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Institutional Influence on Documentary Form: an Analysis of PBS and HBO Documentary Programs

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INSTITUTIONAL INFLUENCE ON DOCUMENTARY FORM:

AN ANALYSIS OF PBS and HBO DOCUMENTARY PROGRAMS

by

Mark Irving

A Thesis Submitted in
Partial Fulfillment of the
Requirements for the Degree of

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ABSTRACT

INSTITUTIONAL INFLUENCE ON DOCUMENTARY FORM - A COMPARATIVE ANALYSIS OF PBS and HBO DOCUMENTARY PROGRAMS

by

Mark Irving

The University of Wisconsin – Milwaukee, 2015
Under the Supervision of Professor Michael Z. Newman

Beginning in the 1980s, the documentary genre has undergone a transformation to accommodate modes of stylistic expression and subjective thematic exposition previously not evident in the genre. This deviation from the form's traditional modes of expression typically associated with fact-based, journalistic pursuits can be attributed to the institutional underpinnings of media outlets that exhibit documentary programming. These institutional factors, a consequence of an evolving marketplace and shifts in the political and regulatory landscape, have motivated programming mandates or practices often discordant with a media outlet's stated or presumed mission. This research identifies documentary themes and modes of representation and notes their evolution over time by examining documentary programming on two dominant television networks. I relate these shifts to institutional factors such as fluctuations and changes in funding, administration, regulations and the marketplace - factors such as the decrease in public/tax and consequent rise in private/underwriter funding of public television, and the diversification and increase of programming by commercial media outlets in response to an expanding marketplace. I also draw conclusions about the function of the documentary genre and the nature and purpose of the television institutions that exhibit them - documentary as popular entertainment, journalistic inquiry or historic artifact.

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Chapter One: Introduction

In this first chapter, I present the research project with a general review of the documentary genre as both a cinematic form and as televised programming. I introduce the idea that documentary form and subject matter are impacted by the institutional underpinnings of media outlets. The media outlets/television networks PBS and HBO are identified as program providers whose operations illustrate the complicated relationship between documentary producers and the media institutions that present their work to the viewing public. I also pose the notion that the programming practices of these two institutions demonstrate a shift in their respective missions. A review of existing literature, within the context of a general discussion of the documentary genre and how it functions as non-fiction television programming in four general areas, follows this introduction. Analytical-critical works that address documentary style traditions, the genre's role and function as journalistic media, and the role of media institutions in determining presentation style and content, are expounded in relation to the research project topic and objectives. Following the literature review, I define the methods I use to analyze both individual documentary programs and the general programming practices of the two television networks.

I am examining documentary programming on broadcast and cable networks because of television's comparatively expansive viewership and high financial stakes when compared to other distribution outlets such as the Internet and theatrical venues. However, as the media becomes increasingly convergent and audiences more fragmented, the considerations of this research might also be relevant in assessing the impact of institutional mandates of emerging media outlets on documentary form. In light of the shifting roles of television networks, has public broadcasting remained true to its original mission of providing an alternative to

commercial media for a mass audience as a requisite for a democratic society? If not, have commercial subscription networks such as HBO supplanted public broadcasting in providing alternative voices from independent documentary producers? A non-subscription, commercial network would presumably be unwilling to include programming that may be contentious or controversial to placate program sponsors concerned with being associated with perspectives that may offend advertisers. Public broadcasting, conversely, with a stated mission of presenting educational and cultural programming to the American public to celebrate a diverse civic life,¹ should be compelled to provide programming reflecting alternative voices not present elsewhere on television.² It is plausible that commercial subscription networks are now in the business of providing alternative documentary programming to an audience that includes traditional viewers of public and commercial news television programs. It is also plausible that both commercial and public broadcast institutions are engaged in providing relevant, often controversial social issue documentary programming and that the adoption of forms and presentation of themes not typically associated with documentary does not necessarily represent the abandonment of truth seeking but a recognition that truth is relative and determined by multiple contexts.

This research is motivated and informed by existing studies of objectivity/subjectivity, truthfulness and balance as related to documentary: studies that provide the language, points of reference related to film styles, modes of perception and other conceptual foundations. Thematic and stylistic trends in popular documentary, and how they relate to social-political and commercial influences manifest in television program delivery systems, are illustrated. Specifically, how the broadcast and cable institutions that produce, solicit, license and exhibit documentary programming impact the form. Analyzing documentary programs and identifying

programming trends respective to each network - in this case, two dominant providers of televised documentary programming: PBS and HBO - illustrate this comparative impact.

Television Documentary Overview

My intention is to identify trends that indicate a shift in documentary program conventions and thematic content at both ends of a twenty-year time frame beginning in the mid 1980s. This was a time of significant institutional change for both networks. As a consequence of public funding cuts that began with the Nixon administration only a few years following the network's formation in 1967,³ PBS increasingly sought alternative funding sources mostly in the form of corporate underwriting.⁴ An examination of PBS documentary programs concerned with social issues might indicate a gradual shift in narrative form from that of a social voice to a more personal, less officious one typically characteristic of independently produced programs. This would appeal to programming managers interested in deflecting network association with controversial content that might otherwise alienate underwriters and provoke public funding critics. By 1985, HBO's growth had flattened resulting in the network exploring additional programming markets, including documentary.⁵ By the mid-2000s, HBO had significantly expanded its documentary programming. A survey of the network's programming should reflect an expanding inclusion of more social issue feature-length documentaries, in addition to the historical and human interest themed non-fiction programs and series, as the network looked to expand into additional markets. Analysis of individual programs should reveal a rise in more expressive forms as they became more prevalent and accepted as truthful/legitimate representations of social and natural situations and conditions.

In addition to controversial, often contentious, social issue documentaries, programming on both networks often represents diverse, marginalized groups speaking with alternative voices. A subscription service such as HBO might be more inclined to program these more sensational programs that might not appeal to a mainstream audience or be objectionable to corporate program underwriters that have replaced, for the most part, public funding of PBS. A survey of HBO documentary programming from 1972 through 1990 indicates a profusion of non-fiction series with often salacious and some historical thematic content. The network has since moved into documentary territory almost solely occupied by PBS with a substantial number of independently produced as well as commissioned feature length documentaries that are thematically and stylistically diverse. I would argue that a more sophisticated audience appreciative of alternative aesthetic forms might have migrated to HBO from PBS to follow this programming trend. Depending on the prevalence of alternative forms and rate of decline in public affairs themes in televised documentary programming, this might also indicate a shift in the purpose or nature of documentary itself. This is not to say that documentary has abandoned the hallowed ground of journalistic inquiry and arbitrating public opinion to become merely entertaining, but that audiences have begun to perceive documentary as “popular factual entertainment” that can be truthful.⁶

In summary, this research identifies documentary programming trends, as characterized by program themes and presentation modes, and notes their transformation and differentiation over time beginning in the 1980s - a tipping point in the institutional structures of both PBS and HBO. I examine such programming on these two television networks and relate thematic and stylistic shifts to institutional factors and make conclusions regarding the fulfillment of public broadcasting's stated mission: to provide a multiplicity of perspectives and alternative voices on

public issues as a fundamental institution in American culture serving the “full needs of the American public.”⁷ Additionally, conclusions are drawn regarding whether this mission might also be fulfilled by a non-public television network, as a consequence of commercial pursuits and regulatory changes. For example, has there been a shift from interpersonal or cultural themes to public policy/social issue and has this been accompanied by a shift from expressive or participatory forms to those more observational and expository? If so, can these programming trends be related to institutional factors that are a consequence of changing socio-economic, regulatory and consumer/market trends and conditions? I have considered that the forms of fiction and non-fiction film may no longer mutually exclusive and that the adoption of forms not typically associated with documentary does not necessarily represent the abandonment of truth seeking but a recognition that truth is relative, subjective and determined by multiple contexts. Whether or not audiences *and* media institutions share this contention is equally pertinent to making determinations about what contributes to making decisions about documentary programming.

Literature Review

The body of literature and scholarship pertaining to film theory and analysis is vast, although less so when confined to documentary film and documentary television programming. Bill Nichols refers to the “changing landscape” of the documentary form in *Introduction to Documentary* and identifies four influences on the shifting style conventions of the form: institutional, aesthetic, audience, and the films themselves.⁸ In preparation and as background for this research, I have consulted critical works in three general areas related to these influences. Several works that address the style traditions of documentary film provide a crucial perspective on the history and nature of documentary forms. These works also consider the nature and impact of a film’s mode

of expression or aesthetic qualities. These traditions are further explored in works that identify and define documentary forms that have become accepted models that implicitly convey the veracity of historic events, people and places - forms characterized as expressions of truth. The impact of media institutions on documentary film is explored in works that illustrate the complex relationship between public and commercial enterprises and the non-fiction media they present to the viewing public. A general review of these three categories follows.

Traditions of Style

Documentary analysis should explore textual elements as these conventions impact both a viewer's perception of truthfulness and the programming determinations of televised media institutions. As a presentation of a series of events in the real world, the documentary form represents a truthful exposition to the viewer with much of the truth-validity related to presentation style. This aspect of truthfulness applies to the (viewer's) expectation that the producer's intent is to accurately represent a subject or situation in a historical context. It also applies to the viewer's interpretation of the presentation itself and whether or not it conforms to accepted standards associated with the genre. In *Representing Reality*, Bill Nichols examines the styles and strategies of documentary film and what institutional structures support it.⁹ He identifies and places specific modes of representation within a historic context and emphasizes that a documentary's effectiveness is contingent upon adherence to the form's accepted conventions at the time of presentation. Whether it is a theatrical release with national distribution or a program or series broadcast on a television network, documentaries continue to influence audience perceptions of public policy issues. The documentary form *should* reflect diverse perspectives on these issues, if not within individual programs than as a summation of

these programs within a series. One such manifestation of this influence relates to the shifting of stylistic conventions to satisfy distribution, exposition and regulatory institutions - in this case, television broadcast and cable networks.

The distinction between fiction and non-fiction filmmaking will continue to be made to satisfy genre-stalwart media authorities and to ensure appeal to a discriminating audience that values authenticity. However, the conventions that documentarians employ increasingly reflect a “flexible definition of documentary to suit the social, cultural, economic, and technological circumstance in which it now operates.”¹⁰ This contention is expounded in a research paper by Florin Vladica and Charles Davis that addresses how documentary can be defined by how it functions in the marketplace. They maintain that the primary goal for producers looking to succeed is to serve the audience’s need for factual information and entertainment and that this informs decisions about what style conventions to employ as part of an innovative business model. They also note that while the Internet is a viable marketplace, it is not currently a priority for independent producers of documentary film and that the traditional distribution business models based on license fees, public, underwriter and foundation support is the preferred distribution model.¹¹

These conventions are largely determined in response to the shifting power structures of commercial interests and professional organizations that reflect those of the dominant socio-political order. B.J. Bullert, in *Public Television Politics and the Battle over Documentary Film*, identifies programming gatekeepers and cultural authorities as those who make determinations about acceptable documentary conventions. “Cultural authorities sanction who speaks on selected issues and determine how images of the issues are conveyed and how groups of people are portrayed.”¹² So, while critical and theoretical discourses are typically concerned with

explicit themes (also of considerable interest to gatekeepers/authorities), an examination of aesthetics is equally relevant for examining documentary. Bullert specifically addresses the issue of the inclusion of independently produced documentaries in PBS programming and the difficulties encountered as a result of the scrutiny and pressure from the Reagan administration. A quote from Barry Chase, the VP of News and Public Affairs programming at the time, defines the situation as a “predicament, since the system was expected to be a paragon of traditional journalistic integrity and a playground of free expression.”¹³ Chase goes on to say that the PBS flagship documentary series *Frontline* often rejected independent documentaries because they did not fit the journalistic or aesthetic standards of the series.¹⁴

Both narrative content and aesthetic conventions are subject to institutional mandates as they reflect the hegemonic interests of the larger society - institutions being the dominant construct of the human community. An alternative aesthetic, such as might be present in the interpretation and presentation of subject matter on the part of a filmmaker, appeals to an audience less concerned with status-quo conventions that serve the interests of commercial institutions and the larger society. Such alternative representations tend to function outside the prevailing cultural practices of civic institutions. Pierre Bourdieu states that artistic preferences and cultural practices are linked to education and social origin.¹⁵ The truthfulness of documentary film is a matter of perspective and that it is culturally determined. Garnet Butchart elaborates on this contention in *On Ethics in Documentary: A Real and Actual Truth*, “Filmmaker/film and audience must be communicatively and experientially linked.”¹⁶ He further explains that meaning is derived through a process called the “structure of intentionality” whereby perception (making sense) is always mediated by expression (signifying sense.) In addition to this phenomenological explanation of a communication process, he proposes that (ethical) truth can

only be conveyed if the apparatus of documentary making is revealed - a convention routinely employed by practitioners of alternative documentary forms.

Analysis of contemporary documentary, also referred to as New Documentary, requires the inclusion of considerations of genre merging using both fiction and non-fiction film conventions to construct unconventional narratives. Many independently produced documentaries do not adhere to the traditional conventions of objectivity, making these films suspect of not being journalistic or truthful, in that sense. They are more concerned with conveying an *impression* of objectivity or at least achieving thematic balance in studied presentations that represent legitimate points of view. *Studies in Documentary Film, Volume Two* includes a chapter by Ohad Landesman concerned with the aesthetic properties of motion picture digital imaging and how these properties relate to audience perceptions of authenticity and truthfulness. He proposes that the qualities of digital video are associated with realism/authenticity, an attitude that is “dominant in our current image culture,”¹⁷ an association related to audience familiarity with the format’s use as a broadcast news and home movie-recording medium. He elaborates on this observation by contending that the digital aesthetic is yet another (documentary) “genre indicator” functioning as an aesthetic device that, combined with the rhetorical tropes of fiction, serve to promote the filmmakers message in an effective manner. “The documentary facet in the hybrid film becomes less of a clear genre indicator and more of an aesthetic strategy by which a filmmaker can choose to indicate familiar notions of authenticity or solicit the viewer to embrace a documentary mode of engagement.”¹⁸ Landesman is suggesting that an audience that no longer needs documentary messages to be neatly packaged within truth-inducing conventions has evolved. Such an audience might be concerned with objectivity as applied to historical and

exploratory documentary models, but the more expressive forms of advocacy or investigative documentaries might stray further from this objectivity standard.

Jacques Ranciere, in *The Politics of Aesthetics*, makes a distinction between forms of art that are either “copies that resemble their models” or something loftier and imbued with sublime qualities that exist beyond those of what it resembles - the poetic form.¹⁹ The first form of this “mimetic principle,” emblematic of the realist tradition of film theory, is the one normally associated with documentary. A non-fiction form that is considerably expressive, such as the poetic documentaries of Errol Morris or the more overtly subjective, testimonial style of Michael Moore, further complicate matters of legitimacy and conformance if identified as an artistic endeavor (as cinematic modes often are) - one isolated from the representational regime that anchors documentary in the genre tradition. Both filmmakers inject their voices (and in Moore’s case, his visage) into their documentary narratives in discourses with on-camera subjects and, as such, participate as characters. While this particular style of first person narrative is a departure from documentary style traditions, character driven documentary narrative is not uncommon. Third person narrative is the more common mode of presenting characters in documentary. In the seminal *Nanook of the North*, for example, Robert Flaherty introduces the viewer to the film’s main character, with written narration and real and staged montage, who serves as an archetype of the Inuk people. Michael Newman, in his book *Indie: An American Film Culture*, refers to character-centered narrative within the context of defining independent and indie cinema. While this work is concerned with fiction feature films, many claims and observations about cinematic forms and conventions can be applied, in a general sense, to both genres. According to Newman, characters function to “orient attention to themes and issues of social experience.”²⁰ They function to define (their) unique social and cultural worlds - an important aspect of the

documentary purpose - as defined by the public television mission that requires a representation of a diverse populace. As such, a subjective documentary form, using social actors (or the filmmaker) telling their personal story, can give credence to social issues without overtly presenting them.

The self-reflexive or expository mode has become a practiced convention in hybrid/New Documentary films, contrary to the observational mode that had come to be seen as inherently objective and truthful as it spontaneously captures life. In *Truth, History and the New Documentary*, Linda Williams notes that obvious statements regarding topics are often replaced with expressive manipulations of time and space more consistent with fictional films.²¹ She further states that this subjectivity, where filmmakers overtly place themselves within the context of their productions, may represent a step away from primary documentary goals, at least in the viewer's minds, but are more likely a step in the direction of truth-telling using the strategies of fictional construction.²² Practitioners are less inclined to present traditional social issue themes as they are with adopting contemporary cinematic trends that will elicit a stronger response from the audience. The textual information I seek to identify relates to thematic content in the context of a presentation style that reflects these seemingly divergent production ideologies. Just as the legitimacy-truth factor of the old-school documentary form evolved to accommodate Cinema Verite, then New Documentary and the subjective-expressive forms that its practitioners promote could be accepted as legitimate expressions of truth.

Expressions of Truth

A documentary's veracity as a representation of truth is contingent on its aesthetic elements. According to Nichols, citing the Grierson school of thought, *all* cinema is the "creative treatment of actuality" - creative treatment being a narrative, pictorial and aural art that allows for

storytelling.²³ Documentary storytelling stems from the historical world but is told from the filmmaker's perspective and voice. Subjective voice aside, the dominant expectation of the documentary genre is that it is an expression of reality-truth. This assertion is fortified by its journalistic underpinnings, selection of subject matter and form of exposition. As such, it is a rhetorical mode characterized by a style that lends credibility to its expression of subject matter - non-fiction/reality as opposed to fiction/fantasy. The application of a specific formal style to any film genre lends credibility to its narrative because of our familiarity with those style conventions.

