival programming reflected the increased interest in documentaries by the 2000s. I also tracked the format of the documentaries played at the Sundance Film Festival because film length is indicative of intended exhibition market. If a documentary is shorter than 70 minutes, I consider this a documentary made for broadcast or for the educational market.[34] If a documentary is 70 minutes or longer, I consider it a feature. Differentiating between these formats allows me to draw preliminary conclusions about whether changes in the documentary feature market were reflected in the Sundance's programming.

While the number of documentaries at Sundance increased steadily from 1986 to 2006, so did the total number of films screened. The percentage of documentaries as compared to the overall program went up and down, but it was the same in 2006 as in 1986: 18%. So the proportion of documentaries to the total number did not change significantly. However, the format of the documentaries at Sundance did shift over the same period. In 1986, 47% of

[34] Some documentaries produced for television, or acquired by television stations and cable companies, were 80 or 90 minutes long. But documentaries that were 60 minutes or fewer were easier to sell and easier for programmers to schedule.

documentaries at Sundance were feature length. In 1991, 53% were feature length. The trend toward feature documentaries continued: in 1996, 84% of documentaries were features. The balance evened slightly in 2001, with 63% of documentaries running 70 minutes or longer. By 2006, 98% of documentaries shown at Sundance were features. This change in the format of the documentaries at Sundance shows two trends: filmmakers responding to the new possibilities for documentaries, and the Sundance Film Festival becoming more enmeshed with the film industry. More filmmakers recognized that the theatrical market for documentaries was growing, so more made feature-length documentaries, rather than aiming for broadcast. At the same time, the Sundance Film Festival recognized that it had the power to bolster the theatrical market for documentaries, so it programmed an increasing number of feature-length documentaries.

Year	Number of films screened	Documentaries screened	Percentage of films that were documentaries
1986	83	15	18%
1991	129	17	13%
1996	184	25	13%
2001	220	27	12%
2006	224	43	18%

Year	Documentaries screened	Feature-length documentaries screened	Percentage of documentaries that were feature-length
1986	15	7	47%
1991	17	9	53%
1996	25	21	84%

2001	27	17	63%
2006	43	42	98%

During this period, film festivals increased in number, as did documentary-specific film festivals. A number of powerful film festivals also expanded their reach with granting, mentoring, and pitching programs. These programs nourished the documentary film market by facilitating the production and distribution of high-quality documentary films. The Sundance Film Festival's documentary programming also reflects a turn toward theatrical releasing. By 2006, 98% of the documentaries screened at Sundance were feature length, up from 47% in 1986. As the major film festivals became more deeply imbricated in the film industry, they fostered a stronger connection between the documentary world and the film industry.

Cable Television Companies Move into Theatrical Market

As documentaries came to be accepted as theatrical fare, cable companies began to invest earlier and more often in documentary films. HBO led the charge, partnering with theatrical distributors, but other companies joined as well. Discovery, A&E, and HDNet produced and acquired documentary features with the intent of releasing them theatrically. The growing number of cable companies interested in documentary films strengthened the market and encouraged filmmakers to make features for theatrical distribution.

While HBO had begun to partner with theatrical distributors and four-wall theaters for qualifying runs for its documentaries as early as the 1990s, such partnerships became a much more systematic strategy in the 2000s. In 2003, *TelevisionWeek* reported that, of the 40 documentaries airing on HBO and Cinemax each year, the plan was to do theatrical releases for 6 or 7 of them.[35] One reason HBO and Cinemax implemented this plan was to mollify

[35] Daisy Whitney, "HBO tests in-theater releases," *TelevisionWeek*, May 26, 2003, 12.

documentarians who wanted their films release in theaters. As Sheila Nevins said in 2003, "If a producer wants [a theatrical release] and you deprive him of that, you might be making HBO not the best place for documentaries, and it needs to be. …It's our job to keep the producers happy."[36] She also pointed out the benefits that could flow from HBO working with documentarians and distributors to get the films theatrically released. "[We want] to be part of the theatrical promotional campaign so we can be sure we are thought about properly and are part of the ultimate marriage of the filmmaker and the distribution plan. I want to get signage. I want HBO's moniker to appear in reviews. I want acknowledgement between theatrical and TV distribution that this is part of the wonderful world of exposure and that this can be compatible."[37] Nevis acknowledges that, for HBO, the theatrical release of one of its documentaries is quite literally a marketing campaign for the film's eventual broadcast, and for the brand as a whole. "TV numbers are so vast compared to movie theater numbers," says Nevins, "there'll be a lot of people who won't have seen but will have heard of it. If it had gone direct to TV, and this is certainly true with *Spellbound*, we would not have been able to have marketed it sufficiently to arouse interest in it."[38] To accomplish this, HBO worked with major independent theatrical distributors. In 2003 alone, HBO partnered with ThinkFilm for *Spellbound* and *Bus 174*, Magnolia Films for *Capturing the Friedmans*, and New Yorker Films for *My Architect*.

At the same time that HBO was working on this strategy for theatrically releasing documentaries that it acquired, it also began releasing some of its fiction films theatrically. In the process, HBO was subject to the specialty market's turmoil. With a glut of films being released, HBO found that its documentaries actually performed better in theaters than its fiction films. HBO Films had produced *Real Women Have Curves* (2002, dir. Patricia Cardoso), which

[36] Daisy Whitney, "HBO tests in-theater releases," *TelevisionWeek*, May 26, 2003, 12.
[37] Daisy Whitney, "HBO tests in-theater releases," *TelevisionWeek*, May 26, 2003, 12.
[38] Kathy A. McDonald, "Nonfiction as entertainment," *Variety*, August 25-31, 2003, A24.

Newmarket Films released to a good gross of $7.7 million. But the production company's other fiction features rarely grossed over $1 million. *Elephant* (2003, dir. Gus Van Sant), *American Splendor* (2003, dirs. Shari Springer Berman, Robert Pulcini) and *The Notorious Betty Page* (2005, dir. Mary Harron) were critically acclaimed, but did not attract large audiences.[39]

As HBO solidified its commitment to documentary features and experimented with the theatrical release of fiction films, its strategies inspired imitators. During the early and mid-2000s, other cable companies began to invest in documentary films that they could eventually program on their channels. Though better known for their non-fiction series and reality television programs, these cable conglomerates followed HBO's lead to scavenge for prestige by producing and acquiring documentary films. They also tacitly acknowledged the competitive market for broadcast rights to documentaries by getting involved with these films early in their lives, rather than after their theatrical release.

Discovery had tried to release documentaries theatrically in the 1990s, but the box-office performance of *The Leopard Son* was not adequate, and the company turned to making documentaries for the large-format market. Discovery again took the plunge into feature documentaries in 2003 with production company Discovery Docs. It partnered with CameraPlanet, which planned to release the films theatrically in at least five cities before airing on the Discovery Channel. In carving this path, Discovery aimed to produce films with the best-known documentarians, gaining the right of first refusal for projects proposed by Barbara Kopple, Michael Apted, Nannette Burstein, and Chris Hegedus and D.A. Pennebaker. Executives acknowledged that theatrically releasing their films would please the filmmakers and benefit Discovery through the exposure of a theatrical run. Their first release was a film on the Brown v.