There are specific narrative forms that convey a sense of truthfulness. Jacques Aumont, in *Aesthetics of Film*, identifies the classic narrative structure as being inherently truthful. "The basic, classic, narrative structure involves an object or character's passage from one stage to the next requiring a set, temporal dimension."²⁴ This model is deeply embedded in the classic traditions of literary (and cinematic) structure and therefore the consciousness of the audience. Non-fiction film especially, is typically expected to conform to this temporal model of a linear journey and deviation might be construed as not an entirely factual presentation of reality. Aumont further characterizes this structure as having an implicit foundation in reality, especially when compared to other modes of representation. However, he qualifies this distinction as being illusory in that the realistic representation is just that, and not reality. "Due to its perceptive richness, film representation is undoubtedly more realistic than other modes of representation but at the same time it only shows effigies." This acknowledgement of the genre's foundation in the realist tradition is qualified by the distinction that it embodies an artistic/expressive component. Documentary is a reflection, an "effigy," of what it refers to. Trinh T. Minh-Ha also acknowledges the entrenchment of documentary in the realist tradition. She concedes that

documentary is (still) considered by some to be “anti-aesthetic” but also claims that it is “no less an art, albeit an art within the limits of factuality.”²⁵

Non-fiction film is especially expected to conform to this temporal model of a linear journey and realistic presentation. This model of temporal linearity is deeply embedded in the classic traditions of literary structure that, like many classic traditions, is endorsed by the institutional forces of the dominant culture. The de facto status of this presentation style would make it problematic for filmmakers using alternative styles since it might be construed as something other than a factual presentation of reality - problematic in the sense that an accurate presentation of reality constitutes truth. Since, as Aumont contends, *all* cinema creates an illusion of reality, then the forms of fiction and non-fiction film may no longer be mutually exclusive, or at least less exclusive than previously construed. “Whatever the film, its aim is to give us the illusion of being present at real events unfolding before us as in everyday reality.”²⁶ He also refers to a “fundamental deceit” since reality is obviously not present in the small, fragmented representations of reality we see on screen. However, an audience overlooks this abstraction as long as it functions as an impression of reality. Nichols makes a distinction between how realism functions in fiction and non-fiction cinema. “In fiction, Realism serves to make a plausible world seem real; in documentary, it serves to make an argument about the historical world persuasive.”²⁷

Documentarians, as a consequence of their mission of truthful presentation, typically present minimally manipulated images and sounds that represent the real, unadulterated world. However, there are aesthetic devices common to both genres that vary in form and degree as determined by the prevailing genre norms. Dramatic reenactments, for example, were a common narrative

convention in the 1920s and 30s - one that was largely abandoned with the emergence of Cinema Verite/Direct Cinema in the 1960s. This limited convention-sharing no longer seems to be the case as documentary producers, especially independents, continue to demonstrate an increasing “aesthetic convergence” of fiction and non-fiction idioms in their work.²⁸ In *The Changing Documentary Marketplace*, Aufderheide makes a case for adopting alternative documentary forms to appeal to a burgeoning documentary marketplace driven by theatrical/festival, digital/Internet and cable distribution.²⁹ She asserts that documentary producers must appeal to this expanding and divers market by providing more entertaining films that appeal to specific cultural groups. New Documentary, then, does not necessarily represent the abandonment of truth seeking but acknowledgement that truth is relative, contingent on multiple contexts informed by the logics of cultural groups. A form’s stylistic conventions convey the filmmaker’s notions of truthfulness about topics and themes and are not revelatory of an event’s universal truth, only of one or more perspectives that construct competing truths. This lack of distinction may or may not impact an audience’s impression of the film’s truthfulness.

The works of independent documentary filmmakers are especially significant to this study since they are increasingly relied on to provide programs for media outlets. They are especially prone to scrutiny of both content and presentation style as they represent a voice from outside the formal institutional structure that would substantiate their legitimacy as purveyors of truthful exposition. B.J. Bullert maintains that independents function outside the realm of cultural authorities that are adherents of traditional modes of execution who occupy social/institutional positions of authority and, as such, are suspect unless sanctioned by these authorities.³⁰ Independent producers, as compared to in-house or sub-contracted production teams, also tend to select subjects and offer perspectives that in-house or contract producers typically avoid.

Newman observes that their works often demonstrate an aesthetic that does not conform to the expected “patterns of textual representation” that documentary audiences are familiar with.³¹ An aesthetic form functions as a consequence of the filmmaker’s application of conventions and the audience’s understanding of and appreciation for that aesthetic form. A filmmaker may determine to incorporate an expressive style to support the textual message of the film, disregarding accepted conventions for the form in the interest of eliciting a more powerful viewer response. An examination of documentary style conventions should consider not only the rationale behind explicit and implicit institutional mandates but also the filmmakers’ motivations and the expectations of the audience regarding such expositions of life.

Institutional Impact

Prominent and emergent conventions in the documentary form are often a consequence of the institutional underpinnings of the television networks - institutions undergoing substantial change as a consequence of an increasingly convergent media marketplace.³² Documentary programs have become increasingly popular with renters, buyers and web and cable subscribers since 2001.³³ This expanding marketplace and relative low-cost of producing non-fiction media has prompted documentary production excursions by novices and established professionals, often migrating from the fiction/feature film world. These program providers are more than willing to experiment with the documentary form to create entertaining programs that will appeal to specific viewer markets.³⁴ Theatrical distribution is a more remote commercial outlet for non-fiction works with broadcast and cable outlets being more viable. Television and other distribution deals are often facilitated by the advance publicity gained by exposure on the festival circuit. Much of the non-fiction programming available on cable networks, while grounded in the

tradition, cannot really be considered documentary, especially when compared to the offerings of commercial and public broadcast networks and subscription cable and web networks such as HBO and Netflix.

Performing the Real: Documentary Diversions defines the three classic functions of documentary exposition: as a project of democratic civics, as journalistic inquiry, and as “radical interrogation and alternative perspective.”³⁵ The author John Corner adds a fourth: documentary as diversion or “popular factual entertainment,” which so-called reality television and other documentary sub-genres (travel, wildlife, how-to, etc.) can be categorized as. These programs could be characterized as having a thematic core that serves more as entertainment and less as social commentary, at least in an obvious sense, enhancing their exchange value and diminishing their use value. Corner further contends that contemporary cultural and economic contexts extend the “documentary as diversion” distinction to dominant modes of the genre.³⁶ This assertion is valid to the extent that documentary practitioners and audiences *are* assertively moving the genre in a direction that combines the classic functions and modes of representation with those of popular factual and fictional entertainment.

Television documentary programming has shifted to accommodate more programs characterized by this amalgamated form. An analysis of documentary programming on PBS at both ends of a twenty-year interval beginning in the 1980s might identify a paradigm shift in genre conventions and their association with thematic topics as institutional circumstances and parameters changed.³⁷ Bullert notes the impact that these circumstances would have on PBS programming, “The financial and organizational structure of public television, along with its rigid conventions of journalism, work to keep the programming cautious.”³⁸ The network’s original mission was to be an essential part of a communication system in a democratic society.³⁹

Engelmann cites the Carnegie Commission Report to Congress in 1965 that called for a public broadcasting system that “would do nothing less than ensure democracy and celebrate a diverse civic life.” Robert McChesney informs in *Telecommunications, Mass Media and Democracy* that this mission was originally defined by early (radio) broadcast reformers who railed against “concentrated, private control” of the U.S. broadcasting system at its inception.⁴⁰ The reform movement maintained that, “real social usefulness for radio would be an impossibility as long as advertising was the means of support.” One of the “public” aspects of this agenda referred to broadcast programming that was non-commercial in the sense that it would not be tethered to any promotion of commercial goods and services. This mandated the provision of programming that was an alternative to commercial fare including independent productions that would provide a multiplicity of perspectives.

Criticism has been leveled at PBS contending that the mission of providing a diverse audience with alternative non-commercial perspectives on social issues has been thwarted, not just by bowing to political pressure to balance a perceived liberal bias,⁴¹ but by a predominance of “cultural programming” skewed toward an elitist audience.⁴² In *Viewers Like You*, Laurie Ouellette disparages the network’s preponderance of “high-culture” programming and programmers non-consideration of the multitude of social factors that comprise a viewing audience; considerations of gender, ethnicity, education, geography and lifestyle. She summarizes the situation, “The discourse of the vast wasteland compared popular appeal with cultural malaise, making it virtually impossible to conceptualize PBS outside of these parameters.” The consequence of these contentions of bias and subsequent (public money) defunding activities has been to substantially reduce independently produced documentary programs characterized by an alternative aesthetic and diverse, out-of-the-mainstream thematic

content. By the 1980s, public television public affairs programming had come under scrutiny because of the public funding of these productions.⁴³ The ongoing scrutiny and subsequent cuts to public funding have resulted in an increased reliance on private underwriters representing a dramatic shift in the institutional model. In *A Funny Thing is Happening to TV's Public Forum*, Patricia Aufderheide characterizes corporate sponsorship on public television as advertising.⁴⁴ "Corporations use public television to reach audiences suspicious of advertising." Individual programs, when shaped by an underwriter's interest, can pull in that hard to reach, upscale, consumer." Underwriters almost exclusively sponsor programs that are entertaining and informative but not social issue forums that invite debate or controversy. In an article for *The New Yorker*, *A Word from our Sponsor*, Jane Mayer describes actions taken by PBS staffers to mollify a major underwriter (Koch Industries) upset with a program (*Citizen Koch*) that was critical of the underwriter.⁴⁵ This is a typical scenario of PBS programmers facing the dilemma of offending underwriters associated with organizations and topics that might be negatively portrayed in a documentary broadcast by the network.

A historic comparison of documentary programming offered by a public/non-commercial television network to that of a commercial-subscriber cable network such as HBO might identify divergent manifestations of both theme and style. This differentiation, a consequence of standards and practices mandates applied to program creation and acquisition, reflects the evolving socio-economic models of each network that may or may not conform to their stated mission or intent. Such institutional mandates may also be accompanied by a shift in viewer demographics, respective to each network, that further characterize the institutional paradigm. Consequently, PBS documentary programs should feature both social-issue and multi-cultural themed documentary programs to fulfill the stated mission of providing diverse voices

representative of a democratic society. As a public and viewer funded and supported institution, the network's programming would be unconnected to the promotion of products and services and not behold to a sponsor's commercial interests, a contention made by early broadcast reformers.⁴⁶ This movement laid the groundwork for the creation of the Public Broadcasting Act (over thirty years later) in 1967. Public broadcasting would function freely as part of the "public sphere,"⁴⁷ with programming more representative/truthful inasmuch that it is unfettered by the bias complicit in commercial broadcast programming.

Conversely, HBO programming mandates are less restricted since it is a subscriber network, unfettered by both the commercial interests of sponsors and of the regulation and non-commercial mission of PBS, and therefore accommodating of documentary conventions that are more sensational or expressive. In *The Essential HBO Reader*, Gary Edgerton and Jeffery Jones describe and define programming on the world's premier subscriber television network. All program genres are covered including a chapter on documentary that maps network programmer's growing interest in that form, especially related to the motivation to include more expressive and sensational programs. "HBO docs are less restricted and therefore able to explore eccentric and sensational topics. They are distinguished less by their intellectual arguments common to PBS and more by their visual examinations of human culture."⁴⁸ While this is intentional and institutionally motivated, it follows the seeming documentary trend toward cultural topics and themes. Whether this motivation is also behind the network's increasing frequency of programming documentaries that explore public issues, like many of the indie-produced docs that are released theatrically (some of which appear on PBS,) is questionable. While seemingly individualistic and not concerned with social issues, HBO documentary programming nonetheless represented a cultural model of reflecting social issues.

It's Not TV: Watching HBO in the Post-Television Era, includes the essay *Para-television and Discourses of Distinction* by Avi Santo, who describes the subscriber network as operating on an economic/institutional model different than that of network television, appealing directly to viewers without benefit (or hindrance) of advertisers. That being said, HBO is nonetheless influenced by the public service model of television, having been formed in an era that stressed cable's utopian potential for diversity and public service.⁴⁹ Both networks provide documentary programming that deals with controversial issues, with HBO being able to more willfully broadcast these programs than PBS because of the lack of scrutiny by political watchdog groups, local affiliates and underwriters. The difference lies in the *types* of thematic controversy HBO takes on. Following HBO's victory over FCC mandated censorship whereby cable subscription services were deemed akin to newspapers and therefore privy to First Amendment protection, programming became characterized by incidences of sex and violence not found on commercial or non-commercial broadcast networks.⁵⁰ The freedom afforded the network by this institutional model would eventually be applied to non-fiction forms as the network pushed into new markets, genres and thematic content.

Methods

The use of expressive conventions is a key issue in this analysis of television documentary programs since these conventions typically pertain to independent "alternative voice" productions that both PBS and HBO either purport to provide as part of its mission (PBS) or rely on to provide "alternative" programs that audiences want (HBO). The use of expressive conventions can be identified in documentary works that predate the historic interval of this research. These conventions, which were borrowed from fiction film modes and prior to the

formation of distinctions applied to the documentary genre, can be found in the works of early European filmmakers many of whom were avant-garde practitioners.

To inform the selection of documentary films analyzed here, I surveyed documentary programming from each network at both ends of a twenty-year interval beginning in the 1980s. Sources were press releases, programming guides and promotional materials from articles and reviews in trade publications such as *ITVS*, *AFI*, *Backstage* and *Broadcasting and Cable*. This survey has indicated a considerable expansion of documentary programming during a historic period that saw significant shifts in the institutional models of the two television networks. Documentaries were classified/identified as being part of a series or single feature and as independent or network co-produced, insomuch that such distinctions imply a context that impacts both program selection and audience perceptions of their truth-validity. Programs were also identified as public-issue, cultural, historical, and biographical or natural/scientific. Information about the documentary marketplace, televised media regulation, and network leadership and operational structure was also gathered from these trade publications. This programming review informed the process of selecting the specific documentary films/programs that I analyzed. The selected programs were independently produced, are thematically related insomuch that they all address relevant public issues, and were broadcast in prime time. This survey information, along with institutional information (references, analyses, and claims) informed by the perspectives and directives contained in the works cited in the Literature Review, will serve to characterize the institutional models of the two television networks.

In Chapters Two and Three, I make explanatory claims based on the consistencies of style (conventions) established within the documentary samples from each network. I have screened four documentaries to identify and characterize aesthetic variables that constitute the conventions

each film uses to convey their message. The units of analysis pertain to three categories: pictorial, aural and narratological.⁵¹ Pictorial variables include observations of color, framing, camera motion, and the arrangement of shots. For example, Michael Moore's film *Roger and Me* could be characterized as a series of live-action, on-location shots and stock footage with considerable variation in pictorial style. Aural variables include music, sound effects, voice quality (of narration) and audio mix. The Frederick Wiseman documentary *Primate* would be characterized by a lack of music, which is somewhat typical of a Cinema Verite documentary. Finally, programs will be identified by the specific mode of narrative representation: Expository, Poetic, Observational, Participatory, Reflexive and Performative.⁵² These modes can be compared to and are part of a tradition of non-fiction models such as essays, biographies and reports, and reflect many of their conventions. Previously referred to in the Literature Review, this system of classification is attributable to Bill Nichols who defines each mode as having specific cinematic techniques or conventions. These categorizations reflect individual perspectives on a film's style more so than any precise measurement and are but one way to classify a documentary. I apply this classification model to the films analyzed in this research as it affords a structure to identify a film's aesthetic properties – the specific nature of its narratological, pictorial, and aural elements – and compare it to those of other films.

Consideration of the narratological element is especially relevant to documentary film analysis since it pertains to a predominant expectation that the genre satisfies a function-requirement of (objective) journalistic inquiry. Whose voice is it that tells the story and is it behind or in front of the camera? Is he/she a celebrity, the filmmaker, an authority or one of the film's subjects? *An Inconvenient Truth*, for example, would be considered Expository because of the persistent use of the film's subject personality as an on-camera presenter of factual information. It would also

be considered expressive in that it strongly advocates for a particular position on a social issue by using a strong, occasionally poetic visual style. Prior to each film analysis, I outline the documentary programming practices of the respective networks to provide an institutional context for each analysis.

In Chapter Four, I draw conclusions regarding the institutional impact on documentary aesthetics, as characterized by the mode of presentation, based on the previous analyses of four documentary films. I detail the connections between prevailing documentary forms and the genre trends and institutional conditions that exist at the time these forms are instituted. These institutional differences are at the heart of the dissimilarities between the documentary programs of the two networks. The nature of these programming practices, along with assessments about their motivations, is made with respect to each network at each end of the research interval. My objective is to relate documentary style trends or modes of representation to institutional factors that are a consequence of changing socio-economic, regulatory and consumer/market conditions. The themes of the films are also identified and related to their presentation styles. I propose that PBS has evolved into an institutional hybrid serving both public and commercial purposes with an underwriter-corporate *and* public funding model and draw conclusions about whether or not the network is fulfilling its mission of presenting alternative voices or has been relegated to serving a diminished, increasingly stratified audience. Similarly, I draw conclusions regarding the role of HBO as a commercial media outlet that provides factual entertainment that may or may not include socially relevant, public affairs documentaries. It is plausible that HBO has evolved to fulfill the purpose of both public and commercial enterprises and has quite possibly displaced or at least joined PBS in satisfying the mission of providing uniquely diverse non-fiction programs. This status is a consequence of being responsive to the emerging popularity of

the documentary genre and of being unfettered by underwriter concerns and fluctuating viewer donations.

Chapter Two: HBO Documentary Analysis

In this chapter, I present analyses of two documentaries that typify HBO programming: one at each end of a twenty-year interval. The documentaries are *Dear America: Letters Home from Vietnam*, 1987, and *Gasland*, 2009.^{53 54} Both of these films address social issues (war and pollution), were broadcast in prime time, and were conceived, developed and produced by independent filmmakers. These criteria qualify the films as being representative of the exemplary documentary programming viewers directly associate with the network's mission and identity. They also subscribe to a traditional documentary function of journalistic inquiry into civic matters.⁵⁵ As independently produced works, they also provide an alternative perspective, especially in the case of the latter film. My objective is to identify each film as being characteristic of a particular mode of representation. Identifying a film's mode or style of expression will demonstrate conformity to or deviation from the respective television network's institutional mandates. While the process of change in documentary form is often instigated by technology and the creative practices of the filmmakers, which is a consequence of dissatisfaction with stagnant modes of expression, the media outlets that filmmakers rely on to promote and display their works impose standards and practices often related to production style.

Documentary modes of representation are sets of conventions that constitute the voice of the filmmaker and, as such, can be used to characterize the style of a film.⁵⁶ This analytic model is one method of identifying a film's aesthetic properties by providing a comparative framework of descriptive components pertaining to (the film's) audio-visual elements. The Expository mode is related to an investigation, in which a narrator speaks directly to viewer in presenting evidence and offering a perspective or perspectives. Poetic mode is characterized by more expressive

techniques that stress visual and acoustic rhythms and patterns. These expressive conventions make narrative elements more emphatic and often serve to advocate for a specific point of view in a more overt manner. Observational mode observes social actors without referring to the filming process, usually offering a neutral perspective. The filmmaker interacts with the social actors, usually in the form of an interview, in Participatory mode documentaries. Reflexive mode makes reference to the filming process reminding the viewer that the filmmakers are complicit in the on-screen events. Performative mode is also referential to the filmmaker but in a more expressive manner as the filmmaker engages with subjects while vividly addressing the audience.⁵⁷ These modes can be associated with traditional non-fiction models but are unique to the documentary genre and continue to evolve to fulfill the needs of the filmmaker, audience and the institutions that constitute a marketplace of distribution and consumption.

Distinguishing films as employing one mode of representation or another will define a film's style that is, to a large extent, contingent on the demands of the marketplace and the mandates of media institutions that participate in this marketplace. This is not entirely the case with a public television network that must heed the directives and criticism leveled by the various governing bodies and watchdog groups concerned with the expenditure of public monies. As a subscription, commercial television network, HBO functions outside the auspices of governmental agencies and the scrutiny of political interest groups and is singularly concerned with serving the marketplace as defined by their particular audience. FCC regulatory scrutiny and censorship was significantly diminished when cable subscription services were deemed akin to newspapers and therefore privy to 1st amendment protection.⁵⁸ This near complete lack of scrutiny paved the way for programming, including documentaries, which would truly be alternative in both content and style to that of commercial and public networks.

To fulfill market ambitions and objectives, HBO programmers and executive producers expect or may suggest specific style conventions for independently produced documentaries. The network is vying for legitimacy as determined by its audience - legitimacy as popular entertainment replete with style conventions expected by the audience, and legitimacy as a documentary form in that it conforms to expectations that the interpretation of events, characters and situations is truthful or authentic. PBS and HBO documentaries have different modes or voices that appeal to their particular audiences. In the case of PBS, these modes also conform to standards assigned them by civic and cultural governing authorities.⁵⁹ This voice is identified by an analysis that considers aesthetic variables pertaining to the film's conventions. This parsing of aesthetic variables and narrative style will substantiate a claim of assigning a specific documentary mode (or modes) to a film.

HBO Documentary Programming: 1975-1990

To set-up this analysis and help demonstrate how these two films reflect the shifting institutional character of the HBO television network, it is important to identify and characterize documentary programs that immediately preceded the first studied film. This comparison, supported by the analysis - a sampling of aesthetic variables and their association with style conventions - will demonstrate how the analyzed film deviates from the previous accepted mode of representation. The mid-1980s was a critical time for HBO as the network was experiencing a flattening of several years of explosive growth.⁶⁰ It sought a more expansive, diverse audience that would be interested in more than the network's standard fare of entertaining fictional and educational series programming that included *Fraggle Rock*, *Not Necessarily the News* and *HBO Showcase*. The network's mottos "Different and First" and "The Great Entertainment Alternative" that were

coined in the late 1970's accurately defined objectives to differentiate from other commercial (non-subscriber) networks. Non-fiction programming was not inclusive of independently produced films that, like those being broadcast by PBS, would have presented discourses of civic issues. The internally produced public affairs programming was concerned with more sensational and probably less controversial cultural topics. Along with this disposition toward alternative, culture-centric topics, these programs, such as *Not Necessarily the News*, used more expressive modes of presentation than those of commercial and public broadcast networks. "HBO docs were less restricted and therefore able to explore eccentric and sensational topics. They are distinguished less by their intellectual arguments common to PBS and more by their visual examinations of human culture."⁶¹ This had as much to do with the absence of scrutiny by government (funding) authorities as it did with the network's mission to provide exclusive entertainment to a discerning audience.

A survey of documentary programming on HBO in the 1980s indicates a profusion of non-fiction series often with salacious thematic content (*Taxicab Confessions*, *Real Sex*) and some with more mainstream thematic content (*Time Was*.) True to its mission of providing unique, entertaining fare to a discriminating audience, the network's documentary fare was consistent with the mission of being entertaining, as exhibited by its fictional programming. The documentary programming was less concerned with presenting discourses of civic issues but more with less controversial, more sensational cultural topics.⁶² Along with this disposition toward alternative, culture-centric topics, the network also evolved to demonstrate a preference for alternative forms to present these narratives. Series and individual documentary programs utilized more expressive modes of presentation than those of commercial and public broadcast

networks. Documentary programs that constituted an alternative voice further defined HBO as unique in the world of televised media.⁶³

The 1979 six-part documentary series *Time Was* illustrated the network's move in the direction of alternative forms. While the subject matter was a fairly routine historic rendering of the 60's (although somewhat selectively framed by the inclusion of numerous scenes of war protest, alternative lifestyle and political malfeasance), the series infused the narrative with a convention more characteristic of a Reflexive and Participatory mode. The Expository convention of an on-camera host presenting the subject matter was enhanced by the use of special effects to place host Dick Cavett in the historic setting being presented. He was on-hand to turn the volume down on a record player or pluck a flower from the hair of a Hippie in scenes projected behind him. The scenes were brief and were always followed by a preponderance of newsreel footage that lent credibility to the narrative that might have otherwise seemed gimmicky or self-conscious.

In 1981, an independent documentary *She's Nobody's Baby* followed the lead of *Time Was* by presenting subject matter using a novel narrative device that was different enough from the documentary programming of other commercial networks to make it unique.⁶⁴ Hosts Alan Alda and Marlo Thomas presented the history of the role of American women in the 20th Century in somewhat of a feminist framework, falling short of overt advocacy. It is more notable that, unlike Cavett, the two hosts were not members of the journalistic or authoritative sphere, but popular television actors somewhat noted for their association with liberal causes. This too was a deviation from the otherwise traditional Expository mode. The initial offering of a one-hour documentary series *America Undercover* was entitled, *Murder - No Apparent Motive*. This

“murder documentary” presented its subject in an Expository manner that included interview segments, but also contained re-creations of (murder) scenes, a device not consistent with the presentation style of broadcast television documentary at the time. Much like *Time Was*, the network packaged independently produced documentaries within a monthly series to better promote them to viewers. Explicit and sensational subject matter aside, the documentaries that appeared on *America Undercover* were presented in a manner consistent with that of most network television documentaries (unlike the aforementioned *Time Was*.) The previous year, HBO presented an independently produced documentary *When Women Kill*. This documentary also appealed to “primal interests” and conformed to the Expository mode of representation that included location interview segments. Interviews are often present in Expository mode films, but it is also a Participatory mode convention, depending on the nature and degree of the interviewer interaction with the interview subject. Both these documentaries hinted at the direction HBO documentaries were about to take. The traditional style conventions of the genre were about to be forsaken in favor of more expressive ones.

From 1985 through 1988, HBO released three documentaries on the Vietnam War.⁶⁵ *Soldiers in Hiding* was concerned with vets living in wilderness environments to cope with the trauma of war experience. Previously released in theaters, the film won the Academy Award for best documentary that year. *Common Threads: Stories From the Quilt* was released in 1989. The film analyzed here, *Dear America: Letters Home From Vietnam*, was broadcast by HBO on April 3, 1988. This film had also been previously released in theaters and screened at the Sundance Film Festival in 1987. This feature-length documentary features letters by American soldiers written during the Vietnam War and sent to family members and friends. Archival footage from news organizations, the military and the soldiers’ own home movies provides pictorial material in this

first-person narrative. The letters are voiced by notable actors who substitute for the men and women who were in the war, many of whom did not survive. *Dear America* was produced and directed by Bill Couturie for the Couturie Company with screenplay by Couturie and Richard Dewhurst.

Dear America: Letters Home From Vietnam Analysis

A close examination of two segments will demonstrate the mode of representation and, in conjunction with a general overview of the film, the thematic tone of the narrative. Noting characteristics of the audio-visual elements will identify the style conventions that define mode. The units of analysis will relate to three categories: pictorial, aural and narratological. Pictorial variables include observations of color, framing, camera motion, and the arrangement of shots. Aural variables include music, sound effects, voice/narration and audio mix. Narratological variables include the source and tone of the narration, be it on-camera or voice-over dialogue or monologue, and the manner in which it is used. These variables will characterize the film's voice and ultimately identify the mode of representation. The film segments are presented here in screenplay format. Sound elements begin with a scene number and time reference followed by identification of the source, then a transcription of narration/dialogue/monologue and a description of any music or sound effects. A description of the corresponding pictorial elements follows the audio component description. This pictorial description is indented and contains information about image sources, type, quality, composition and arrangement and any superimposed or full-screen titles. The first analyzed sequence, five minutes into the film, begins with archival news footage of President Johnson and Senator presenting opposing perspectives on the Vietnam war in the context of a television news press conference. This is

followed by archival scenes of army recruits with accompanying actor-voiced narration transcribed from actual letters written by soldiers at the time. Abbreviations of standard descriptive terms referring to the types of pictorial (shots/scenes) and aural (sounds) elements are used in these segment analyses. These terms and their abbreviations are: (pictorial) Close-Up – CU, Medium Shot – MS, On Camera – OC, Long/Wide Shot – LS, Superimpose – Super, (aural) Voice-Over/Narration – VO, Sound Effect – SFX,

(Scene 1) 5.25 – LBJ On-Camera talking tough about war in response to the Gulf of Tonkin incident where two Vietnamese PT boats attacked a US destroyer. “To any armed attack on our forces, we shall reply. To any in S.E. Asia who ask for help to defend their freedom, we shall give it.”

CU (press conf.) President Johnson addresses Congress on the Gulf of Tonkin accord. Super date and name.

MS of Johnson moving through Congress, shaking hands as they applaud. He asks Congress for powers “to take all necessary measures to prevent further aggression.” Super title: *The Gulf of Tonkin resolution passes Congress by a vote of 504 to 2.* (3 scenes)

(2) 5.50 - OC Senator Wayne Morse (D-Oregon) disavows war. “We can’t win in Asia. So I am not going to go along with this kind of a program in South Vietnam at least with my vote that in my judgment is going to kill needlessly untold numbers of American boys, and for nothing.”

CU Senator Morse disavows war at press conf. Super name, title.

(3) 6.00 – Music: *I’m Eighteen* by Alice Cooper. “Lines form on my face and hands. Lines form from the ups and downs. I’m in the middle without any plans. I’m a boy and I’m a man. I’m 18 and I don’t know what I want.”

Scenes of military draft process and training – purposeful but w. routines and tasks that seem light-hearted (18 scenes in 1 min.)

(4) 6:50 - Music continues

Draft and physical shots. Family photos, boot camp.

(5) 6:56 - VO Actor/Soldier “Dear Dad, Well, here it is. I’ve been told our whole company will be shipping out after advanced infantry training....” SFX Up: background of soldiers chatting, giving orders.

More boot camp – fighting exercises (8 scenes in 15 sec.)

(6) 7:12 - Music Up: “I’m eighteen and get confused every day.”

Pan Still Photo of soldier with buddies (8 sec.)

(7) 7:20 – “I don’t mind going but there are some guys here who just won’t make it out alive. Tell mom not to worry. Your Son.”

MS soldiers on ship. Super title: *March 8, 1965. First troops arrive. 3,500 through 100,000 will follow.*

(8) 7:55 – VO Soldier/Actor: “Dear Uncle and Aunt. Some people why we are hear in Vietnam. I would rather fight Communism here in Vietnam than in Kansas City. I would rather fight communism than live under oppression.”

Soldiers arriving in Vietnam. General Westmoreland inspects troops. Super name and title.⁶⁶

The pictorial elements introduced here are employed consistently throughout the film. There is nothing remarkable about the sources themselves, except for the inclusion of soldier/subject generated “home movies” filmed at the time of the historic event, other than that they are varied. Newsreel and Armed Forces supplied B-roll and interview scenes also created at the time of the event are all journalistic components that would not be considered outside the normative conventions expected by a television network. There are three distinct types of visual elements: live-action A-roll from archival television newscast, newsreel, home and military sources with subjects speaking on but not to the camera; live-action B-roll from the same sources with non-speaking subjects, and archival home photographs. These disparate elements combine to create a visual collage of the war and the soldier’s experience. Black and white news footage of static talking head close-ups, intercut with medium-shots of the news events, stand in stark contrast to the mostly Super 8 and 16mm color home movies and location newsreel footage of kinetic activity at the military induction and training locations. It is notable that all pictorial elements

are archival. That is, they are all historic artifacts provided by both legitimate agencies and personal sources created at the time of the portrayed events. In accordance with the Expository mode, these visual elements can be qualified as “indexical images of reality” in that the viewer recognizes them as being true or accurate representations of the real thing: the referent.⁶⁷ The color film images are associated with actuality/reality because of the saturated colors and grainy texture associated with the home movie medium of the time. The black and white news scenes convey legitimacy since they are not so much referring to the actual event but a later broadcast of it. The broadcast is the referent and the black and white recording’s legitimacy is established by its recognition as a home television picture.

With regard to scene arrangement or editing - this first segment contains 36 individual scene segments of the three different types noted above: A-roll with subjects speaking away from Camera, B-roll of action scenes without speaking parts, and home photos. These scenes vary in length according to type. The two A-Roll scenes of the news events run for 10 seconds each while the 30, B-roll scenes of military activity are considerably shorter running anywhere from two to eight seconds. The home and news film sources, along with the considerably quicker editing pace, lends a kinetic urgency to the activity of soldiers in training. Scenes Three and Four feature close-up shots of energetic, usually happy young faces intercut with wider shots of induction and training exercises. The diverse pictorial elements are sequenced for rhetorical purpose, not aesthetic ones. This strategy of scene arrangement conforms to an Expository mode of representation and, as such, is not a deviation from the network’s documentary programming from the earlier part of the decade or the previous one. However, the frantic and tense mood created by the rapid editing pace compared to that of the news broadcast scenes does differentiate the soldiers’ lives from those of the politicians and other subjects portrayed in the

broadcasts. This pattern of presenting military and government authorities commenting on the war via archival television news broadcasts followed by much longer excursions into soldier narratives using archival scenes from more diverse sources – location news, military and home movie film and still photos – is relatively consistent throughout the film.

The sympathetic perspective suggested by the selection and arrangement of B-roll scenes in this first segment is made more convincing by virtue of the type and tone of the narration present throughout *Dear America*. Again, voice-over narration is characteristic of the Exposition mode but the source of the narration deviates from this convention in that actors are used to represent the (voices of) soldier-subjects. These are the represented voices of the film's subjects that sound real, unlike the officious, neutral tone of a professional announcer or journalist, or the celebrity spokespeople who appear in earlier HBO documentaries that give the impression of objective credibility.⁶⁸ Audiences familiar with the celebrity personas, especially in the case of Mr. Cavett, assign credibility to their representations because of previous associations between the hosts and similar non-fiction media presentations. An audience conditioned to trust the more traditional convention might not be convinced that a representative voice-over that conveys the perspective of the narrative's social-actors is unbiased or accurate. An additional departure from the expected convention is the consistent, near constant use of popular music to support both the mood and message of the actor-delivered voicings. Scene six continues with a verse from the Alice Cooper song *I'm Eighteen* with the line "I'm 18 and get confused every day," that corresponds with a photograph of a soldier and his buddies. The accompanying voice-over that affirms the mission of fighting communism is a comment about confused or misguided intentions. Aside from these aspects of narration and music, the soundtrack corresponds to

expected conventions by occasionally introducing subdued sound effects between narration passages.

The convention of short shot durations in the soldier sequences is continued in the second analyzed sequence and further demonstrates exclusions to the Expository mode of presentation. The selection of scenes that illustrate the desperation of the soldiers' disposition as an armed force in increasingly defensive circumstances evokes a sympathetic response to their predicament. These montages now include location interview segments with the embattled soldiers, which further illustrates the overwhelmingly dire circumstances and intensifies the evocative audience response. This (interview) device is characteristic of a Participatory mode of representation, which at the time was more associated with a broadcast news segment and less so with a documentary. Likewise, the use of dramatic interpretations of the soldiers' letters combined with the evocative lyrics of popular music clips is more characteristic of a Poetic mode that uses expressive techniques to advocate for a particular perspective.