[39] HBO Films first partnered with Fine Line Features to release its films. But Fine Line closed in 2004, leaving HBO without a guaranteed theatrical distributor. Interestingly, at this point, in 2004, HBO could have bought Newmarket Films, but decided not to expand into theatrical distribution itself. Rather, HBO and Newmarket Films kept their fiction features in the Time Warner fold by releasing them through Picturehouse.

Board of Education court case called *With All Deliberate Speed* (released by CameraPlanet), followed by *Grizzly Man* (2004, dir. Werner Herzog, released by Lionsgate) about a bear fanatic who was killed by bears. While *The Leopard Son* had been pitched as a family film, Discovery Docs took a different tack in the 2000s. Although the historical film *With All Deliberate Speed* did not perform particularly well at the box-office, *Grizzly Man* earned an impressive $3.1 million.

In 2005, A&E followed suit and opened a division, A&E Indie Films, to produce and acquire broadcast rights to feature documentaries. Its first in-house production was *Jesus Camp*, which Magnolia Films picked up and released in September 2006. It grossed over $800,000 and was nominated for an Academy Award. A&E Indie Films also acquired the broadcast rights to a documentary with a lot of buzz before its premiere at Sundance in 2007: *My Kid Could Paint That*. Released in theaters by Sony Pictures Classics, it earned $200,000. A&E opened the Indie Films division as a way to rejuvenate the A&E brand, which was, by the early 2000s, associated with the show *Biography* and a lot of reality TV. President of A&E Robert DiBitetto admitted as much: "I don't think anybody viewed IndieFilms as a huge contributor to earnings… But within the overall company plan, there was an excitement about what these films could bring to us, in terms of credibility and filmmaker relationships. We talked about it elevating the brand, and it gave us an opportunity to get us off the TV pages and have a different set of viewers and writers and eyes on it."[40] DiBitetto states plainly that the hoped-for rise in a brand's prestige is intimately linked to its release of theatrical films, even though the brand is financially rooted in cable television. The longer cycle of a feature film release, including an initial festival run, also means that there is more time to build awareness and publicize the film. As Molly Thompson, senior vice-president of A&E Indie Films said, "Television films come and go… Whereas if

[40] Gordon Cox, "A Decade of Distinction," *Variety*, April 12, 2016, 31-2.

you're in the press for a whole year, the way we were last year for *Cartel Land*, it can really make a film special."[41] In addition to raising the film's profile, a theatrical release matters to many filmmakers. Just as HBO and Discovery Docs cater to filmmakers, so too does A&E Indie Films. Documentarians get final cut, and, thanks to the conglomerate's substantial cash flow, they are paid well. As *Variety* reported in 2016, a decade after the company's founding, "It's the kind of atmosphere that inspires loyalty. Amir Bar-Lev, for instance, has made three films with A&E IndieFilms: *My Kid Could Paint That, The Tillman Story*, and *Happy Valley*, the last about the Penn State football scandal. He says he's continually impressed by how much freedom the division gives him, and how much appetite for challenging content there is."[42]

While Discovery and A&E's main business remained in cable television, the two companies followed HBO's example and invested in documentary features. By producing or acquiring them prior to a festival run, the companies benefited in multiple ways. They associated their brand with a theatrically-released film during its long movement through festivals, theaters, VOD, and home video. And at the end, they had broadcast rights to the film, as well.

DVD Brings Documentaries to Home Video

The "docbuster" era is largely defined by the most visible measure of success: box-office grosses. However, profitable theatrical release does not provide the full picture of the highly-developed and stable market for documentary films. Fiction films earn most of their profits from ancillary sales—via direct-to-consumer means like VOD and home video, and via the licensing of broadcast rights in multiple windows (premium cable, basic cable, network TV). The documentary market also benefited from ancillary sales, in order to capture the value of a film

[41] Gordon Cox, "A Decade of Distinction," *Variety*, April 12, 2016, 32.
[42] Gordon Cox, "A Decade of Distinction," *Variety*, April 12, 2016, 32.

after it has been through theatrical distribution. Non-theatrical and educational distribution had long been the main ancillary market for documentaries, but this faded in relevance as fiction and entertainment media shifted from 16mm to video. But the home video market for documentaries was underdeveloped until the invention and diffusion of the DVD.

The DVD market exploded at the same moment as the "documentary boom" happened. This coincidence grew into a mutually-reinforcing relationship between DVD companies and the theatrical documentary market. DVD labels and rental companies concentrated their growth on documentary features, to an extent no VHS label or rental company had. The growing prestige and popularity of feature documentaries in the 1990s encouraged DVD companies to invest in and connect their brands with documentary films in the early 2000s. This was a similar gambit as HBO's association with documentary films, which offered prestige and differentiation from other cable companies. The healthy DVD market for documentary features inspired confidence from theatrical distributors that their acquisitions would pay off after the theatrical release period.

According to Alisa Perren, the rapid increase in DVD sales and rentals, beginning in 1999, affected the indie film business, and thus the documentary business. One reason major studios kept their specialty divisions in business was because of the ancillary value promised by distributing their library titles via new technology. She writes, "Libraries gained value in part due to the expansion of the DVD business, and due to the widespread belief that there was substantial money to be earned once broadband became widely diffused and content could be more easily delivered over the Internet."[43] DVDs were cheap to manufacture, and they offered significant improvements on VHS: much higher fidelity copies of films and enough data space to be packaged with extras. Executives anticipated that customers would purchase new copies of their

[43] Alisa Perren, *Indie, Inc.: Miramax and the Transformation of Hollywood in the 1990s* (Austin: University of Texas Press, 2012), 220.

films, even if they had the VHS of them, because of these qualities. These qualities were assumed to be especially prized by customers buying classic, foreign, or documentary films.

The two most important companies in the realm of documentary films on home video are Docurama and Netflix. Their business models were very different, yet each had significant effects on the business of documentary film. The businesses partnered with each other as well as with other producers and distributors of documentaries. They also inspired imitators, who saw that customers responded to the products and services they offered. The existence of these two companies signals the maturity of the documentary market in the early 21st century, just as much as the more-visible high box-office grosses of "docbusters" do.