(Scene 1) 40:00 - VO newscast "The war turned to Saigon. The first target was the American symbol of its presence – the US Embassy. About 20 Vietcong have penetrated the center of what was supposed to be the most secure city in Vietnam." SFX of fighting.

US Embassy attack. 8 scenes of US and Vietnam troops defending the city attacks (20 sec.)

(2) 40:30 – SFX fighting, combat

Montage of US soldiers defending Embassy – looking well equipped and organized (10 sec.)

(3) 40:40 - OC soldier "I don't know where they are and that's the worst thing. Running around in sewers and gutters. I hope to stay alive from day to day. I just want to go back home and go to school. The whole thing stinks, really"

Soldier interview (single take – he gets up and walks away at the end. (10 sec.)

(4) 40.50 – OC soldier #2 “I’ll be so glad to go home. This is the worst area we’ve been in. I don’t know if it’s worth it.”

Soldier interview, taking cover (more hazardous)

(5) 41.26 - SFX

Photo of Newspaper with headline: *Street clashes go on in Vietnam, foe still holds parts of cities. Johnson pledges to never yield.* Photo of VC assassination – Pan and tilt to *President won’t stop war.*

(6) 41:40 – Music Up: Score (dramatic, mechanical, foreboding)

Bombs fall from plane (2 sec.) Hit targets in slo-mo (8 sec.)

Planes dropping bombs. Super: *To defend Khe Sanh, the US mounts the most intense bombing in the history of war.* (8 sec.)

Many planes in formation dropping bombs. Super: *The equivalent of 5 Hiroshima size bombs are dropped within a mile of Khe Sanh* (6 sec.)

Slo-mo of bombs falling (6 sec.) bombs striking ground (20 sec.)

(7) 42.30 - OC General (in response to question whether nuclear weapons will be used) “I don’t think nuclear weapons will be required to defend Khe Sanh.”

Officer interview w. Super: General Earl Wheeler (newsreel) ⁶⁹

As in the first segment, pictorial elements are comprised of multiple formats drawn from a variety of sources: location home movies and newsreels, military film footage, television network newscasts and still photographs. A montage of eight, street-fighting shots accompanied by a newsman’s voice-over that informs us that the US Embassy is under attack fills the first 20 seconds. Like the early scenes of recruits being tested, trained and transported, these are effective, indexical representations of reality. Their color, texture and kinetic characteristics indicate the mode of origination (Super 8 and 16mm film) recorded by a participant or observer of the actual event. This, and the convention of a still image of a newspaper headline in Scene Five conform to Expository mode representation. The black and white news image conveys journalistic legitimacy since it is not just referring to the actual event but a later broadcast of it.

The broadcast is the referent and the black and white recording's legitimacy is established by its recognition as a home television picture. The newspaper still image is a *New York Times* headline supported by broadcast title graphics that present escalating statistics of combat casualties and deployed weaponry. The photograph that is part of the newspaper headline is of the public assassination of a Vietcong soldier by the Mayor of Saigon. The inclusion of this headline with the iconic photo could be considered an expected inclusion in an Expository-Historical mode documentary as a notable artifact. Here, it functions as an advocacy device since it had been used countless times during and after the war to graphically illustrate a negative aspect of the conflict.

The number of edits/shots in this second segment is similar to that of the first: three A-roll scenes, 24 B-roll shots, two still photos and two titles. There is also an equivalency of sources with a significant margin between the large number of location film shots of soldiers and the few of news sources, in this case, newspaper headlines, photos and title graphics instead of broadcast scenes. This can be construed as a Poetic device since it creates visual patterns of color and form and, by virtue of how the shots are assembled, a visual rhythm that is pleasing to the audience.⁷⁰ Shot selection is almost exclusively of combative situations. The violence is not especially graphic but enough so to demonstrate the peril of combat and the predicament of the soldier-subjects. The rapid editing pace/short duration of these scenes conveys a frantic mood the progression of scenes from wider shots with several soldiers firing their weapons to closer-up shots of individual soldiers responding to an interviewer establish a narrative perspective sympathetic to the soldiers. Scenes Three and Four feature individual soldiers voicing negative opinions about their situations and about the war in general. The futility expressed is

immediately punctuated by the *New York Times* headline and photo with a title graphic stating President Johnson's resolve never to quit.

There are eight Voice-Over edits and three On-Camera audio elements in this two-minute segment. As in the first segment, this sequence begins with an officious VO, not of the President but a news reporter delivering a somber intoned message of enemy excursions into US held territory. The corresponding pictorial element is a fast-paced montage of soldier activity but instead of training and deployment exercises, they are engaged in combat. In lieu of the actor representations of soldier-voices, there are historic on-camera interviews; a convention consistent with a Participatory mode of representation. The soldiers featured are no longer anonymous characters whose voices are mimed by actors but the actual, named individuals telling their stories. The interview subjects are not construed as being the letter-writers but their statements are selected and arranged to support the message of the actor voice-overs. Like all of the pictorial elements, these interviews are archival testimonies and not recreations or contemporary interviews of reflection on the past historic events. The pop music featured in the first segment, which is consistently used throughout the film, is absent in this segment, replaced with a dramatic score that, even though devoid of the literal message of the pop lyrics, contributes to the ominous and desperate mood established by the archival combat scenes.

The details of my analysis of the two segments are representative of the conventions utilized throughout the film. This pictorial and aural analysis is consistent with my narratological analysis that indicates *Dear America* represents a departure from previous HBO documentary programming. Unlike the network's earlier documentary programs, the *Dear America* filmmakers supplement Expository and Observational conventions with more Expressive-Poetic

ones to present the narrative. Much like a typical historical documentary, scenes are arranged in a temporal, linear manner spanning the duration of the historic event. This Observational convention presents the soldier-subjects as being passively observed as they participate in the event, usually not acknowledging or participating in the filmic process.⁷¹ These scenes, however, are from a variety of sources: newsreels, archival film, photos and original filmed interviews, that create a collage of sorts that represents the impressions of the soldiers who tell the story of the war from their point of view.

The visual impressions represented by these pictorial arrangements are formalized with specific information contained in the voice-over narration. This narration is a representation of the actual words of the soldier-subjects that links the disparate images and sounds to create a moving and memorable narrative from a singular perspective. This convention, in which a narrator speaks directly to the audience, is elemental in an Expository mode of presentation.⁷² However, as the viewer is informed in the title sequence, this is a first person account of actual experiences. The opening visual is a still image; a home portrait of a soldier with the superimposed title “This is a story about soldiers fighting in a war. It is a story in their own words.” The technique of using actors to provide dramatic readings of selected passages of actual letters is most notable as a Poetic device. This docudramatic convention is more characteristic of re-enactment documentary or docudrama, a genre typically associated with fictional narrative. This Expository voice is used by the filmmakers to advocate for a singular point-of-view, even though it might not be construed as credible by a documentary audience, since it is not that of a journalist or other authority. Opposing perspectives are provided by the brief, imperious statements made by politicians and military leaders in the news broadcast scenes. These scenes function more as hollow counterpoints to the much more frequent and thematically weighted

sequences of the soldiers. The consequence is a more subjective and decidedly poignant perspective that is sympathetic to the soldier-subjects.

Not only does the presentation mode of *Dear America* deviate from that of HBO's previous documentary presentations, it also represents something of a thematic departure for the network. The soldiers' letters that provides content for the narration is the dominant voice of the film. This voice, and not that of an outside commentator, is predominately critical of the war. In the first analyzed sequence five minutes into the film, a newsreel scene of a press conference featuring President Johnson speaking sternly to Congress about the nation's commitment to protecting American interests is followed by another of Senator Morris speaking in opposition to the war in an equally passionate manner. This balance is negated by the introduction of newsreel scenes of soldiers being inducted, then transported to the Vietnam war-zone, the scenes accompanied by graphical statistical information about the escalation of the war. The anti-war theme suggested by these initial, foreboding scenes becomes more formally cemented by the filmmaker's selection of the narrated letter passages that continue throughout the film. In the second segment, the *New York Times* headline and broadcast title graphics that present escalating statistics of combat casualties and deployed weaponry, along with the iconic assassination photo is placed in context with graphic battle scenes coupled with negative comments by soldiers being interviewed who respond with comments about their desperate and dangerous situation and that admonish the mission of the war. Their voices support the dramatic arc that extends from the merely pensive and matter-of-fact to increasingly emotional, skeptical and despondent. This negative perspective becomes more pronounced by a montage of bombing scenes that illustrates the massive destruction levied on the enemy soldiers and civilians and serves to substantiate the anti-war sentiment implied in the first segment.

HBO Documentary Programming: 1990-2010

Story formats in television documentary have undergone change and intensifications in the last twenty years as practitioners seek to revitalize a stagnant form and incorporate new filmmaking technologies but also to increase viewing enjoyment within the circumstances of stronger competition in an expanding marketplace. HBO's mission to differentiate it from the non-subscription networks required the creation of innovative and at times controversial programming. In 1989, HBO's parent company Time Inc. merged with Warner Communications. Prior to this, HBO was a standout at *Time Inc.* but following the merger, the network needed to step up its game in the face of *Warner's* stalwart entertainment media achievers in the movie, television and music divisions. In 1992, HBO President Michael Fuchs declared, "Four or five years out, 30% of our revenues will come from non-pay cable operations."⁷³ This was essentially a declaration of significant brand expansion that included developing documentary properties beyond that of the network's non-fiction series such as *Taxicab Confessions* and *Real Sex* that would proliferate in markets beyond that of HBO network programming. The subscription network was especially appealing to independent filmmakers since PBS, the de facto outlet for these productions, had begun to curtail spending for such programs due to a funding pullback from many foundations formerly responsible for such support. From 1999 to 2010, HBO's annual exposition of documentaries grew from 27 to 45.⁷⁴

From 1989 and into the 1990s and 2000s, HBO launched more sensational and expressive fictional (*The Sopranos*) and non-fictional (*Taxicab Confessions*) series and increasingly controversial documentaries. In the twenty years that followed the broadcast of *Dear America: Letters Home From Vietnam*, the subscription network significantly expanded its documentary

programming. A survey of this programming reflects an expanding inclusion of more social issue documentaries, in addition to the historical and human interest themed non-fiction programs and series, as the network looked to expand into additional markets. These programs also reveal a rise in more expressive forms that characterize the New Documentary movement that *Gasland* is clearly a part of. Errol Morris' *The Thin Blue Line* (1987) and Michael Moore's *Roger and Me* (1989) stand out as early participants in this movement. Moore's film is characterized by its reflexive and participatory conventions and the Morris film by its expressive, poetic techniques.

In 1996, The Telecommunications Act was ratified by Congress, leading to the deregulation of the television industry. "Through legislation, the federal government intended to provide as much economic latitude and content freedom for the industry as possible."⁷⁵ Due to the increased competition that followed the opening of broadcast and cable markets, Subscription networks such as HBO sought to further differentiate themselves by offering programming so compelling and exclusive that audiences would become loyal subscribers. The documentary programs that followed the initiation of this television industry era driven by "brand equity, consumer demand and customer satisfaction,"⁷⁶ were characterized by expressive forms often related to more than a single mode of representation. The intention was to present the network's audience with relevant but also entertaining factual programs.

According to Nancy Abraham, HBO's senior vice-president of documentary programming, "The thread in our films is the beating heart element of human emotion. We look for something that's a compelling story and we can get press attention for, but will also be a subject worth discussing."⁷⁷ She further characterized the network's documentary programs as compelling and press-worthy but also relevant. "We mainly do feature-length, Verite style documentaries." At

the time of Abraham's remarks, the network featured 40 documentaries, mostly independently produced, that aired in prime time slots on two HBO channels.⁷⁸ Since then, HBO has aired crucial social issue documentaries such as Spike Lee's *If God Is Willing And Da Creek Don't Rise* about New Orleans in the wake of hurricane Katrina, and *Wartorn 1861-2010*, a documentary film about post-traumatic stress disorder. The presentation of these alternative voice, social issue documentaries further substantiated the network's claim to be a provider of unique programming to an elite and discerning audience. In January 2010, the independently produced documentary *Gasland* premiered at the Sundance Film Festival. The television premier of the film was six months later on HBO.

Gasland Analysis

Gasland follows Josh Fox, who also directed the film, as he travels the USA to examine the environmental effects of the natural gas fracking process. Director/host/subject Fox approaches the material from a personal perspective as one of the many characters in the film approached by gas companies offering lucrative land-leases for gas-mining operations. The same analytical scheme I used to examine *Dear America* is employed in this analysis of *Gasland*. Again, my intention is to identify the stylistic conventions employed by the filmmakers in this documentary broadcast by the network twenty years after *Dear America*. A general overview of the production followed by a close examination of two segments will demonstrate both a more mixed and varied mode of representation *and* a more singular perspective and thematic tone than that of *Dear America*. Units of analysis fall into three categories: pictorial, aural and narratological. Observations of color, framing, camera motion, shot arrangement, music, sound effects, voice/narration and audio mix are made. Narratological variables include the source and

tone of the narrator and the manner in which it is used. These variables will characterize the film's voice and ultimately identify the mode of representation.

The first, two-minute segment begins with a fast-paced sequence of original location (non-archival) live-action video. The setting is a civic sub-committee hearing where gas company representatives are testifying regarding the ecological and public health impact of the natural gas fracking process - a controversial practice by energy companies that forcibly extracts gas from substrata adjacent to fresh water sources. The process has been identified as being harmful to the environment and public health since it forcibly penetrates fresh water reservoirs adjacent to gas fields using toxic chemicals. Again, this segment description is in screenplay format with scene number and timing followed by audio content. A description of the corresponding pictorial content is indented, immediately below the audio description.

(Scene 1) 1.00 – On Camera “There are numerous deep shell gas basins in the U.S. which contain trillions ...of cubic feet of natural gas.”

CU man reading to committee. Title: *Subcommittee on Energy and Minerals*

(2) 1.05 – Voice Over “In fact, North America’s natural gas supply is so plentiful it has been described by some experts as a virtual ocean.”

Moving car-shot of gas tower at night, backlit sparkly water.

(3) 1.10 – OC “We believe that... (more positive talk about the availability of gas.) ...for our nation, our economy and our environment,”

CUs of another man reading, hand putting down water bottle, graining images of environment.

(4) 1.20 – VO “I’m here today representing the oil and gas compact group... studies have been done...”

Four scenes of Gas production locations – CU banners, LS trucks.

(5) 1.27 – OC “...no credible threat to underground drinking water.”

CU guy reading to committee.

(6) 1:32 – VO “Recently there have been concerns raised...have been characterized as environmentally risky...”

Four scenes of gas fracking production,

(7) 1.54 – “Press reports that over 1,000 incidents of groundwater contamination have been reported. Such reports are not accurate. ...it is adequately regulated... No further study is needed.”

CU guy reading report.

(8) 2.10 – OC (x3) “Thank you, thank you, thank you....”

Four scenes of various guys thanking each other.

(9) 2.15 – OC hearing committee Chairman. “And thank you (feigning smug politeness, smiling broadly) as always.” (laughter)

CU Chairman, smiling broadly

There are two different pictorial representations in the first minute of this segment: live-action A-roll and live-action B-roll. All of the scenes were filmed specifically for this particular documentary. The A-roll scenes are of participants at an event addressing one another. As such, they are providing narrative information as observed subjects in the tradition of Cinema Verite: an Observational mode of representation. The B-roll scenes feature these same social-actors and also images of the topics/subjects being referred to in the testimonial statements: gas production facilities and implements, water (natural and bottled) and corporate logos. There is an on-location, immediacy-legitimacy to these scenes in that they have an amateurish quality unlike the more formal compositions of the archival newsreel scenes that dominate *Dear America*. Both of the employed formats - film for *Dear America* and DV for *Gasland* - reflect the technical filmic apparatus of their respective times. It is the creator/author of the generated images that is indicative of each film’s mode of representation. *Gasland* is observational but it is also participatory in that the filmmaker presence is felt by virtue of the point-and-shoot aesthetic that

lends eyewitness immediacy. The images produced by the hand-held video camera are additionally characterized by their framing, which is persistently close-up. This proximal quality, along with the skewed angles, movement, variable focus and enhanced digital texture present in the shots can be construed as Poetic mode conventions. The pictorial quality conveys both restlessness and an aesthetic concerned more with pleasing forms and motion than verisimilitude. These abstract shots are a deviation from an expected representation of reality and are therefore disorienting.⁷⁹ These values typically evoke a response from the audience that is more emotional and less rational than the more conventional pictorial values present in Expository mode documentaries.

Scene arrangement also reflects a Poetic disposition concerned more with rhythms and patterns, albeit seemingly random at times, rather than establishing temporal and spatial continuity. All of the scenes are no longer than four seconds in duration. This brief duration creates more of an impression rather than a sustained connection with a represented reality. Scenes of the committee meeting are longer, presumably to establish a stronger connection with the actual event, while the B-roll scenes of landscape, gas plant operation and others that exist outside the space and time of the primary event, are much shorter. Their arrangement and pace, along with music and sound effects, contributes to an ominous and disturbed affectation. Sonic elements are also from numerous sources perpetuating the abstract effect and consistent with a Poetic mode of representation.

Four different audio sources are used in the first minute of this segment: the filmmaker's narration, on-camera social-actors, sound effects/background sounds, and music. All but the music and perhaps the sound effects are diegetic – their sources are present on screen. Non-

diegetic sources, usually in the form of music, are typically associated with more expressive television documentary forms as they are considered embellishments that could be construed as manipulative. Likewise, sound effects are added by a filmmaker to enhance or embellish a presented reality and, as such, may be construed as manipulative and inconsistent with the realist underpinnings of Expository and Observational modes. Yet another audio source is manifest as the first segment continues - that of the on-camera scenes of the filmmaker. Additional pictorial sources are also present.