Founded in 1999 as an outgrowth of New Video, Docurama was the first home video label to release documentaries exclusively. Eschewing a position alongside long-time retailers of educational and documentary films, or a non-profit mandate, Docurama co-founder Steve Savage proclaimed the coming popularity of documentaries: "They're the next wave… The signs are everywhere."[44] Savage noted the growing presence of documentaries on cable, at film festivals, and in theaters. He turned out to be correct, and Docurama's slate of releases grew each year, from 8 in 1999, to 20 in 2003, to 36 in 2004. He said, "You didn't use the 'd' word a few years ago if [documentaries] was the genre you were distributing… It has gone from being the 'd' word to the buzz word. 2004 will be much hotter than 2003. Our catalog and new titles are on fire."[45]

Docurama's catalog contained a range of documentaries, both new releases and older films. Many were highly-lauded films about serious topics, like the 2001 Academy Award winner *Murder on a Sunday Morning* (dir. Jean-Xavier de Lestrade) about a black youth accused of murdering a white tourist; the 2001 Academy Award nominated *Children Underground* (dir.

[44] Seth Goldstein, "Indie Studios Take Different Path for Growth," *Billboard*, June 6, 1999, 101.
[45] Jill Kipnis, "Buyers Demand More Documentary DVDs," *Billboard*, February 21, 2004, 42.

Edet Belzberg) about 5 homeless children in Bucharest; and Sundance award-winners *Southern Comfort* (2001, dir. Kate Davis) about a transgender cowboy living in the South, and *Blue Vinyl*, about the environmental dangers of vinyl (dirs. Judith Helfand and Daniel B. Gold).[46] But not all Docurama videos engaged in the discourse of sobriety. Like the variety of documentaries programmed by HBO, Docurama could appeal to more prurient interests, releasing some playful, sex-themed documentaries on home video. Its very first release, in 1999, was *Some Nudity Required*, about B-movies.[47] In 2003, Docurama released rated and unrated versions of *Porn Star: The Legend of Ron Jeremy*.[48]

Docurama executives understood the value of libraries: from the very beginning, the company released both new documentary films and older documentary films. Marketing director Kim Hendrickson explained the logic of this strategy: "The premise is that documentaries are cool and that great ones are being made now, but they haven't been given the platform to strut their stuff. The only way to develop a label like this is to go backwards and forwards and find these great gems."[49] For example, in 2000, Docurama licensed three titles by D.A. Pennebaker. *Dont Look Back* was the first to be released, and Docurama packaged it with numerous extras, including a commentary track with Pennebaker and tour manager Bob Neuwirth, biographies of cast and crew, a Dylan discography, a Pennebaker filmography, and uncut versions of performances that are featured in part in the film.[50]

Docurama also partnered with television channels that have long shown documentaries—PBS and Sundance Channel—and an innovative "disrupter"—Netflix. Partnerships with PBS and the Sundance Channel date to the founding of the label, when Docurama released a five-tape set of PBS's mini-series *An American Love Story*, about a mixed-race couple, the week after the

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[46] Jill Kipnis, "Picture This," *Billboard*, March 8, 2003, 52.
[47] Seth Goldstein, "Indie Studios Take Different Path for Growth," *Billboard*, June 6, 1999, 101, 104.
[48] Jill Kipnis, "Picture This," *Billboard*, March 8, 2003, 52.
[49] Jim Bessman, "Famed Dylan Rockumentary gets DVD release on Docurama," *Billboard*, January 8, 2000, 83.
[50] The other two Pennebaker documentaries were *Moon Over Broadway* and *Company*.

series aired on stations. Then, in 2005, Sundance Channel made a deal with Docurama to launch a branded label, the Sundance Channel Home Entertainment Documentary Collection. As reported in *Documentary Magazine*, "Currently, the plan is to release six titles culled from both original productions and acquisitions which have already aired on the Sundance Channel."[51] This label's first release was the mini-series *The First Amendment Project*, which Sundance made with Court TV about the First Amendment. It included short documentaries from major directors including *Fox vs. Franken* (2004, dirs. Chris Hegedus and Nick Doob) and *Poetic License* (2004, dir. Mario Van Peebles). Docurama's success during this period speaks to the growth of both the DVD market in general, and the maturity of the documentary film market.

While Docurama thrived, individual documentaries also sold well on DVD. One reason is that big companies were figuring out how and where to sell specialty DVDs. A film's festival screenings and awards gained cachet, and some home-video companies knew to exploit it. According to Sony's Lexine Wong, "Ten to 15 years ago, you kept festival awards stuff off the box cover, but now, if you say a film played at Sundance, it starts the buzz-making…"[52] Tracey Garvin, another marketing expert at Sony, told *Variety* that the way to sell arthouse films, including documentaries, on DVD is to reach consumers in high-brow locations. "You have to be much more targeted with these films," she says. "We like to go into bookstores where people might be hanging out for two hours.'"[53] Music documentaries were also sold at clothing and lifestyle retail outlets, not just at video stores. Paul DeGooyer, VP of Warner Strategic Markeing Home Video told *Billboard*, "We're seeing customers from Best Buy to Amazon to Hot

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[51] "Short Takes," *Documentary*, May 2005, documentary.org /column/short-takes-may-2005.
[52] Stuart Levine, "No language barrier: Subtitled releases, art films form big market segment," *Variety*/ DVD Exclusive Bonus Feature, August 2005, 10.
[53] Stuart Levine, "No language barrier: Subtitled releases, art films form big market segment," *Variety*/ DVD Exclusive Bonus Feature, August 2005, 11.

Topic…"[54] The strategy of promoting documentaries in myriad retail environments expanded significantly in the early 2000s.

The new arena of online shopping was also a boon for retailing documentary DVDs. Both *Bowling for Columbine* and *Winged Migration* were in the top 50 DVD sellers on Amazon in 2003. Though both films had performed well at the box office, neither reached the top 50 in theaters. DVD was different. One reason for this is the demographic of online shoppers: in 2003, Amazon had not yet achieved ubiquity. But the people who were likely to shop online in 2003 were also those who were interested in documentaries. "It was fairly unique to have two such strong documentaries," [Amazon's DVD/video store group merchandising manager Stefan] Pepe says. "Documentaries seem to be a great fit with our customers."[55] The success of Docurama, as well as the stunning performance of documentaries in theaters, inspired other companies to begin releasing more documentaries on DVD. Koch Lorber Films, a combination of Koch Entertainment Distribution and Lorber Media, was founded in 2003, with plans to distribute 20 to 24 titles on DVD per year, including world cinema and documentaries. In 2004, *Billboard* writer Jill Kipnis cautioned that other, larger home video companies like HBO Video, Columbia TriStar Home Entertainment and MGM Home Entertainment were entering the market that Docurama had dominated.

The growth in the DVD market for documentary films increased opportunities for filmmakers. To give one example, I turn to a filmmaking duo that circulated films like *Paradise Lost: The Child Murders at Robin Hood Hills* via self-distribution and HBO during the 1990s: Joe Berlinger and Bruce Sinofsky. IFC Films purchased the theatrical rights to their documentary *Metallica: Some Kind of Monster* and released it in theaters in July 2004. It earned $1.2 million at the box office. In a savvy move, the directors had sold the home-video rights separately, rather

[54] Jill Kipnis, "Music Documentary DVDs Reap Best of Both Worlds," *Billboard*, April 9, 2005, 40.
[55] Jill Kipnis, "Buyers Demand More Documentary DVDs," *Billboard*, February 21, 2004, 42.

than bundling them with the theatrical rights. Berlinger told *Billboard*, "We have three studios offering us advances for the DVD rights… The fact that we can get multimillion dollar offers for DVD changes the whole distribution landscape."[56] The filmmakers went with Paramount Home Entertainment and adopted a clever promotional gimmick described as follows: "For the Metallica project, Paramount is sponsoring a *Willy Wonka*-style giveaway: Through May 3, up to five winners who find special tickets in their copies of *Some Kind of Monster* will receive a trip to meet Metallica and see the studio where "St. Anger" was recorded."[57]

Because of filmmakers' ability to split rights, theatrical distributors were sometimes deprived of the ancillary money, even after they invested significant sums in a theatrical release. As a result, successful indie theatrical distributors began to hold onto the home-video rights to some documentaries, rather than ceding the territory to other companies. Splitting the rights had surely wounded distributors of unexpected hits in the past. For example, Sony Pictures Classics released *Winged Migration* in theaters in 2004, to a total gross of $11.6 million in North America, while Columbia Tristar Home Entertainment reaped the rewards from the film's DVD release. By 2005, ThinkFilm president and CEO Jeff Sackman declared, "Going forward, you will see much more of the ThinkFilm home entertainment brand." Some of their initial releases on DVD were documentaries *Murderball* and *The Aristocrats*.[58] Other companies embraced the logic of the library, expecting that DVD sales would provide long-lasting residual revenue. Lexine Wong of Sony explained, "The expectations are lower on these smaller films, but it's important to have these kinds of filmmakers [Michael Moore, Errol Morris] in our library."[59]

While Docurama was mostly alone in releasing documentary films on DVD when it began in 1999, it was soon joined by distribution companies large and small. Though

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[56] Jill Kipnis, "Buyers Demand More Documentary DVDs," *Billboard*, February 21, 2004, 42.
[57] Jill Kipnis, "Music Documentary DVDs Reap Best of Both Worlds," *Billboard*, April 9, 2005, 40.
[58] Susanne Ault, "Indie disc jockeys," *Variety/DVD Exclusive*, June 2005, 10.
[59] Stuart Levine, "No language barrier: Subtitled releases, art films form big market segment," *Variety*/ DVD Exclusive Bonus Feature, August 2005, 11.

documentary films were being distributed in theaters in ever-greater numbers, the mostly-limited release patterns of the films meant that audiences were not nearly exhausted by theatrical release. Because the marketing and publicity effort required to launch a theatrical release is so large, there was much value left in the films for home video audiences.

Netflix Delivers DVDs, Acts as Distributor, Breaks Windows

Netflix began as a DVD rental service. Using the affordances of internet connectivity, user data collection, and the United States Postal Service, Netflix offered customers a home-video rental service with online ordering, customized recommendations, a wider selection of titles than most chain rental stores, and monthly subscription plans rather than individual title rentals and high late fees.[60] Netflix capitalized on the penetration of DVD players into American homes in the early 2000s, just as the documentary film market was buoyed by the growth of DVD retailing. In June 2003, rentals of DVDs exceeded the number of VHS rentals for the first time.[61] Netflix has grown into one of the most powerful and influential media companies since then. Though Netflix started small, Tim Havens points out that its brand strategy aimed for a general audience, unlike the increasing nichification of cable channels.[62]

According to Sudeep Sharma, "[Netflix] has made feature-length documentary a core pillar of its service, both as a way to highlight its connection to quality cinema and to distinguish its catalog from more mundane forms of television programming."[63] Considering the vast quantity of documentaries available to stream on Netflix in 2018, this claim is uncontroversial. But Sharma addresses documentaries only within the context of streaming. In fact, Netflix's

[60] When Netflix launched in April 1998, it used a single-rental plan, similar to brick-and-mortar video rental shops. In 1999, Netflix began offering subscription plans, and in 2000, it dropped the single-rental model altogether.
[61] Jill Kipnis, "DVD Video Net Rental Takes Off," *Billboard*, August 2, 2003, 1, 69.
[62] Timothy Havens, "Netflix: Streaming Channel Brands as Global Meaning Systems," in *From Networks to Netflix: A Guide to Changing Channels*, edited by Derek Johnson (New York: Routledge, 2018), 321-31.
[63] Sudeep Sharma, "Netflix and the Documentary Boom," in *The Netflix Effect: Technology and Entertainment in the 21st Century*, edited by Kevin McDonald and Daniel Smith-Rowsey (New York: Bloomsbury Academic, 2016), 143.

involvement in the documentary market began well before it launched its streaming service. When it was primarily a DVD subscription rental service, Netflix used documentary films in multiple ways to differentiate its service from traditional video rental stores and create key partnerships with cable channels and independent distributors. Netflix pursued a strategy similar to HBO's. Like HBO, Netflix rose to prominence, and then dominance, as a subscription service.[64] Because Netflix does not sell its viewers to advertisers, its goal is to create the perception of value in the mind of the subscriber. From early on, Netflix mobilized documentary features as a unique part of its service, and as content with which it could experiment with release strategies.

Netflix First was one program that Netflix championed in order to create more value. With Netflix First, certain films would be available to rent exclusively from Netflix for a period of time. Netflix began this initiative in 2003, and its first partner was Docurama. Whether Docurama was the first partner because they were a low-risk way to introduce the service, or because Netflix executives were committed to promoting documentaries to its viewers, is less important than the fact that executives recognized they could use documentaries to offer a unique service to their subscribers. Later in 2003, Netflix First partnered with television companies that had long shown documentaries, PBS and Independent Film Channel. Through Netflix First, subscribers had an exclusive 90-day rental windows for the documentaries *Daughter from Danang* and *Dinner for Five*, respectively.[65]

Netflix was invested in pushing specialty films to customers. As *Billboard* reported, "Through its recommendations feature, customers who have previously rented documentaries or other niche titles will be made aware of the exclusive [Netflix First] offer."[66] Familiarity has

[64] Netflix surpassed HBO in number of subscribers in April 2013. "Netflix Subs Top HBO's," *Variety*, April 23, 2013, 11.
[65] Jill Kipnis, "Picture This," *Billboard*, November 29, 2003, 46.
[66] Jill Kipnis, "Picture This," *Billboard*, November 29, 2003, 46.

made Netflix's recommendations process seem obvious—of course Netflix functions as a "newsstand," pushing certain types of content to customers based on the algorithm.[67] But this was a novel way of interacting with subscribers and publicizing films in an individual way in 2003. Even when the process was new, it was large-scale: in 2003, Netflix was sending 30 million personal recommendations per day to its customers. This new way of publicizing home videos seemed to offer many benefits to distributors. Matt Lasorsa, senior VP of marketing for New Line Home Entertainment, praised the recommendation feature because it highlighted films other than the newest releases/tentpole films, saying, "These titles would get lost on a shelf in a brick-and-mortar store."[68] Speaking specifically of the partnership with Netflix First, which promised to push Docurama's videos even harder, Docurama president Steve Savage identified how the program could benefit both his company and Netflix. He told *Billboard*, "This is sort of the equivalent of opening a film in New York, Los Angeles and Chicago and getting the critics to create a buzz…."[69] Savage framed Netflix First as a way to attract early attention to the video releases of specialty films.