(10) 2.23 -Music Out, SFX Up (deep rumble) VO “Hi, my name is Josh Fox. Maybe I’ll start at the beginning.”

MS - Car dolly of wooded roadside in winter. CU Filmmaker/Josh in car driving – very grainy, distressed image. Cut to Black

(11) 2.34 – “This is Dick Cheney.”

Cheney on video screen – moray pattern, then skewed lines.

(12) 2.41 – VO “Maybe I’ll start somewhere else. This is my house. Somewhere in the middle of the woods in Pennsylvania.”

MS house in the woods.

(13) 2.48 – Music Under (dreamy score) VO (narrator tells story of house building) “the land where I was born. My parents and their hippie friends built it. We built it ourselves.”

Still photos of family building house intercut w. home video.

(14) 3.00 – VO “There’s a stream that runs through the property and connects to the Delaware River.”

Two still photos of fall foliage on bank of river.

The filmmaker interjecting himself into the frame as well as the soundtrack further enhances the participatory aspect of the hand-held camerawork seen in the first minute. Scene 10 is of the filmmaker driving, staring into the camera with his voice-over describing his linkage to pertinent

events. Scenes that follow are home movies of his childhood home, presented as documents of the fracking controversy since the homestead is a site desired by the energy company. These additional pictorial sources combine with those previously introduced to create an expressive collage not unlike a personal scrapbook. The filmmaker becomes complicit in the unfolding events by introducing himself as a participant in the narrative. As voice-over only, this complicity is minimal and the narrative information construed as a legitimate consequence of a priori knowledge. By interjecting himself into the narrative events - a convention of the Participatory mode - the filmmaker purports additional legitimacy as a consequence of a direct experience with the historic events. A negative consequence, as would be perceived by stalwart advocates of Observational and, to a lesser degree, Expository modes, is the aspect of manipulation by the participatory filmmaker who retains control over the camera.⁸⁰ This manipulation could take the form of the more traditional formal interview to participating in events and associating with the subject social actors; a convention more associated with Performative mode.

There are 30 individual scenes in this two-minute segment, which is equivalent to the number of edits in the first, two-minute segment of *Dear America*. What differentiates the pictorial elements from those of *Dear America* is the greater number of source types, which contributes to a somewhat abstract and disorienting effect. The sources are: live-action A-roll and B-roll of filmmaker/narrator and social actors, archival A-roll of television news broadcast, archival home photographs of the filmmaker and his family members, and title graphics. Most numerous are the 17 live-action B-roll scenes: the committee hearing, gas production, scenery, filmmaker's homestead and archival home movies. Also contributing to the collage-like presentation of events are the numerous audio sources in 15 separate edits: filmmaker-narrator VO and OC,

social actors VO and OC, sound effects and music. The second analyzed segment, forty minutes into the film, demonstrates this practice of aesthetic mixing by introducing additional “first order”⁸¹ subject-observations. Individuals whose lives are affected by the fracking practice are observed in their domestic environments.

(Scene 1) 39.50 – OC “We had ours tested and they found Glycol in it and it cost us 44 hundred dollars.

MS of Family outside

(2) 40:00 – SFX/B.G. sound of butane torch flame on water trough. VO “Something is forming there. It’s like a plastic. Glycol ethers are odorless, colorless, liquid component of plastic. When Lewis took his torch to the water, I think we found a cheaper way to test for glycol agents, or a secret Wyoming recipe for home made plastic.”

MS torch flame being passed over water surface in tank. Reaction occurs.

(3) 40.22 – B.G. Sound of butane flame, water sizzling, etc.

Three scenes of plastic bottles on porch.

(4) 40.30 - VO “I liked Lewis immediately” (goes on to comment further about kitschy, cool home environment.) “Cowboy statues everywhere.”

Three scenes of Lewis walking through house. Bookcase with statues and other bric-a-brac.

(5) 40.35 – VO “Cowboy statues everywhere. And the most comfy couch.”

Narrator-filmmaker POV of Lewis in living room.

(6) 40.50 – OC “That is fabulous...wow”

CU of Narrator-filmmaker as he sits on couch. Two more interior shots of him in living room.

(7) 40.54 – VO “John Fenton and his wife have 24 gas wells on their property all visible from their front porch” (describes area.)

Six shots of homestead – zooming, panning,

(8) 41.02 – VO “I was raised here and there was nothing, no oil wells. All this as far as you can see. And we can’t sell this with the water situation.”

Front pasture with wells. Man exits, gets on tractor.

(9) 41.20 – OC “Now see this little cow, he is less than 12 hours old right there. We’ve only got a certain number of wells. And god I don’t even know how they drink it. It’s the damnedest smelling stuff, comes out different colors but you gotta use it sometimes.”

Quick montage of farmer getting on tractor - 3 at 3 sec ea. 5 more shots from farmer POV in tractor seat of cows in pasture, eating.

(10) 41.51 – VO “I think we should strive to be the cleanest, most environmentally conscious that we can.”

Farmer feeding bales to cattle, cattle eating, moving about, etc.

This segment introduces additional social actors who function as witnesses to the contentions made by the filmmaker regarding the fracking process. Scenes of these homeowners and ranchers in their domestic environments serve to legitimize claims by presenting them as consequences of their personal experiences. The aesthetic values of the scenes -- skewed angles, movement, variable focus and enhanced digital texture -- are consistent with the Poetic nature of the preceding scenes. The camera’s digital video image represents a new aesthetic “utilizing the technology’s immediacy and intimacy predicated upon the digital look in its various connotations of authenticity and credibility.”⁸² It is not indexical in the sense that it mirrors reality but that it is attributable to eyewitness accounts of real circumstances and events. There is also a consistent kinetic value to the pictorial elements with persistent movement inside and outside the scenes/frames. Much of the external scenery is in blurred motion as shots reflect the filmmaker/narrator POV from inside a moving car. There is considerable motion inside the frame as subjects are filmed while engaged in activities, and not as subjects of static interviews.

There are 36 scenes, three to eight seconds in duration, from four different sources in this two-minute segment, which is consistent with the edit motif of the first segment. A wide array of audio sources also persists with various voice-over and on-camera narrations, sound effects

and music. The second scene is a twenty-second shot of a water surface in an open storage tank. The kinetic motion inside the frame – water moving and changing form and color as a blow torch flame is applied – creates a similar tension as that of the more rapidly edited, shorter duration shots. The sound track alternates between sound effects of the hissing flame and sizzling water and the voice-overs of the homeowners commenting on the quality of their flammable drinking water. The filmmaker is observing this event but also employing a Participatory convention in the form of interview questions and answers. The rapid editing pace resumes in the final three scenes of the segment as the camera follows another homeowner-rancher on his cattle feeding rounds. Voice-over commentary continues as hand-held shots of the cattle feeding process are framed in quick succession.

By combining Expository, Participatory, Poetic and to a lesser extent, Performative mode conventions, *Gasland* filmmaker Josh Fox presents the narrative material in a fluid and seemingly spontaneous manner. The effect is appealing and even playful as dramatic images such as toxic burning well water are juxtaposed with more poetic personal ones such as the homeowner's kitschy home décor. The "referential integrity" of first order observations (interviews, voice-over and archival footage) balanced with more abstract and expressive elements that "transfer viewers into deeper, more imaginative space,"⁸³ make the audience experience both convincing and enjoyable. The interview, a Participatory mode convention used sparingly in *Dear America*, is omnipresent in *Gasland*. There is a testimonial aspect to the interview statements the social-actors present in the film. The loose, on-the-move nature of how these interviews are conducted also give them a participatory quality. The voice of *Gasland* is primarily that of filmmaker Josh Fox but it is also that of the social-actors whom the filmmaker employs to substantiate his claims and validate his own experience as relates to the subject of the

film. His personal connection to the events and on-camera presence conveys additional legitimacy by virtue of his a posteriori knowledge. This makes *Gasland* a more complicated, rich narrative proposition than if it were a carefully crafted exercise in Expository representation only. The New Documentary form that characterizes *Gasland* in a sense harkens back to works of early practitioners of the genre such as Dziga Vertov, who produced films that can be characterized as both Poetic and Reflexive but also Observational. Vertov was concerned with presenting alternative perspectives, contrary to the Expository model of John Grierson, and used expressive-reflexive conventions such as split screens, fast and slow motion, to augment the traditional realist conventions of documentary works.

This pictorial and aural analysis is consistent with my narratological analysis that indicates *Gasland* greatly expands on the trend of using Expressive conventions modestly initiated by *Dear America* and other documentaries at that time. These devices took different forms in each of the films that were modestly present in *Dear America*. Both films are Expository in that they speak directly to the viewer with narration. They both also utilize Poetic conventions, albeit in different forms and to a greater degree in *Gasland*, where devices are employed to evoke sympathy from the audience and to display the subject matter in a dramatic, convincing and memorable manner. *Dear America* relies more strongly on Observational conventions such as archival footage to present its narrative. While this is a traditional mode for presenting historic events such as war, the film uses this framework to present events in a manner that supports a specific perspective.

The overarching theme of the film, which is natural resource development to the detriment of public health, is essentially presented from a singular point-of-view. As demonstrated by the

first segment, the corporate and governmental social actors in *Gasland* are consistently portrayed in a negative manner. Sections of the testimony are selected and arranged in a manner that serves to vilify the corporate operatives presenting testimony to government officials. This sentiment extends to these officials by portraying them as complacent and obliging in shots featuring their comical expressions and rote acquiescence to the corporate requests for licensing. The closing scenes feature presenters endlessly thanking the hearing officials who respond “and thank you, as always!” with knowing smiles and laughter. The initial impression of legitimacy created by the previous scenes of carefully orchestrated presentations of data is deflated by this concluding scene that strongly suggests that this is a gratuitous, insider formality. This opening segment sets the stage for an appeal of sympathy and, ultimately, of advocacy for opposition to the gas fracking industry. As is the case with *Dear America*, this perspective is consistent throughout the film. The various landowners and public functionaries who subsequently appear are portrayed as helpless victims or hapless, ineffectual authorities, and the gas company operatives as either malicious or in denial of the deleterious effects of the fracking process they promote. From the second segment, scenes in the ranch family’s home invoke a sympathetic sentiment for a position clearly at odds with the testimonial contentions of the gas company officials. The filmmaker invokes a down-home, sincerity and a clear alliance with the family by demonstrating a kinship. Placing himself in their domestic environment and positively commenting on their value and legitimacy is one such instance. This association, and his participation and inclusion in similar events, constitute an advocacy for the landowner’s perspective critical of the enterprises initiated by the corporate agency and validated by civic authorities. *Dear America* and *Gasland* both represent a departure from previous HBO documentary programming that was less controversial and more concerned with sensational

topics reflecting human culture.⁸⁴ Both promote a perspective critical of enterprises initiated by dominant governmental and corporate agencies. The essential difference, like that pertaining to the film's utilization of expressive conventions, is the *degree* of advocacy.

The analyses of these two films indicates an evolving programming practice of including more expressive forms in the network's documentary programming. The limited use of expressive conventions that characterized earlier HBO documentaries largely concerned with cultural/lifestyle issues expanded during the interval addressed in this research to include many of the tropes present in New Documentary films. This accommodation seems to be without regard to the thematic content of these programs. In the following and final chapter, I define the evolution of institutional characteristics and consequent programming practices of HBO from its inception through 2010 and note how this impacted the type of documentary programs it broadcast. A conclusive summary of each film's analysis is preceded by historic surveys of the documentary genre and the television network's institutional characteristics that affect documentary programming that these films are a representative part of. Finally, the themes of both films are further identified and related to their presentation styles.

Chapter Three: PBS Documentary Analysis

Like Chapter Two, this chapter will present analyses of documentary programs and programming practices of, in this case, the PBS television network. Two feature films that typify PBS documentary programming at each end of the twenty-year interval beginning in 1985 will be analyzed. The documentaries are: *The Times of Harvey Milk*, 1985,⁸⁵ and *Enron: The Smartest Guys in the Room*, 2006.⁸⁶ Like the HBO films, these were selected because they address social issues - in this case, discrimination and corporate crime. As such, they are demonstrative of traditional documentary function, that of journalistic inquiry into civic matters.⁸⁷ An additional qualification is their independent authorship: they were conceived, developed and produced outside the realm of the network institution by independent producers. These criteria, along with their prime-time broadcast schedule, qualify the films as being representative of the documentary programming that exemplifies public broadcasting's mission and identity.⁸⁸ Each film will be characterized as utilizing a particular mode of representation. These modes, which are characterized by the style conventions applied to a film's picture and sound elements, are the preeminent manner in which to define a film's form. Modes of representation "are the dominant organizational patterns around which most texts are structured."⁸⁹ Identifying a documentary film's mode will demonstrate conformity to or deviation from the network's institutional mandates regarding programming. Through the 1970s, PBS was the primary outlet for independent documentary producers to get their films exhibited to a mass audience.⁹⁰ As such, the network increasingly imposed programming standards that often related to production style.

Documentary modes are part of a tradition of non-fiction models and reflect many of their conventions. As noted and defined in Chapter Two, these modes and their corresponding non-fiction models are: Expository/Investigative, Poetic/Advocacy, Observational/Historical, Participatory/Testimonial, Reflexive/Exploration and Performative/Sociological.⁹¹ These modes of representation are unique to the documentary genre and continue to evolve to fulfill the needs of the filmmaker, audience and the institutions that constitute a marketplace of distribution and consumption. Identifying a film's mode will demonstrate how they serve these needs since a film's style and content are, to a large extent, contingent on the mandates of media institutions that participate in the televisual marketplace. Fulfilling the needs of this marketplace is less a concern with a public television network that must be responsive to governmental directives often motivated by the criticism and scrutiny leveled by watchdog groups concerned with the expenditure of public monies. Conversely, the lack of this sort of scrutiny allowed HBO to exhibit programming, including documentaries, that was truly alternative to that of public and commercial television.

To allay concerns regarding additional cuts to public funding and to appease an increasing number of commercial underwriters, PBS programmers invoke standards and practices that apply to independently produced documentary programs regarding acceptable modes of representation. The network is vying for documentary program legitimacy in that it conforms to expectations by civic and cultural authorities.⁹² Authorities such as critics, politicians, television regulatory officials, public affairs programmers, news directors and executive producers, exercise influence regarding the (truthful) interpretation of events, characters and situations as presented in documentary productions and other media. Consequently, PBS and HBO documentaries have different modes or voices that conform to their respective institutional mandates and appeal to

their particular audiences. Identifying this voice by parsing aesthetic variables and determining a narrative style will substantiate a claim of assigning a specific documentary mode (or modes) to a film. Characterizing PBS documentary programs in the decade prior to the broadcast of *The Times of Harvey Milk* in 1985 will demonstrate how this film, and *Enron* twenty years later, reflects the shifting institutional character of PBS. This comparison, supported by analyses of the two films, will demonstrate how they deviate from or conform to previously accepted modes of representation.

PBS Documentary Programming: 1970 – 1985

The use of expressive conventions is a key issue in this analysis of television documentary programs since these conventions typically pertain to independent “alternative voice” productions that both PBS and HBO either purport to provide as part of its mission (PBS) or rely on to provide “alternative” programs that audiences want (HBO). The genesis of the documentary idea associated with English speaking non-fiction films can be characterized by the words of John Grierson who referred to Robert Flaherty’s film *Mona* (1926) as “the creative treatment of actuality.”⁹³ The idea was that film, as art, should serve social betterment but should not be relegated to “shapeless reproduction.”⁹⁴ The resulting style or mode of presentation “arose from a dissatisfaction with the distracting, entertaining qualities of the fiction film. Voice of god commentary (voice-over) and poetic perspectives sought to disclose information about the historic world.”⁹⁵ Although poetic elements such as dramatic music scores and formally composed scenes of landscapes and human endeavor were used, Grierson and others determined that the documentary mission to serve social betterment was best served with rhetorical narrative.⁹⁶ A trend toward expressive modes with a more literal presentation of events began

with the British social commentary documentaries in Britain in the late 1930s.⁹⁷ The US Film Service followed suit with documentaries that celebrated the land and the people in a more dramatic and poetic manner.⁹⁸ Post-war documentaries began to incorporate fictional-dramatic conventions such as actor portrayals and scene recreations often with location sync-sound.⁹⁹

The documentary genre became characterized less by Expressive-Poetic conventions found in fiction films and more influenced by realist traditions with the advent of wartime newsreels. Audience notions of trust and credibility were becoming more grounded in the literal representations in newsreels comprised mostly of on-location, action scenes. This was more of an issue for the emerging television documentary than that of 1930s and 40s documentaries. “Its (early documentaries) social claims-making was accommodated by (the genre) being accommodated within the broader terms of a young cinema.”¹⁰⁰ Newsreels that were once shown in theaters and other outlets were being replaced with television news programming. The Camel Caravan of News was a 15-minute American television news program aired by NBC News from February 14, 1949, to October 26, 1956. Sponsored by the Camel cigarette brand and anchored by John Cameron Swayze, it was the first NBC news program to use NBC filmed news stories rather than movie newsreels. Post-war newsreel and documentary institutions such as Pathé News, Paramount News, and Fox Movietone News all closed down in the 50s and early 60s “But their functions and personnel had been transferred to television, and to government news operations in other countries.”¹⁰¹ Consequently, documentary and newsreel production fell under the auspices of news divisions within broadcast networks.

Prior to HBO’s effort to expand its public issue documentary programming in the 1980s, PBS had an extensive track record of broadcasting such programming in the previous decade. This was a calculated effort to dominate the public-issue programming niche and to differentiate

the network from commercial broadcast networks that shied away from potentially contentious programs. Commercial networks did air documentaries but they were virtually indistinguishable in form from network news reports. They were serialized and broadcast under newsy banners such as *CBS Reports* (1959), NBC's *White Paper* (1960) and ABC's *Close-up* (1960).¹⁰² Network policy barred the work of outside producers if any "opinion-influencing" content was involved.¹⁰³ These programs were structurally authoritative with narratives firmly guided by noted journalists such as Edward R. Murrow. The voice-over or on-camera narration by these newsmen was "omniscient in tone, (and) was the cohesive factor. It proclaimed objectivity. It quoted dissent but paired it with official refutation."¹⁰⁴

PBS programmers were compelled to push harder in the direction of presenting diverse, often dissenting voices that would be an alternative to the officious voices of the commercial network news divisions. Again, this was attributable to the public broadcasting mission to serve "public" interests – such interests being affiliated with the New Deal agenda that contributed to the formation of the network in 1967.¹⁰⁵ Public affairs shows like *Washington Week in Review* and *The Great American Dream Machine*. Documentaries were gradually added to the programming roster. Their forms were generally conventional but subject matter was often controversial. The network's 1970 documentary *The Banks and the Poor* advocated for minorities redlined by the banking industry and implicated members of Congress as being complicit in allowing such practices.

The Cinema Verite documentaries that emerged in the early 60s were generally eschewed by broadcast networks because of their radical genre conventions. The movement's Observational conventions provided the strong "indexical relationship" between the recorded image/sound and

the real thing sought by news broadcasters who associated this with legitimate truth-claims.¹⁰⁶ Practitioners were actually in-line with certain aspects of what had become the broadcast documentary model.¹⁰⁷ The problem was that the pure Observational mode (and lack of voice-over narration) could not overtly communicate the specific and concise messages in an authoritative manner that traditional journalism required. The third-person narrative style of news-division documentaries better served their social issue themes since this journalistic convention provided a qualified, authoritative voice that lent credibility to the narrative. Theatrically released films such as *Primary* (1960) and *Salesman* (1968) were characterized by the absence of narration and the placement of scenes and audio elements out of context for dramatic effect and to create thematic associations. PBS was less reluctant to exhibit Verite works due in part to the network's avowed mission of providing alternative voices. Many documentary producers began to merge the Observational conventions of Cinema Verite with those of Investigative and Expository modes. While there are Observational conventions present in both *Milk* and *Enron*, these films are characterized more by a mode of presentation akin to the traditional broadcast journalism form that predates Cinema Verite.

Documentary programming on PBS in the 1970s was generally supportive of independently produced documentary programming despite the initiation of what would become a trend of public broadcasting criticism and budget slashing by conservative White House administrations. This trend began in 1971 with federal telecommunications policy head Clay Whitehead accusing PBS of creating a "fourth network" and calling for a weakening of national network entities – the network and its supporting foundations: Carnegie and Ford - and a strengthening of local stations.¹⁰⁸ Specific concern was expressed about "the potential impact of public affairs programming," which was deemed to have a liberal slant.¹⁰⁹ The veto by President Nixon in

1972 of Congressional authorization for PBS funding prompted the development and passing of the Public Broadcasting Financing Act of 1975.¹¹⁰ President Ford supported this bill and signed it into law, which guaranteed federal funding for the network for the next five years.¹¹¹ While providing long-term funding for the network, the bill did not protect it from annual federal scrutiny and oversight and the potential for redirecting funds from national to local network coffers.

The network's substantial public affairs programming in 1977 included several independent documentaries such as *Canal Zone*, which displayed the indifference of US ex-patriots living in Panama, and *Union Maid*, about the struggle of working women in the 1930s. Unlike the Verite form of *Canal Zone*, *Union Maid* included interviews and archival newsreel scenes. In 1978, PBS programming included three weekly public affairs series and twelve documentaries. *The California Reich*, *The New Klan*, and *Word is Out* all relied on interviews (although not a host or formal narration) combined with Observational and Expository conventions to explore social issue themes of racism, prejudice and homosexuality. Also aired was the 1976 Academy Award winner for the documentary *Harlan County USA*. Like *Canal Zone*, This film was staunchly Observational – the crew spent three years within the mining community compiling hundreds of hours of footage, which was then synthesized into a narrative statement of advocacy by presenting a singular perspective that was unflinchingly sympathetic with the plight of striking coal miners in West Virginia.

In 1980, fifteen independently produced documentaries were fully funded by the network in the series *Non-Fiction Television*.¹¹² That same year, President Ronald Reagan, a conservative Republican called for the total defunding of PBS. He argued that the PBS audience tended to be

“wealthier and more educated” than the general populace and that “they certainly possess the personal resources to support such (PBS) stations and they should do so.”¹¹³ Ultimately, Reagan settled for a reduction in funding when he signed the Public Broadcasting Amendment Act of 1981. The bill authorized \$130 million annually, substantially less than the \$200 million proposed by former President Jimmy Carter. The bill also allowed for the airing of sponsor logos and advertisements, opening the door to significant private and corporate funding and the consequent scrutiny of sponsored programming.

With programming revenue in place and inspired by successful PBS public affairs series *McNeil Lehrer* and *Washington Week in Review* that emerged in the previous decade, the network expanded their *World* documentary series to twenty-six programs that focused on domestic and international topics in 1982.¹¹⁴ This series became known as *Frontline* - a weekly series produced in-house and characterized by traditional news-documentary production values such as an on-camera host, voice-over narration, stock, newsreel, and original news-style footage. The host was eventually replaced by voice-over narrator Will Lyman, who remains as the voice of the series to this day. Much like the commercial networks’ documentary series, *Frontline* was deemed a legitimate source of accurate information and perspectives about public affairs issues due to its consistent use of traditional modes of representation. Independently produced documentaries were not forsaken by the network, with prime-time broadcasts of films addressing equal rights, bigotry and nuclear proliferation.

By the mid-1980s, a programming practice emerged as a strategy to deter criticism of more contentious programs. Documentaries about US foreign policy in the Mideast and Latin America were relegated to off-prime time slots. The network cited issues with production quality and not

content as the reason for rescheduling. Barry Chase, director of public affairs programming for the network, noted that the producer's refusal to remove scenes was responsible for the decision.¹¹⁵ "Production quality" was often network code for "production style," which in this case referred to the use of close-up shots (an expressive convention) of an ethnic ritual. This programming practice became contentious with independent producers who voiced their concerns at a 1985 roundtable conference "Reflections: The Documentary in Crisis."¹¹⁶ The Mideast foreign policy film *Blood and Sand: War in the Sahara* had been set to air in the network's core schedule but was moved to a 10 pm after the producer refused to make the requested changes. It was deemed "not suitable for the audience that PBS attracts at 8 p.m."¹¹⁷

Prior to establishing the *POV* series in 1988 to facilitate exhibition of independent documentaries, PBS maintained a balance of traditional and alternative documentary programs in its broadcast schedule. Series and films deemed non-contentious were scheduled in primetime while most independent productions were relegated to other time slots. In 1986, PBS programmers launched eight new series, mostly concerned with science, technology, history and nature, to the ten already underway.¹¹⁸ More new series with topics on foreign culture, American history, nature and religion followed in 1987. In the fall of 1985, the network broadcast the biographical documentary *The Times of Harvey Milk* in primetime. *Milk* documents the political life of Harvey Milk, an openly gay city (of San Francisco) Supervisor in the late 1970s. The film follows Mr. Milk's ascendance from neighborhood activist to City Supervisor using extensive archival news films, broadcast recordings and contemporary interviews. A pivotal moment in the narrative is Mr. Milk's assassination by fellow Supervisor Dan White, followed by reactions of San Francisco citizens. Prior to the PBS broadcast, the film garnered a Special Jury Prize at the Sundance Film Festival and the Academy Award for Best Documentary Feature in 1985. The

state of increased scrutiny of documentary programming with an emphasis on conformance to traditional broadcast journalism standards, was amenable to an independent film such as *Milk*, which addressed an established social issue in a linear, historical narrative centered on a known public figure. 20 years prior to the broadcast of *Milk*, the Cinema Verite film *Primary* (1960) was shunned by television networks because it lacked narration, which violated institutionally driven style mandates. “It represented a serious divergence from classic cinema traditions and did not resemble any documentary that preceded it.”¹¹⁹ The Expository and Observational conventions that characterize *Milk* mostly conform to the stylistic status quo and its social issue theme fulfilled the network’s stated mission of serving the public interest.

The Times of Harvey Milk Analysis

An examination of two segments of the film will demonstrate the mode(s) of representation and also the thematic tone of the narrative. Noting the characteristics of audio-visual elements will identify the style conventions that define the mode. It is important to note that the elements introduced and defined in these segments are employed as consistent conventions throughout the film. As defined in the previous chapter, units of analysis will relate to three categories: pictorial, aural and narratological. These variables will characterize the film’s voice and ultimately identify the mode of representation. The film segments are presented here in screenplay format. A description of the corresponding pictorial elements follows that of the audio components. This pictorial description is indented and contains information about image sources, type, quality, composition and arrangement and any superimposed or full-screen titles. The opening sequence reveals the mid-point tragedy of the film’s dramatic arc, and then provides the viewer with a sketchy collage of Mr. Milk’s difficult, early life. Seventeen minutes into the

film, the narrative arcs into a positive chapter in Milk's life, conveying much jubilation and affirmation of his and his colleagues' resolute efforts to overcome significant obstacles to achieve political victory. Characters – friends and associates of Mr. Milk at that time – provide emotionally charged testimony as they reflect on the events ten years past.

(Scene 1) 17:30 – Music Up (score w. synthesizer). Lighthearted, melodic, almost whimsical. VO Narrator “At the age of forty seven on his fourth try for public office, Harvey Milk was elected to San Francisco's board of supervisors.”

Archival newsreel or home movie (hand-held, color) of Milk campaigning, MS of people holding banners on busy street,

MCU of banners.

MCU of Milk shaking hands.

MS of Milk greeting crowd.

(2) 17:50 – (Music Out) OC Interviewee #2 “When Harvey got back to the campaign headquarters that night, people went crazy. He road up on my motorcycle.”

MS of (original) interview. Activist and friend of Milk.

(3) 17:58 - VO Interviewee #2 (Music Up) “They all got off their bikes and Harvey was just encircled with people... who felt like they had no voice before now had someone who represented them.”

B&W still photos (5) of Milk and friends on motorcycles,

Milk with arms outstretched. Milk w. crowd, Milk in crowd celebrating, zooms out, Milk being hugged by man.

(4) 18:22 - VO Interviewee #1 (celebration sounds) “It just felt so good for Milk but when feeling good for Milk you were feeling good for yourself. This was elation, absolute elation.”

Home movie of Milk at celebration – zoom in to CU of Milk.

(5) 18:35 - VO Interviewee #2 “Harvey never drank but that night champagne was flowing freely and Harvey picked up a bottle and poured it all over his himself. It was incredible.”

Home movie at celebration party. Milk kisses man.

(6) 18:40 - OC (archival) News Reporter (Music Out) “We can’t really see too much... The reason ...is the man standing to my right... Will you be a supervisor for all the people?”

OC Harvey Milk “I have to be. That’s what I was elected for. I have to open up the dialogue to the sensitivities of all people. The problems that affect this city affect all of us.”

Archival Newscast, Super title: *Live 5, Instant Eye, San Francisco* Exterior on the street during election victory celebration. Camera zooms out to include newsman who introduces Milk alternating looks between camera and Milk, who is surrounded by . He then interviews Milk as Camera zooms in.

(7) 19:28 - VO Interviewee #2 “It was really a momentous occasion you know. He had been waiting at that point for four years for that victory and it was very sweet for all of us.”

MCU of interviewee #2.¹²⁰

Much like *Dear America: Letter Home from Vietnam, The Times of Harvey Milk* combines a diverse repertoire of visual formats. As a recounting of a historic event, and as a biographical profile, the filmmakers utilize archival newsreels, home movies and photos. In addition, original interviews are used, which were filmed eight years after the historic event. These sources (type and number) are idiomatic of a non-fiction narrative that essentially conforms to an Expository mode of representation. There are four types of visual elements drawn from these sources: live-action A-roll (subjects speaking) from archival television broadcasts (scene six,) newsreel and home movies (scene eight,) live-action A-roll from original interviews (scene seven,) live-action B-roll (no speaking subjects) from archival sources (scenes one, four and five,) and archival newsprint photographs (scene three.) Like the archival source elements of *Dear America*, these are historic artifacts created at the time of the portrayed events and provided by both legitimate (print and broadcast news) agencies and, as such, qualified as accurate representations of reality. The color film images are associated with actuality because these are characteristics of the

recording medium used by news professionals present at the time and location of the historic event.

Unlike *Dear America*, *Milk* uses the additional convention of original interviews conducted specifically for the film. This inclusion relates more to the narratological analysis addressed later but there is an aspect to these segments that is relevant to pictorial analysis. These interview segments have the same color and texture palette as the newsreel sources - an association that conveys legitimacy similar to that of the archival scenes. An additional point of pictorial differentiation between the films is that *Milk* is relatively static in its visual presentation. There is a kinetic energy contained in the subject matter represented in many of the pictorial elements (demonstrations, crime scenes,) but not in the elements themselves. Shots from broadcast and print archives are status quo - medium frames, fixed camera perspective – as would be expected from such sources. There is the expected frame movement in the hand-held B-roll shots of on-the-scene news events but much of the archival A-roll and especially the original A-roll interviews are static.

This relative lack of expressive kinesis is more attributable to shot arrangement than the elements themselves. The visual collage of *Dear America* created by the use of more disparate pictorial elements, often sequenced in rapid progression, is somewhat diminished in *Milk*. The opening scene consists of four shots in a 20 second timeframe. This five second shot duration cannot be considered expressive especially when considering the near identical subject matter and framing of the shots: Milk campaigning, people holding banners, banners, Milk shaking hands, Milk greeting the crowd. The entire two-plus minute segment contains 15 edits from four sources with a near-equal number of archival and original A-roll shots (three each) and a dozen

B-roll scenes. This pace is somewhat subdued when compared to the 36 edits in the first *Dear America* segment, even with an additional source. In accordance with Expository mode, these pictorial elements are arranged for rhetorical purposes and not necessarily to elicit an emotional response or create a pleasurable experience, unlike the pace of *Dear America*, which does. There is a logical-linear sequence of events that details the narrative progression: Milk being elected (B-roll w. voice-over narration,) describing the experience (A-roll of original interview w. interviewee recounting events,) celebrating the election with supporters (news photos and home movies w. voice-over,) and official commentary on the event (A-roll newsreel w. reporter, Milk and supporters.) The final news report-interview scene is nearly one minute in duration, conveying an unbroken, un-manipulated sense of the historic event. The juxtaposition of an original interview scene, with both on-camera and voice-over commentary, with archival B and A-roll newscast scenes of the actual event eight years prior, functions to create a factual and substantive representation, again, typical for an Expository - Observational mode documentary.

The practice of using archival and original source voice-over to provide narrative context for the visual action continues in the second half of the film with more dramatic impact. The first half of the segment conveys specific narrative information, but also creates emotional tension. Scene one, which informs the San Francisco press (and film viewer) that Harvey Milk has been killed, is lengthy and studied, conveying the message in an unblinking manner. The Camera stares at the City Hall spokesperson who dispassionately announces the shooting of Supervisor Milk and Mayor Moscone. After nearly a minute of unedited newsreel A-roll, the scene cuts to a montage of brief (3 - 5 second) reverse-angle shots of press conference participants. These shots are fairly static and conventionally framed but contain emotionally distraught subject matter of people-subjects reacting to the news.

(Scene 1) 54:30 - OC Supervisors Board President “As President of the Board of Supervisors it’s my duty to make this announcement. Both Mayor Moscone and Supervisor Harvey Milk have been shot and killed” (sounds of crowd reacting) “The suspect is Supervisor Dan White.” VO Reporter “Is he in custody?” VO Supervisor “He is not at this time. Thank you very much.”

Archival newsreel, very shaky, hand-held, of Mayor’s office announcement to press. MS Camera settles down on MCU of Speaker. Camera zooms back out.

(2) 55:09 – VO/Sound of Police radio “Attention all units. Suspect Dan White. White male, 32 years...six feet, eyes brown, 158 pounds, wearing a three piece brown suit considered armed and dangerous.”

Reverse angle of news photographers at press event. MS of hallway with distressed people comforting each other.

CU woman’s crying face.

2S two women comforting each other.

MS Policemen in hall outside crime scene doorway.

(3) 55:22 - Natural sound, then Police radio “Attention all units former Supervisor Dan White is now in custody.” Reporter, off-camera “Dan why?” More natural sound of Cameraman following police and White.

Camera POV chasing car entering indoor parking lot. Car stops at doorway and persons exit car with Dan White. They hustle him through the door as jostling Camera follows down corridor to elevator entrance. Police obstruct view of Camera as door closes.

(4) 56:00 - VO Narrator (very somber) “At approximately 8:45 a.m. realizing he was not going to be reappointed, Dan White went directly to the Mayor’s office unannounced. There was a brief argument. Dan White pulled out a gun and shot George Moscone.”

MS, slow motion of shroud-covered body on gurney is wheeled down corridor and into elevator.