But Netflix First was only one experiment that utilized documentaries. Netflix began to act as a producer and distributor of independent films. Like Docurama, Netflix executives saw the benefits of a library model, rather than one that emphasized new releases. As reported by *Variety* in 2006, "The company's rental ratio of library titles to new releases is thought to be an astonishing 70-30 (at most large rental outlets, new releases can easily account for 60%-70% of total rentals), as customers in search of brand-new titles are more likely to buy the DVD or rent locally."[70] To build its library, Netflix started acquiring indie films en masse. Netflix's film

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[67] "Newsstand" is different from "library," see definitions in Timothy Havens and Amanda Lotz, *Understanding Media Industries* (New York: Oxford University Press, 2016).
[68] Jill Kipnis, "DVD Video Net Rental Takes Off," *Billboard*, August 2, 2003, 69.
[69] Jill Kipnis, "DVD Video Net Rental Takes Off," *Billboard*, August 2, 2003, 69.
[70] Steven Zeitchik, "Netflix adds its own pix to mix," *Variety*, February 27, 2006, 9.

division company would eventually be called Red Envelope Films/Entertainment. Red Envelope lasted fewer than three years, but during that time, the company acquired 126 films.[71]

However, Red Envelope Films did not act like a typical theatrical distributor or home video company. It acquired films principally to add to Netflix's library, and handed off the duties of a theatrical release to other companies. As *Variety* explained at the time, "Each deal is structured differently, but in a typical case, Netflix will act as distributor of record for theatrical and homevid, paying a flat fee to a company like IFC to handle a limited theatrical release."[72] In this way, Netflix/Red Envelope used theatrical release as an explicit loss-leader for their main interest, the home-video market. It worked with HBO on theatrical releases of acquired documentaries, including *Born Into Brothels* and *Balsersos*, and with Magnolia Pictures on the release of *No End in Sight*, an Iraq War documentary. The company also co-produced movies for IFC TV, including *The Film Is Not Yet Rated* (dir. Kirby Dick).

In addition to working on its own films' theatrical releases, Red Envelope also used special-event screenings to drive DVD rentals of documentaries it did not own the rights to. In the case of *Super High Me* (Michael Blieden), a documentary on marijuana, Red Envelope held over 1,000 private screenings to launch the DVD release. These screenings drove advanced buzz of the film in lieu of an official theatrical release. Netflix head Ted Sarandos boasted that Red Envelope's intervention made *Super High Me* popular among customers, saying, "It's done more business on Netflix than [Fox Searchlight's popular documentary] *Young@Heart*," which earned nearly $4 million at the box office.[73] Though there is no way to verify Sarandos' statement, it is

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[71] Anthony Kaufman, "Netflix Folds Red Envelope; Exits Theatrical Acquisition and Production Biz," *Indiewire*, July 23, 2008, indiewire.com/2008/07/netflix-folds-red-envelope-exits-theatrical-acquisition-and-production-biz-72010.
[72] Ian Mohr and Steven Zeitchik, "Little pix with lofty goals," *Variety*, June 19, 2006, 13.
[73] Anthony Kaufman, "Netflix Folds Red Envelope; Exits Theatrical Acquisition and Production Biz," *Indiewire*, July 23, 2008, indiewire.com/2008/07/netflix-folds-red-envelope-exits-theatrical-acquisition-and-production-biz-72010.

clear that Red Envelope used the publicizing of even unaffiliated documentaries as a show of Netflix's power.

Just as filmmakers appreciated the documentary DVD market that Docurama helped grow, independent distributors realized that they stood to benefit significantly from the reach of Netflix and Red Envelope. According to a 2006 article, Netflix took credit for 70% of the DVD revenue for *Capturing the Friedmans*, a hit in theaters for distribution partners ThinkFilm and HBO.[74] ThinkFilm's Mark Urman confirms the importance of Netflix for his business: "Right now anything I can do to help Netflix do better means I'll do better."[75] Howard Cohen of Roadside Attractions, another distributor of documentaries, agreed. He said that Netflix is "The future… They're the only major entity that really has a firsthand relationship with their consumers… They have 4 million subscribers, with an interest in independent films, and they have their names and email addresses—and we don't and Hollywood doesn't."[76] This direct relationship with subscribers helped Netflix target film recommendations to specific subscribers, a very advanced form of niche marketing. It also helped Netflix benefit from the value of its increasingly deep library.

Documentary features are a fundamental part of Netflix's service and brand identity, and they have been since the company's early days. Netflix used documentary features to build its library, partner with other companies, and experiment with release strategies. By elevating documentary features, Netflix created a perception of its subscription service as valuable to customers. Netflix's experimentation with documentaries also demonstrated to the film industry that it had the power to drive customers to particular films. Netflix and Docurama confirmed the

[74] Steven Zeitchik, "Netflix adds its own pix to mix," *Variety*, February 27, 2006, 9.
[75] Steven Zeitchik, "Netflix adds its own pix to mix," *Variety*, February 27, 2006, 9.
[76] Anthony Kaufman, "Industry Beat: Netflix Becomes a Player in the Acquisitions Game," *Filmmaker*, Summer 2006, 26.

value of documentary on the home video, thereby strengthening the infrastructure of the market for feature documentaries.

Self-distribution and Direct Distribution in the Internet Age

During this period, theatrical distributors, film festivals, cable companies, and DVD purveyors were building a stable multilayered market for documentary features. This created a clear, regularized pipeline for documentary features to travel, and integrated documentary further into the mainstream film industry. But that does not mean that documentarians no longer engaged in individualized distribution and exhibition plans. The internet opened up many new possibilities for directly connecting with, and selling to, audiences.

As Howard Cohen suggested, one of Netflix's strengths was the direct relationship it had with its subscribers. But Netflix was not the only entity to use the affordances of internet connectivity and social media to build direct relationships with viewers. Individual filmmakers marketed their films online, and some even bypassed traditional distribution routes entirely by selling their films directly to consumers online. At the same time, Truly Indie, a distribution company, institutionalized the practice of self-distribution by offering distribution services to filmmakers for a price. Self-distribution, via four-walling individual theaters, was traditionally the way that independent documentarians could connect to viewers outside of the mainstream industry. But Truly Indie aimed to make the practice replicable as a business model in which filmmakers paid for their distribution and marketing services.