(5) 56:20 - VO (continues) “The Mayor fell and White fired two more bullets into his head. White then reloaded his gun,”

Exterior building with van backed up to doorway. Gurney is loaded into van.

(6) 56:30 - VO (continues) “He walked to the other side of city hall and into Harvey Milk’s office. Five shots range out. According to the Coroner’s report, Harvey Milk was rising with both hands out when the first shot hit. He fell and White fired three more times.”

Exterior building as police move out and van departs location, escorted by police and followed by news reporters/camera people.

(7) 56:44 - VO (cont.) “He then put the gun to Harvey’s head and fired one last time.”

Gurney is rolled out of van and into hospital facility.¹²¹

This segment can be characterized much the same as the first with regard to pictorial elements. Three sources provide A and B-roll scenes: archival newsreel and news photos, and original interviews. These sources continue to be plausible or accepted representations of reality. The 16-millimeter news film’s color, grain and resolving-power (degree of sharpness) properties indicate a familiar mode of origination associated with factual recordings of historic events. Along with the black and white news photos of the first segment, this film-recording medium conveys a journalistic legitimacy expected by a documentary audience familiar with such works broadcast by PBS. The first scene acutely exemplifies this association with legitimacy by virtue of both its physical properties and the content within the frame. The shaky film-frame is filled with the accoutrements of a news event: flashing camera strobes and television station microphones along with the faces of stalwart colleagues surrounding a stoic spokesperson. Selecting this shot to represent the top of the narrative’s dramatic arc is a calculated decision by the filmmakers to load the moment with veracity. This convention, an unedited, archival newsreel, serves both Observational and Expository methods. It is a historical artifact and a testament to the tragic consequence of the subject-character’s commitment to a just cause.

There are eleven picture edits in this two-minute sequence, equivalent to that of the first segment, with an equal number of audio elements. A total of five audio sources contribute to these elements: archival and original on-camera monologue, archival and original (narrator)

voice-over and natural (background) sound. While *Dear America* used pop music with lyrics contributing to the mood established by the archival scenes, *Milk* uses a more conventional original music score that also contributes to the mood of the film but in a less literal or evocative manner. This music score, present in the first segment, is absent here, replaced by a mix of natural/ambient diegetic sounds of police radios and off-camera voices that work in harmony with the dramatic newsreel B-roll.

Scenes three through seven present the events following the announcement of the shooting with a narrator's voice-over providing details in-sync with the linear flow of the visual and aural montage. Scene three is especially effective as a lengthy shot from the news-cameraman POV follows the vehicle transporting the suspect from the street, into a parking garage, and to an entrance where the police and suspect exit the vehicle and enter the building. This unbroken shot ascribes verisimilitude to the sequence, as does the equally long opening newsreel shot of the announcement in scene one. The successive scenes of a gurney (with Milk's shrouded body) being transported is also accompanied by the narrator voice-over, which now relates details of the shooting itself, not the on-screen action. While this montage is an overt manipulation of audio and picture elements, the archival news sources and the dramatic nature of the events themselves leave the viewer with an impression of authenticity and truthfulness. The use of police radio recordings in scene three that substantiate the information conveyed by the narration is especially effective in establishing credibility.

This analysis of pictorial and aural elements identified and defined in these two representative segments is consistent with my narratological analysis. The impressions created by the arrangements of pictorial and aural elements are substantiated with specific information

contained in the voice-over narration. This convention, in which a narrator speaks directly to the viewer, is elemental in an Expository mode of presentation.¹²² It resembles *Dear America* as a recounting of historic events in a linear manner with voices that provide testimony of the events, but differs in its use of multiple voice-sources to tell the story. Unlike the actor-voiced soldiers of *Dear America*, there is no singular voice of the film but a collective of voices from diverse sources: narrator, interview subjects and the social actors from news archives. The narrator tells the story of Harvey Milk within the context of the gay rights movement in San Francisco. While voice-over narration is characteristic of Expository mode, the source of the narration, in this case that of actor Harvey Feinstein, does not provide the authoritative credibility of the “voice of god” narration that give the impression of objective credibility typically present in Expository documentaries.¹²³ An audience conditioned to trust the more traditional convention of using a news figure or similar authority as narrator might not be convinced that a celebrity, especially one who may be associated with the thematic content (Feinstein is notably gay) is unbiased or accurate. Casting a celebrity as narrator constitutes something of an exception to an otherwise expected convention in an Expository documentary, although not nearly as much a deviation as the actor-voiced letter readings of *Dear America*, which clearly function as a Poetic device. A more legitimate-representative convention is the use of original interviews conducted for the film. A viewer would construe the friends, activists and civic authorities that comprise this interview cast as witnesses, having been present during the actual events. A few of these interview subjects also appear in the archival newsreel and home movie B-roll scenes, which establishes a primary link to the actual events thereby giving them additional credibility as witnesses. This primary witness status can also be assigned to the President of the Supervisor Board who makes the announcement to the Press, and to Harvey Milk himself who makes an

appearance speaking directly to the Camera at the end of the second segment. This is a potentially a performative element but not in this case. It documents Milk's presence in the events as an observed character but also as a more realized person that speaks directly to the Camera-audience.

Milk's theme of advocacy for gay rights is implicit in its portrayal of the killing of a notable, openly gay civic leader as a national tragedy. The dramatic arc that begins with a brief presentation of a tragic event – that of the murder of Harvey Milk and San Francisco Mayor Moscone is followed by a recounting of Mr. Milk's formative years and those as an activist and aspiring local politician. This positive portrayal of an amiable and determined man is followed by a series of events characterized by controversy, resistance and conflict – a consequence of Milk's advocacy for and representation of maligned or marginalized social groups. The second half of the film following Milk's "assassination," as stated by the narrator voice-over, relates the saga of a community in mourning followed by outrage as the confessed killer is exonerated by the court and sentenced to the lesser charge of manslaughter. Opposing perspectives are largely absent confined to brief excursions by the narrator into biographical territory about Milk's killer, Supervisor Dan White, that portray him as a dedicated politician and family man concerned with upholding traditional civic values. These brief recitations of personal detail serve to launch descriptions of conflict with White's colleagues on the city council, especially Milk and Mayor Moscone, determined to advance a more progressive civic agenda. The commentary provided by the original interview subjects is generally flattering of Mr. Milk. They provide detailed and poignant anecdotes colored with varying degrees of emotion. One notable interview is that of a blue-collar, union officer who states "I thought to myself, how are we gonna support a fruit? And then I realized that this guy cared about all of us." This comment, made by someone living

outside the lifestyle spectrum of Mr. Milk, provides a more universal perspective that serves to substantiate the viewer's sympathetic response to the advocacy promoted by the film.

PBS Documentary Programming: 1986 - 2005

Independent producers, who had voiced their concerns at the 1985 roundtable conference on the future of independent documentary programming on public television, continued to push for prime-time broadcasts of their films citing, among other things, the Carnegie Commission report that was presented to Congress prior to passing the Public Broadcasting Act in 1967. The Commission proposed that the public network provide "...programming outside the habits of its central demographics, so that it might establish a more active relationship with both minorities and those concerned with a broader citizenry."¹²⁴ Despite these contentions regarding the mission of public broadcasting, the institutional character of PBS was changing. The "culture wars" that began with Nixon, who declared in 1973 that PBS reflected East Coast cultural elitism, continued with Presidents Reagan and then George H.W. Bush who accused the network of being "arrogant, liberal, subversive." By 1995, only 14 percent of PBS program funding was public.¹²⁵ Consequently, programming from 1985 through 1993 reflected the push for less controversial programming. According to Barry Chase, VP of News and Public Affairs in the 1980s, this was a "predicament, since the system was expected to be a paragon of traditional journalistic integrity and a playground of free expression."¹²⁶

In a calculated act by PBS to accommodate independent documentary programs and to avoid the scrutiny and criticism of authorities opposed to the public funding of programs whose treatment of subjects fell outside the norm of network television (journalistic) standards, the independent documentary series *POV* (Point Of View) was established in 1988. With funding

coming from ITVS,¹²⁷ which was supported by the McArthur and Ford Foundations and the National Endowment for the Arts, the *POV* documentary series would accommodate independently produced programs that did not conform to standards imposed by *Frontline* - the de facto documentary series on PBS. According to *Frontline* executive producer Mark Fanning, independent documentaries were often rejected "...because they did not fit the journalistic or aesthetic standards of the series."¹²⁸ Due to the limited and inconsistent funding by ITVS, the *POV* series only managed to broadcast from ten to fourteen documentaries per season, many of which were controversial. The more contentious films coupled a social-issue theme with a strong first-person narrative voice. Adopting a first person narrative, something that most *POV* documentaries do, may disqualify a program that is controversial since this presentation style raises concerns about validity/credibility. The third-person narrative style of *Frontline* documentaries better served controversial themed documentaries since this "value added" journalistic convention offset the suspect material that might not otherwise be considered fair and balanced. The placement of an authority figure in the world at large, instead of a studio or boardroom, disarms that authority (or at least puts them on even ground) by placing them in the thick of the drama along with the other "social actors." The more contentious films coupled a social-issue theme with a strong first-person narrative voice. *POV* documentaries *Dark Circle* in 1989 and *Tongues Untied* in 1991, respectively addressing nuclear hazards and homosexuality in African-American culture, were both challenged because of their singular perspective and graphic presentations of potentially offensive material.¹²⁹

Aside from the *POV* series, non-fiction programming in the late 1980's and well into the next decade was represented by established series hosted by familiar newsmen such as Peter Jennings and Bill Moyers.¹³⁰ The network eventually created a second documentary series that would

exclusively feature independently produced documentary programs. *Independent Lens* was launched in 1999 and would feature a greater variety of non-fiction productions than *POV* and would be underwritten entirely by the (government funded) ITVS. By 2003, the new series broadcast 29 independently produced programs, some of which could be characterized as representing an alternative voice but mostly in the presentation of cultural narratives concerned with lifestyle, music and art.¹³¹ While such narratives often referred to controversial social issues they did so by framing them within a context of personal experience related to domestic and leisure activities. The series broadcast *Enron: The Smartest Guys in the Room* in 2006, even though its topic was potentially divisive (being critical of corporate business practices and deregulation) because its claims had been previously validated by a best-selling book, and it conformed to network mode standards by using Observational-Investigative mode conventions.

At the time of *Milk's* broadcast on PBS in 1985, *Dark Circle* was rejected because its subject was related to national security issues and because of its mode of presentation. "It fell outside the conventional (at the time) media frame of separating the various components of the nuclear industry (the filmmakers lumped them together."¹³² PBS did broadcast the film on *POV* four years later only after it first aired on a commercial network (WTBS).¹³³ By then, the film's thematic contentions had been substantiated by mainstream media.¹³⁴ Its Participatory-Observational mode of presentation relegated it to a non-prime time broadcast as a *POV* program. It is plausible that the film's subject matter, if presented in the *Frontline* format, would be deemed less controversial and suitable for prime time broadcast. Non-fiction programming in the late 1980's and well into the next decade was otherwise represented by established series hosted by familiar newsmen such as Peter Jennings and Bill Moyers.¹³⁵ The network's most popular documentary series at the time, *The Civil War*, garnered a 13% audience share (14

million viewers) in the month it was broadcast.¹³⁶ The series was both stylistically and thematically static – a detailed, orthodox history lesson related with archival photos, talking-head interviews and officious narration. This series, which would be followed by several more from producer Ken Burns, represented a move toward a larger, more amorphous audience by a network weary of the controversy and decreasing funding largely due to controversial programming.

PBS created a second documentary series that would exclusively feature independently produced documentary programs in 1999. *Independent Lens* would feature a greater variety of non-fiction productions than POV and would be underwritten entirely by the (government funded) ITVS. In 2003, the new series broadcast 29 independently produced programs. In 2006, Independent Lens placed *Enron: The Smartest Guys in the Room* on the broadcast schedule along with documentaries about Gaza, crossword puzzling, Chinese voting, and a Cuban pop singer.¹³⁷ *Enron* was one of a handful of films on the broadcast roster of 27 films that directly addressed contemporary social issues – corporate malfeasance and trade deregulation, among others.

Enron: The Smartest Guys in the Room Analysis

Enron is a feature-length documentary that details the largest corporate scandal in US history. It examines the collapse of the Enron Corporation, an energy trading company, by following the illegal operational actions and consequent criminal prosecution of many of its leaders including the CEO. As a social issue documentary, *Enron* illustrates the perils of corporate greed and market deregulation by presenting the financial and human consequences of these activities and conditions. I have used the same analytical scheme to identify the style conventions employed by the *Enron* filmmakers as used in my analysis of *Milk*. An examination of two of the film's

segments will establish the mode of representation by identifying aesthetic characteristics in three categories: pictorial, aural and narratological. Observations about color, framing, camera motion, shot arrangement, music, sound effects, voice/narration and audio mix are made along with narratological variables including the source and tone of the narrator and the manner in which it is used. As demonstrated by this first analyzed segment, producer/director Alex Gibney uses the familiar conventions of Expository documentary filmmaking to create *Enron*. Like *Milk*, the film utilizes several sources of pictorial and aural elements in its linear presentation of events leading up to the collapse of a major American corporation and the loss of billions of dollars by stockholders and employees: music score, original A-roll and B-roll, voice-over narration, archival (newsreel) A-roll, B-roll, photos and voice-over. Actor Peter Coyote lends an officious voice to the film by virtue of his narrator role in the documentary/educational series *Understanding* (2000 - 2004) on Discovery Network and *The War in Color* (2002.) A thinly orchestrated music score that establishes an ominous mood accompanies Coyote's voice in the first minute of the two-minute segment.

(Scene 1) 0:05:25 – Music Up (score,) VO Narrator “Ultimately, who was responsible for the downfall of Enron.”

Original B-roll - LS of shiny glass exterior of two corporate office towers. Clouds in background move at accelerated motion.

(2) 0:05:30 – SFX Up (trading room activity,) VO “Only a few years ago, Enron was one of the world's largest corporations valued at almost 70 billion dollars.”

LS interior of large, very lavish conference room. Camera tilts down from ceiling to floor.

(3) 0:05:40 – VO “Pundits praised the company as a new business model.”

LS interior of empty modern, very large trading room.

(4) 0:05:42 – VO “This trading room was manned...”

MCU of trading room, different angle.

(5) 0:05:46 – VO “...by Americas best and brightest charting the futures of energy and power.”

MS empty trading room, different angle, and Camera fast dolly.

(6) 0:05:52 – VO “And high above each with a private staircase, Ken Lay and Jeff Skilling had built their own plush staterooms. They were known as the smartest guys in the room.”

MS of lavish staircase, Camera tilts/booms up.

(7) 0:06:00 – VO “Captains of a ship, too powerful to go down.” Music and SFX Out.

LS trading room, low angle.

The narration present in this segment (and throughout the film) presents a litany of statistics on pre-collapse Enron punctuated by original B-roll visuals that illustrate abandoned workplace.

The gleam is still present on the now unused staircases, conference rooms and domed skylights of the palatial, contemporary Enron building complex. A contrary mood is established by using these shots of a forsaken workplace instead of archival scenes of the environment while the

business was thriving. Using such a convention is not uncommon in both

Historical/Observational and Expository narratives to give physical context to voice-over information otherwise disassociated with a subject’s time and place.

In addition to the narrated voice-over with accompanying music and B-roll of these first 30 seconds, the following minute and a half introduces archival source elements in the form of newsreel A and B-roll. Scene eight, a series of shots featuring a government official questioning an Enron executive, is a standard news-video convention of forward and reverse angle medium close-ups that create a literal, linear sequence of synchronized picture and sound. Much like the archival scenes in *Milk*, these scenes function to introduce the principal characters in the

narrative, in this case, those complicit in the Enron scandal. There is a stronger veracity to these A-roll scenes as the characters are not passively observed with information provided by a narrator (as in the *Milk* B-roll scenes) but speak for themselves while responding to a news interviewer or government official during an inquiry. These primary sources of information are qualified and elaborated on by the Narrator in scene ten, which also serves to set up another sequence of archival A-roll further substantiating the Narrator's inferences.

(8) 0:06:10 – OC Official “In the Titanic, the Captain went down with the ship. At Enron, it looks like the Captain first gave himself and his friends a bonus,”

Archival Newsreel - MCU Government Official at Enron hearing.

(9) 0:06:15 - VO official “then put the top folks down in the lifeboat then hollered up and said by the way, everything's gonna be just fine.”...”

MCU of Skilling at hearing, starring up at Official. MCU Official.

(10) 0:06:20 - Music Up, VO Narrator “Like Skilling, Ken Lay said he hadn't done anything wrong. Beyond the financial issues, some suspect a political conspiracy. Enron had been the largest contributor in the presidential campaign of George W. Bush.”

Archival Newsreel - MS inside parking garage. Ken Lay exits vehicle and walks toward Camera. He responds to off-camera newsman then moves away from Camera, which follows him.

(11) 0:06:45 – OC Bush “This is not a political issue. It is a business issue. Enron had made contributions to a lot of people around Washington DC. If they came to this administration for help, they didn't find any.”

MS President George Bush at press conference.

(12) 0:06:54 – OC Hollings “To say no help is like, ah, I did not have political relations with that man Mr. Lay.”

MS Senator Fitz Hollings (w. title supered)

(13) 0:07:02 – VO News Interviewer (ominous Music continues) “What about the fact that George Bush calls Ken Lay “Kenny-boy.”

Archival B-roll - MS of Ken Lay in casual clothes walking in a park setting.

(14) 0:07:05 – Linda Lay “That’s my nickname for my husband, which he overheard.”