In the past, documentarians employed self-distribution tactics because established companies were not interested in distributing their work. In one early instance, Ricky Leacock and D.A. Pennebaker formed their own distribution company to distribute *Dont Look Back*, with great results. In 1971, Frederick Wiseman formed Zipporah Films, to circulate his work. While

Pennebaker eventually abandoned self-distribution, preferring to sell the rights to his films to distribution companies, Wiseman has continued Zipporah. He is able to sustain this operation because he has a catalog of dozens of films, so the operating costs are spread over them. Political cooperatives like New Day Films were founded on the same economic principle.

The late 1970s and early 1980s saw more and more documentarians self-distribute their work, and build more scaffolding for others to do the same. *Grey Gardens, Word Is Out, The War at Home, Koyaanisqatsi*, and *The Atomic Cafe* were all initially self-distributed. While the self-distribution of *The War At Home* was successful, after its completion co-director Barry Alexander Brown co-founded First Run Features to give other filmmakers the tools to circulate their work theatrically. The company has remained a stalwart distributor of documentary films. Another long-running element of documentary film infrastructure is Film Forum. The Manhattan arthouse has launched numerous documentaries' theatrical release. In particular, it has served as a place for self-distributed documentaries to get noticed by distribution companies. Such was the case with *The Atomic Cafe*, which opened at Film Forum prior to its acquisition by Libra Cinema 5, and *Paris Is Burning*, which grossed an incredible half-million dollars at Film Forum before being acquired by Miramax/Prestige. Some filmmakers continued to practice self-distribution in the 1990s, including Joe Berlinger and Bruce Sinofsky with *Brother's Keeper* and *Paradise Lost*, but with more and more distributors edging into the territory, it was no longer as necessary.

Success in self-distribution, more often than not, relied upon the film's subject matter being popular (Bob Dylan, William S. Burroughs) or appealing to an identifiable niche (gay and lesbian community for *Word Is Out*, veterans of anti-war movement for *The War At Home*). Such was the case with some of the most-discussed documentary films of the early 2000s: the films of Robert Greenwald, including *Uncovered: The Whole Truth About the Iraq War* (2003) and *Outfoxed: Rupert Murdoch's War on Journalism*. Appealing to politically-engaged liberals,

Greenwald and his associates went a step further than self-distribution—they employed direct distribution. They bypassed theatrical exhibition in favor of direct-to-video release. While direct-to-video is usually not accompanied by the kind of strong marketing scheme used for theatrical release, Greenwald mobilized progressive news websites and online political communities to publicize and sell DVDs of the film.

To show how this worked, I will outline the direct distribution of *Uncovered: The Whole Truth About the Iraq War* (2003), drawing on Chuck Tryon's account. Greenwald produced the film for $300,000, then organized house parties on MoveOn.org, meetUp.com and other social networks to exhibit the film. Tryon describes this process: "Volunteers would offer to host screenings and would place messages on MeetUp.com in order to alert people in the community of a screening. Several days before the schedule premiere, the hosts received a DVD copy of the film, which they would play on the night of the premiere."[77] The film premiered at over 2,600 private gatherings. On the same night, Greenwald hosted a teleconference that allowed people to discuss the film with him and ask questions. Documentarians had long seen the value of direct interaction with audiences—recall Julia Reichert's account of traveling around the country with a copy of *Growing Up Female*, in order to reach feminist viewers. However, the house party strategy allowed Greenwald to connect with viewers in 2,600 places at once—an incredible feat of organizing. This strategy also drove sales of the DVD, which reached 100,000 copies, for a total of $1.5 million in sales. By combining traditional political organizing with networking via the internet, Greenwald was able to mobilize a large audience and circumvent theatrical exhibition.

There were other benefits to bypassing theatrical exhibition, like speed and urgency. Tryon points out, "Rather than releasing the film to art-house theaters, which requires that a

[77] Chuck Tryon, *Reinventing Cinema: Movies in the Age of Media Convergence* (Piscataway: Rutgers University, 2014), 98.

filmmaker negotiate with national theater chains and distributors, the producers distributed the film through progressive news sources and web sites including *The Nation*, the Center for American Progress, Alternet.org, and MoveOn.org. As Greenwald himself comments, this distribution process allowed him to release the film much more quickly, which in turn permitted him to make a documentary film that could incorporate even the most recent events."[78]

The marketing of these documentaries often came in the guise of political organizing, with websites and blogs hailing audiences as activists. This was an effective way to sell DVDs, as well as to gather the contact information of supporters of future films. Though Greenwald's model was a significant phenomenon, the "house party" model should not be seen as the norm for documentaries in this time period. Rather, along with Netflix's experiments with distribution, Greenwald's strategies were precursors to the explosive growth of crowdfunding, grassroots marketing, and digital distribution via streaming video in the American documentary market.

At the same time as Greenwald's direct distribution system thrived outside the main film industry, Truly Indie, a company under the umbrella of Mark Cuban and Todd Wagern's 2929 Entertainment, began to offer independent documentarians a way into high-profile theatrical exhibition through service deals. In a service deal, filmmakers or producers pay a distribution company to release their film. They benefit from the distributor's expertise, and the distributor benefits by receiving payment upfront, rather than gambling that the film they acquired will make enough revenue to cover costs and turn a profit. Filmmakers kept the rights to their films—a key reason many turned to self-distribution—but paid Truly Indie to handle booking and marketing their films. Founded in 2005, the company Truly Indie operated much like First Run Features did when it was first formed. But as part of a vertically-integrated company, Truly Indie had extra benefits as well as extra complications. Filmmakers submitted their films to Truly

[78] Chuck Tryon, *Reinventing Cinema: Movies in the Age of Media Convergence* (Piscataway: Rutgers University, 2014), 100.

Indie, and programmer Kelly Sanders chose the best. About 30% of submissions were accepted, and the company aimed for 8 to 10 releases per year. Once selected, filmmakers paid Truly Indie $60,000 to $70,000 to release the film in at least 5 markets, out of a possible 19. The program ran only between March and October because fewer prestige films are released in summer than fall and winter. Most of the theaters were Landmark Theaters, which were also part of the 2929 empire. This is an unusual example of vertical integration being used to benefit independent films.

Participating in publicity was optional for filmmakers, but, as in ordinary self-distribution, filmmakers bore the ultimate responsibility for drawing attention to their film. The most successful Truly Indie release was *Valentino: The Last Emperor* (2009, dir. Matt Tyrnauer), a documentary on the fashion designer, which earned over $1 million in theaters. This was not a typical result, but rather the result of the director combining aggressive publicity methods with Truly Indie services. As director Tyrnauer says, "After deliberating and looking at the offers we had coming out of the festivals… we decided that we would like to be very involved in the release and made an alliance with Truly Indie and did a platform release with them. That allowed us to have our hands on the levers, basically, rather that kicking the baby goodbye and crossing our fingers and hoping for the best. We were deeply involved in marketing strategies and patterns of release and press strategies."[79] Tyrnauer conducted numerous Q&A sessions with audiences, as he had been advised by *Capturing the Friedmans* director Andrew Jarecki. He was also able to leverage the stars of the film: Valentino and his business partner and lover Giancarlo Giammetti. Tyrnauer and his team employed a publicity firm, which helped them place the stars on shows like *Oprah, Charlie Rose*, and *The View*.

[79] Peter Knegt, "indieWIRE News: A DIY Emperor: The Rise of *Valentino*," *Documentary*, June 20, 2016, documentary.org/blog/indiewire-news-diy-emperor-rise-valentino.

Truly Indie tried to sell the concept to other theaters as well. As described in *Variety* in 2008, "The upside for exhibs — and one reason why Landmark is recruiting theaters outside its circuit to join Truly Indie — is a reliable revenue stream: The flat rental fee plus concession sales make an agreeable alternative to the often onerous terms negotiated in traditional distribution arrangements."[80] But the system was mostly meant to benefit the ones paying: filmmakers. Even without big box-office grosses—and most films, both fiction and documentaries, earned less than $150,000—the films could earn enough attention and critical acclaim to brighten their prospects in ancillary markets. Of course, Truly Indie benefitted associated companies—as *Variety* pointed out, "the titles also serve as a relationship builder for Cuban and Wagner's 2929 and Magnolia Pictures, both always looking for indie figures on the rise."[81] Essentially, Truly Indie could incubate talent for 2929 and Magnolia in a low-cost way, by having filmmakers pay for their services. While Truly Indie was introduced as a "novel" concept, the release process was not so different than the way other theatrical distributors handled documentaries in the early 2000s.

Conclusion

When writing about the adoption of new media delivery technologies, optimistic journalists and critics tend to claim each change as a step toward more complete audience choice. This is doubly true for the concurrent diffusion of DVD technology and internet connectivity. DVD promised viewers higher-quality copies of films on home video, in addition to a host of supplemental material. Internet connectivity promised audiences a platform on which to share their opinions and tastes, and in doing so, make the media industry listen. With the promise of streaming video on the horizon, it seemed clear that the "celestial jukebox" was becoming a

[80] Dade Hayes, "Truly Indie bets on the little guy," *Variety*, March 7, 2008, variety.com/2008/film/markets-festivals/truly-indie-bets-on-the-little-guy-1117981994.
[81] Dade Hayes, "Truly Indie bets on the little guy," *Variety*, March 7, 2008, variety.com/2008/film/markets-festivals/truly-indie-bets-on-the-little-guy-1117981994.

reality—with every film and television show available, finally there would be no gatekeepers to prevent audiences choosing exactly what they wanted to view, when they wanted to view it. This is often the discourse used to describe the early 2000s, and it is easy to see how the popularity of documentary features during this time is wrapped in the same language.

Rather than foreground technological change and audience taste as the key generative mechanisms guiding the "docbuster" phenomenon, I have argued that this era of popular documentary successes is due to the industrial strategies deployed at every level of the feature documentary market. In the early 2000s, more organizations and companies recognized the benefits of investing in documentaries and joined the growing number of institutions that supported documentaries and their makers. Their investment in production and distribution created a strong infrastructure for documentary features. Gatekeepers like theatrical distributors, film festivals and cable companies did not diminish in importance; rather, they purposefully partnered with new DVD companies to enhance the home-video market for their documentaries. This is a trend that has continued to the present-day: while some documentarians continue to make and self-distribute their work, without aid or interference from a granting agency, cable company, or streaming service, for most filmmakers there is now an expectation of cooperation with powerful institutions. Tim Horsburgh, Director of Communications and Distribution for Kartemquin Films, confirms that this is the case. In conversation in 2016, he noted that it was very rare for a documentary to succeed commercially if it has been rejected by major gatekeepers like the Sundance Institute, the MacArthur Foundation, CineReach, ITVS, and Film Society of Lincoln Center.[82]

The increased visibility and high box-office returns of feature documentaries during this era were not anomalous or sudden. They resulted from years-long industrial strategies by a

[82] Tim Horsburgh (Director of Communications and Distribution, Kartemquin Films) in conversation with the author, December 2016.

constellation of organizations and companies. A larger number of theatrical distributors acquired and released documentaries than in previous decades, spurred by the lower cost of acquisition and strong box-office grosses of feature documentaries in the 1990s. Cable companies like HBO, Discovery, and A&E began to invest in documentaries earlier in their life cycle. The rapid diffusion of DVD technology and simultaneous spread of internet connectivity allowed home-video companies like Docurama and Netflix to profit from the previously-insignificant documentary genre, both newly released and library films. Netflix also began to act like one of the above cable companies by acquiring numerous independent films, including documentaries, and paying distributors to give them a run in theaters. Netflix was one of many companies, including Magnolia Films, that were using documentary films in a quest to disrupt traditional release windows. Because they were a relatively low risk investment, compared to the average fiction film, documentaries were ripe fodder for distribution experimentation. Individual filmmakers also used the new affordances of DVD and internet connectivity to self-distribute their documentaries and target viewers in new, more-direct ways. At the same time, Truly Indie promised to take some of the work out of self-distributing independent films in theaters by offering service deals to filmmakers.

Conclusion

In 2018, the Toronto International Film Festival's Doc Conference hosted a panel entitled, "What do sales agents and film representatives want?"[1] The panelists were sales agents with top Hollywood talent agencies like CAA, ICM Partners, and United Talent Agency. All were bullish on the market for documentary content. They noted the involvement of bigger and bigger talent agencies in documentary deals, more interest in documentaries from private investors, and new buyers of documentary content like Apple and Disney. While the topics touched on the continuing strength of the documentary market, the very presence of multiple sales agents indicate how deeply the documentary world is enmeshed with the commercial media industry.

How did documentary features go from being on the margins of mainstream cinema to being a vital, dynamic form that attracts private financiers, talent agencies, and investment from major media companies? This dissertation argues that shifting industrial strategies, public policy, and discourse are the key generative mechanisms responsible for the growth in the multilayered market for documentary feature films. Studying these factors shows the changing balance between the dual aspects of documentary film—as a commodity and as a public service. While some documentaries were released theatrically in the 1960s and 1970s, the market was fragmentary and lacked significant supporting institutions. The 1980s saw the first distribution companies to consistently release documentaries in theaters and the protracted struggle to include feature documentaries in PBS's national schedule. Federal granting agencies, private foundations, and community advocacy groups also began to support the production and circulation of documentary features during this time. In the 1990s, documentary's association with American independent film was cemented, and the market for documentaries benefited

[1] Justin Morrow, "How Sales Agents and Film Reps Are Viewing the Booming World of 'Non-Fiction' Film," *No Film School*, September 20, 2018, https://nofilmschool.com/2018/09/find-out-what-sales-agents-and-film-reps-want.

from the explosion of interest in indie cinema. Yet, documentaries continued to draw most of their primary funding from television. HBO, in particular, invested heavily in documentary production, and it used the form to burnish its brand and make inroads into the theatrical realm. All these developments erected the infrastructure to support the breakout theatrical hits of the "docbuster" era. In addition, film festivals' expansion into mentoring, production financing, and industry facilitation acted to regularize the delivery of high-quality, salable documentary features in the 2000s. These developments encouraged more companies to release documentaries on DVD, and DVD rental company Netflix to attach its brand to documentary features.

This dissertation has traced these changes by studying the distribution of feature documentaries, and, to a lesser extent, their production. Focusing on distribution has a great yield because it is the point when a film project must intersect with larger industrial forces that determine how the public will see it. Decisions made about distribution for a single film affect the discourse around the film and the film's market potential. The discourse and market performance feed back into the system to affect decisions about further films' release. Distribution also necessarily intersects with technological and cultural norms. But rather than make technological changes and cultural norms the most significant causal mechanisms, this dissertation argues that these factors are secondary to industrial strategies, public policy, and discourse. This hierarchy of causes is not meant to erase the work of documentarians or particular films' influence. Entrepreneurial filmmakers and independent film advocacy groups worked to influence industry and public policy. Certain films' style, mode of production, circumstance of release, and market performance made them examples to be held up by later documentarians and industry professionals. However, the decades-long process of building a vibrant, multilayered market for documentary features cannot be attributed to a single documentarian or a single documentary film.

This approach provides insight beyond the history of the documentary market from 1960 to 2007. Documentary features have increased in popularity and vitality since 2007. The most visible aspect of the current market is streaming video services' acquisition and commission of documentaries. How have these new services affected the distribution of and discourse around documentary film? Has association with new-media platforms brought new viewers to documentary film and removed documentary film from its political context? The popularity of long-form documentary films like *Making A Murderer* (Netflix), and *OJ: Made in America* (ESPN Films) is an especially interesting development facilitated by streaming video. Apart from general-audience streaming services like Netflix and Amazon, documentaries are a staple on many niche streaming services (Sundance DocClub, Kanopy, Fandor). It would be worth investigating how these services deal with other elements of the industry and frame documentaries for their viewers.

Another way to extend this work is to analyze new methods of financing documentary films, like crowdfunding. While this dissertation covers the building of institutions to support documentary film, the affordances of digital communication and sharing have made it easier than ever for documentary filmmakers to turn to individuals for help in financing projects. Founded in 2007 and 2009, respectively, crowdfunding platforms Indiegogo and Kickstarter have hosted fundraising campaigns for thousands of documentary films. Crowdfunding has fostered political issue films, in particular, by tapping in to niche audiences in already-existing online communities. Crowdfunding is not merely a fundraising scheme, it is also a way of engaging with potential viewers prior to a film's release.

At the opposite end of the scale from crowdfunding is private investment in independent documentaries. For the first time, private companies like Participant Media (founded 2004) and Impact Partners (founded 2007) have invested regularly and heavily in the production of

documentaries. Notably, neither is a broadcast or cable company—their investment in the production of dozens of documentaries is predicated upon the strength of the theatrical, cable, and streaming video market. Neither are non-profit organizations, yet both claim to have a "double bottom line: profits and social good."[2] They also funnel money toward the non-profit and granting organizations in documentary, and they have established mentorship and educational programs. Both have produced award-winning and buzz-generating documentaries, including *Icarus*, winner of the 2017 Academy Award for Best Documentary Feature, and *RBG*, which earned $13.9 million in theaters in 2018. The groundwork laid by this dissertation can offer insight into these new industrial formations and the effects they are having on the documentary market.

With so many new entrants into the field, legacy institutions must grapple with their role in the documentary feature market. At the recent symposium Spotlight on Documentary at the University of Wisconsin-Madison, the heads of PBS's *P.O.V.* and *Frontline*, and ESPN Films, celebrated the influx of interest and investment in documentaries. However, each expressed worry about their own projects being lost in the ever-growing number of documentaries released each year. They also spoke candidly about how they assessed their organization's investment in documentary film. With such a strong documentary infrastructure, individual documentaries receive support from numerous partners. But not every partner is equally credited in the public eye: when a documentary feature succeeds at the box office or wins major awards, which supporting organizations are able to claim credit for this achievement? If *Frontline* does not earn buzz or admiration from the Academy Award nomination of *Abacus: Small Enough to Fail* (2017, dir. Steve James), despite having co-produced the film, should *Frontline* make investment in high-profile films a priority? Legacy institutions, especially those with a public service remit,

[2] "The New Hollywood," *Wired*, June 1, 2006, https://www.wired.com/2006/06/hollywood/.

must decide on the best approach for documentarians and for their own survival in a world with new, commercially-oriented players like Impact Partners and Netflix. Analyzing industrial strategies is crucial when there is so much competition within the documentary field.

Another area worthy of study is the extent to which the commercialization of documentary has also changed who makes documentaries. It is easier than ever to make a documentary and make your money back. In some ways, making an independent documentary is now a surer gamble than making an independent fiction film. This begs the question of whether more filmmakers are making documentaries as a way to break into the film and television industry.

In addition, this dissertation illuminates one way to study the fluidity between film and television. Tracking films through successive release windows can show how different mediums handle and value the same property. It also provides a different lens through which to see current debates that pit film against television in a battle for cultural legitimacy, and in so doing, flatten the dynamic interactions between mediums. If a property is produced and financed by a television company but initially exhibited at film festivals and in theaters, can it be reduced to a single medium? If a property is nominated for an Academy Award and an Emmy, is it film or is it television? Analyzing distribution decisions and cultural discourse refocuses and adds nuance to a long-running, reductive argument.

Ultimately, this dissertation will be a useful reference to scholars of documentary film. It provides a baseline concept of the American documentary feature market as one that balances and interweaves commodity exchange and public service. It also outlines the industrial norms and circulation possibilities for documentaries in different eras. Scholars writing about individual documentarians or documentary films can use my work to situate their subject in history and add context to studies of reception. Attempts to trace certain genres or aesthetic tendencies in

documentary film will also benefit from my synoptic history. I expect scholars will also use this study to compare the workings of the American documentary feature market with others around the globe.

As shown by the examples above, this research can serve as a starting point for numerous further inquiries. Studying more popular press writing and criticism would deepen this project's account of the changing status of documentary features. More thorough delineation of the debates over independent film on public television would also enhance the discursive history. This project has avoided textual analysis of films, but it would be worth doing paratextual analysis of the rhetoric used by filmmakers to introduce their films on the early seasons of *P.O.V.* More, and fuller, case studies could illuminate the marketing strategies and release plans used by the minor distribution companies. While I have interviewed a number of film distribution professionals for this project, it would be especially valuable to interview those administering major grants, running film festival educational programs, and guiding private investors toward documentary features.

My dissertation suggests that documentary's place in our culture has shifted dramatically in the second half of the twentieth century. Moving forward, the place of documentary in the digital media landscape merits close attention. Future work, I hope, will benefit from my conception of the multilayered market for documentary and my excavation of its ever-evolving industrial and discursive components.

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