Archival Newsreel – MCU of Linda Lay being interviewed by newscaster.

(15) 0:07:10 – OC Interviewer “So, it wasn’t original with the President?” VO
Linda Lay “Certainly wasn’t.”

MCU Interviewer conducting television interview.

(16) 0:07:14 – VO Interviewer “According to published reports, you husband earned about three hundred million dollars in compensation, in stocks, from Enron over the last four years. What happened to all that money?”

B-roll of Ken Lay at desk working.

Archival and original A and B-roll shots are arranged to serve a rhetorical purpose – that of persuading the viewer that the characters are players in an elaborate and conspiratorial scheme. This is a literal presentation of details that supports the filmmakers’ claims in a narrative with an ending that becomes a forgone conclusion. The details of the events, not the presentational form, serve to pique the viewers’ interest as the criminal misdeeds of the Enron executives are revealed, with each successive act exceeding the previous one in degree of criminal severity. There is a thematic rhythm, not an aesthetic one, that is established by allowing shots to play out until they come to a logical/literal conclusion. Shot lengths vary significantly in a manner seemingly inconsistent with any aesthetic strategy that might serve to affect a viewer’s emotional response. There are a significant number of edits in the two-minute segment with elements drawn from nine different sources. The forty shots and nine sources in this timeframe should manifest a hyper-kinetic effect but a literal continuity persists because of the absence of a pictorial-aural rhythmic strategy. Applying this literal strategy by employing the Expository convention of juxtaposing archival news sources with supporting original B-roll that corresponds

to and otherwise supports an original narration, effectively serves the rhetorical mission of the film.

In the second analyzed segment, these sources are supplemented by an additional pictorial element – scenes that are original recreations of historic events. The music score continues but with a shift in tone that now conveys a cunning mood in place of the former ominous one. This tone more suitably accompanies a chapter in the narrative that details specific exploits of Enron traders that substantiate the characterizations of Enron executives drawn earlier in the film. Again, the score serves the Narrator’s voice-over that continues to deliver specific details about the continuing unethical and illegal activities of Enron executives and their subordinates. Following the first half-minute of narration is archival voice-over of the Enron traders engaged in manipulating the recently unregulated California energy market. These passages, from acquired Enron audio recordings made during actual telephone transactions, are represented with both aural and pictorial elements. We hear the actual voices of traders accompanied by visual transcriptions of the conversations superimposed over recreations of artifacts (shuffling documents, spinning tape recorder reels) that suggest or represent the process of the event. These transcriptions, that include the names of the speaking traders, are presented in news print format (scenes five, seven and ten) are interspersed with shots of Enron memo documents. In scenes three and five, phrases and words are isolated from a memo passage and presented in extreme close-up for dramatic effect. This layered aesthetic of authentic-actual and metaphoric shots serves to provide dense information in a compelling and pleasing manner.

(1) 1:06:06 – Music Up (sly, New Orleans jazz) VO Narrator “One of the smartest guys at Enron was Tim Belden who ran the West Coast trading desk.”
VO (former Enron) Trader “Tim Belden was a fervent believer in the idea of free

markets and, as such, he spent hours poring over the new rules for the deregulation of California's energy industry..."

Black and white photo of Belden. Camera zooms to ECU of eyes.

(2) 1:06:25 – SFX Up (paper shuffling,) VO Trader "...looking for loopholes that Enron could exploit to make money."

Dissolve from Face to CU of documents being corner-shuffled.

(3) 1:06:27 – VO Narrator "He found plenty. After the bankruptcy, a confidential memo surfaced revealing the names of Belden's strategies to gain the California market: Wheel Out, Get Shorty, Fatboy,

MCU Enron memo document - flat to Camera, Cut to CU of document with names and *traders strategies in California wholesale power*. Cut to ECUs of strategy names in succession: *Wheel Out, Get Shorty, Fat Boy*.

(4) 1:06:37 - VO Narrator "Recently, audio tapes of the Enron traders were discovered."

MCU (original) of dimly lit reel-to-reel tape recorder with glowing red time readout lights and rolling tape. Camera Pans.

(5) 1:06:47 – Music Up, VO Enron Traders (from audio archive) "What do you wanna call this project?" "Probably should have a catchy name for that." "How about something friendly like Death Star?" (laughter)

MCU continues with Camera Panning. Transcription of the archival VO is superimposed along with the names of those speaking (on the tape.) ECU *Death Star* on document.

(6) 1:06:57 – VO Narrator "The tapes revealed Enron's contempt for any values except one – making money."

CU tape recorder reel spinning in slow motion.

(7) 1:07:06 – VO Enron Traders "Hey John, its Tim. Regulatory is all in a big concern.... He just steals money from California to the tune of ..." "Could you rephrase that?" "Ok, he *arbitrages* the California market to the tune of a million bucks or two a day." (laughter)

CU continues. Super VO transcription and names of traders. Dissolve to superimposed image of power lines in background of tape reel shot.

(8) 1:07:26 – OC former Enron trader "An arbitrage opportunity is defined to me as any opportunity to make abnormal profits. I was told a good trader is a creative trader - one who can find arbitrage opportunities."

MS, off-center framing, of former Enron Trader seated in contemporary conference room with stylized lighting. Cut to CU.

(9) 1:07:45 – VO Narrator “One of those opportunities was called Ricochet.”

ECU Enron document with *Ricochet*. Background dissolved to spinning tape reel.

(10) 1:07:48 – VO Enron trader “I’ll see you guys. I’m taking mine to the dessert.”

Enron archival B-roll – MCU of workstation in trading room. Back of worker’s head with computer screens. Super transcription of VO along with trader’s name.

(11) 1:07:51 – VO Narrator “In the midst of the energy shortages, Enron Traders started to export power out of the State. When prices soared, they brought it back in.”

MCU top of trader’s head with computer screen in foreground. CU trader’s earpiece with flashing indicator light. MCU trading room, Camera moves quickly from monitors to over shoulder of trader.

As in the first segment, there are a significant number of edits in these two minutes – 36 from nine different sources. Two additional sources/elements are the super-imposed phone transcriptions and recreated B-roll scenes. Compared to the three to four second intervals of the B-roll recreations that comprise most of the segment, the opening still photo of the Enron trader persists for twenty seconds as the Narrator’s voice, then that of a former Enron trader, identify and characterize the photo’s subject-person. Following this, the edit pace increases significantly creating a montage of sounds and images that lend an almost abstract quality to the portrayal of several Enron traders. This expressive convention is a deviation from an otherwise rote process of applying Expository conventions. Also integrated into this sequence of elements from already numerous sources is an original A-roll/interview shot of a former Enron trader, who substantiates the content of the trader phone transcriptions and the claims made by the Narrator voice-over.

Like the original interviews featured in *Milk*, this functions as Participatory convention typically associated or used in conjunction with Expository-Investigative documentary conventions.

The preceding analysis of aesthetic elements identified and defined in these two segments is consistent with my narratological analysis. The impressions created by the arrangements of pictorial and aural elements drawn from multiple sources are substantiated with specific information presented by the voice-over narration. This convention, in which a narrator speaks directly to the viewer, is elemental in an Expository mode of presentation, similar to that utilized by the *Milk* filmmakers. Like that film, *Enron* is a recounting of historic events in a linear manner with both archival and original-contemporary voices providing testimony of the events. This is a collective of voices from diverse sources: narrator and interview subjects, and the social actors from news archives. The dominant voice is that of the narrator, which provides an authoritative structure required of a rhetorical work. The narrator tells the story of the collapse of an American business institution using previously released documentation from news sources and a best selling book of the same name. This use of narration supported by testimonials from event participants and witnesses is characteristic of Expository mode although the source of the narration, an actor with minimal credentials as a documentary narrator, does not provide the same authoritative credibility of a seasoned and known news personality or expert on the film's subject. This use of a second-tier documentary narrator is less of a mode-deviation than the use of Harvey Feinstein to voice *Milk*.

The more legitimate or authentic voices, a requisite of Expository-Investigative mode, are those from the original interviews conducted for the film, the archival A-roll from news sources and especially the recorded voices of Enron traders. The archival A-roll scenes of Enron

executives, operatives and family members are a direct link to the actual events, which gives them significant credibility from a viewer's perspective. This first order witness status can also be assigned to the prosecutors and professional colleagues of the accused executives who also appear in archival news sources and to the recorded voices of Enron traders. Like the archival, on-camera news reports in *Milk*, these first order observations and commentary have a referential integrity that lends a more journalistic tone to the film's voice. A pictorial-aural convention that serves to embellish *Enron's* narrative voice-collective is that of expressive montage, as illustrated by the sequence in the second segment. The original B-roll scenes that are recreations of actual events can also be defined as expressive, but their aesthetic properties lend a verisimilitude that belies their fabricated origin. Recreated scenes can possess more expressive or dramatic properties that are intended to evoke an emotional response or create a more subjective impression. The use of such a convention would be deemed inappropriate by programming authorities concerned with conformance to Expository, Observational and Participatory mode conventions as defined by the broadcast institution, which is PBS circa 2005.

Like *Milk*, *Enron* presents a social-issue theme with a diminished potential for controversy due to the latency between the event and the time of broadcast. Additionally, *Enron* the documentary was based on *Enron* the best selling book, making it an even safer choice for programmers concerned with negative reactions to a portrayal critical of the American economic system, the book having provided a priori evidence of the actions portrayed in the film. *Enron* is a convincing discourse with nary a dissenting voice to its theme of exposing unjust and predatory business practices by an elite group of corporate executives. There is an implicit advocacy for maintaining regulatory practices created to prevent malicious business activities that typically emerge in a deregulated marketplace. Such a scenario occurred, in this case, when

the Enron Corporation argued that cost reductions would result from increased competition among power-producing entities. In 1996, also under pressure from power companies, Governor Pete Wilson and state legislators passed the bill that effectively deregulated California's energy business. The Narrator's monologue consistently provides damaging evidence, making a convincing case for the guilt of Enron executives and traders. A passage from the beginning of the second segment exemplifies this strong exposition. "Rules were complicated and hard to follow. To Enron, the system was a joke, and they made sure the joke would be on California." This formal rhetoric of incrimination is substantiated by numerous inclusions of primary source testimony that not just provides literal evidence, but insight into the arrogant and calculated attitudes of the Enron operatives. An exchange between two Enron traders from second segment effectively illustrates this. (first trader) "So we fuckin export like a motherfucker." (second trader) "Getting rich?" (first trader) "Tryin to." *Enron* and *Milk* both present events illustrative of the damaging consequences of prevailing social conditions that favor an elite groups at the expense of the general population, or the status quo to the detriment of marginalized cultural groups. There is little difference between the two films in the degree of advocacy for the reformative social action and the aesthetic conventions employed to promote these narratives.

What is indicated by the analyses of these two films is that a practice of assigning specific modes of representation by PBS programming authorities had emerged. The relatively loose restrictions on (or accommodations of) non-fiction program forms that existed in the first decade of public broadcasting has been gradually displaced by a more formal monitoring and assigning of presentation modes, which could be considered a sort of pre-emptive censorship to appease authorities and fulfill expectations of an established audience. This analysis indicates little difference in the style of the two films despite the 30-year broadcast interval. Expository and to a

lesser extent Observational mode conventions were mandated by PBS for both films due to institutional conditions. The predominant aspect of these conditions - more conservative management due to the increasing scrutiny by authorities and withdrawal of public funding - lies at the heart of this stagnation of form of an otherwise evolving genre. In the following and final chapter, I define the evolution of institutional characteristics and consequent programming practices on PBS from its inception through 2005 and note how this impacted the type of documentary programs it broadcast. A conclusive summary of each film's analysis is preceded by historic surveys of the documentary genre and the television network's institutional characteristics that affect the documentary programming that these films are a representative part of. Finally, the themes of both films are further identified and related to their presentation styles.

Chapter Four: Analysis Summary, Conclusions

In this chapter, I draw conclusions regarding the institutional impact on documentary aesthetics, as characterized by the mode of presentation, based on the previous analyses of four documentary films. There are connections between prevailing documentary forms and the technical, societal and institutional conditions that exist at the time these forms are instituted. These institutional differences are at the heart of the dissimilarities between the documentary programs of the two networks. The nature of these programming practices, along with assessments about their motivations, is made with respect to each network at each end of the research interval. My objective is to relate documentary style-trends or modes of representation to institutional factors that are a consequence of changing socio-economic, regulatory and consumer/market conditions. Both the film industry and the network television industry are institutions whose conditions define the products they offer to the public. This concluding chapter summarizes how the respective institutions exercised influence over the aesthetic properties of documentary film as well as to characterize the institution with regard to its stated and realized mission. For example, I draw conclusions about whether or not Public Broadcasting is fulfilling its stated mission of providing educational and cultural programming for the American public, and to “celebrate a diverse civic life” by presenting alternative voices.¹³⁸ Similarly, I draw conclusions regarding the role of the commercial subscription network HBO as one that provides factual entertainment that may or may not include socially relevant, public affairs documentaries. Finally, the themes of the films are identified and related to their presentation styles. I also discuss the scope of this project and its limitations and potential elaborations of and applications to related research.

The Times of Harvey Milk - Analysis Summary and Conclusions

As identified and detailed in Chapter Three, *Milk* uses a variety of sources for its aural and pictorial content. Archival newsreels and photos serve to create a realistic portrayal of events, much like that of *Dear America*, and are typical for an Expository mode of representation. The black and white news photos and the 16mm color news film recording media are qualified representations of reality that convey a journalistic legitimacy expected by a viewer familiar with such works broadcast by PBS. The convention of injecting seemingly unedited newsreel at crucial moments in the narrative works as an Expository convention but also an Observational one. This Observational convention, however, is used to a larger extent and with greater effect in *Dear America*, as it constitutes all of the source pictorial material. Additionally, *Milk* supports its archival content with interviews that were filmed specifically for the documentary. This is a point of differentiation between *Milk* and *Dear America* as is the more static presentation of these elements – individual shots are more dynamic-kinetic as are their arrangements. The pictorial elements in *Milk* are arranged more for rhetorical purposes and less to elicit an emotional response, which is also typical for Expository mode.

Milk does use an original music score that contributes to the mood of the film but in a more literal sense that punctuates rather than enhances the narrative events. The mix of natural/ambient diegetic sounds performs a similar, perfunctory duty. Although a manipulation of audio elements, the aural mix leaves the viewer with an impression of authenticity and truthfulness, a crucial aspect of a credible, journalistic presentation. Likewise, the dominant audio element – narration – serves this aspect of credible/truthful presentation. The convention of

voice-over narration provides specific information to the viewer regarding the historic events of the narrative. This third-person narratological voice is elemental to the Expository mode of presentation typical of PBS and commercial television documentaries. The first-person audio sources in the form of archival news interviews further substantiate the claims made by the narration. Both are accepted narratological conventions informed by journalistic standards adhered to by broadcasters of documentary programs at the time. Somewhat of a departure from this standard is the use of an actor for the voice-over, although not nearly as much a deviation as the actor-voiced letter readings of *Dear America*, which clearly function as a Poetic device. An audience conditioned to trust the more traditional convention of using a news figure or similar authority, as narrator might not be convinced that an actor is unbiased or accurate.

Milk's mode of presentation can be attributed somewhat to the dominant style conventions of the documentary genre. Of the two aesthetic tendencies that relate to film representation - that of an artistic-expressive exercise, and that of a faithful reflection of reality or truthfulness - documentary, "due to its tradition and journalistic underpinnings, is largely comprised of the latter."¹³⁹ This tradition of associating the documentary genre with journalistic endeavors directly impacts expectations by both audiences and (cultural and professional) authorities regarding the representative forms used. Public television emerged at a time when documentary programs were an essential portion of commercial television news broadcasts. They followed a very specific formula that served the mission of institutionally mandated objectivity and were indistinguishable from television network news reports. "Objectivity became an ideal for journalism partly because of the photograph's being introduced into newspapers. The public (then) believed that photographs were objective and writers sought to emulate them in their

writing. Fifty years later, documentary film became concerned with being objective because of its association with broadcast journalism.”¹⁴⁰

The Expository and Observational conventions that characterize the cinematic style of *Milk* can be attributed to these dominant genre trends but also to public television’s institutional characteristics. The network’s stated mission of serving the public interest by presenting a broad, representative spectrum of informational programming as an alternative to commercial interests was becoming subjugated by social and political conditions. As federal funding was increasingly replaced with corporate sponsorship dollars to fund operations and program production, the institution’s economic model changed accordingly. Affiliate stations reliance on local funding pledges resulted in a less diverse audience more interested in programming concerned with local issues presented in forms less inclined to challenge middle-American aesthetic sensibilities. There was also a conflict between the network’s stated mission and its identity as a journalistic institution. Scrutiny and censorship efforts by conservative political administrations and diminished public funding further compelled PBS to adhere to the stalwart traditions of television broadcasting, specifically those governing journalistic enterprises. *Milk*’s presentation style conforms to this accepted mode-standard by virtue of its use of Observational and Expository-Investigative conventions.

Enron: The Smartest Guys in the Room - Analysis Summary and Conclusions

Twenty years following the PBS broadcast of *Milk*, another chronological narrative of a dramatic event in US history was presented in an independently produced documentary. *Enron: The Smartest Guys in the Room* tells the story of a major corporation that collapsed in bankruptcy in 2001 putting 20,000 people out of work and fleecing innumerable investors including many

employees of life savings totaling billions of dollars. Many of the corporation's leaders, including the CEO, were involved in illegal operational actions in the energy trading business and were criminally prosecuted. Like *Milk*, *Enron* was a safe bet for PBS to broadcast in prime time. Both were Academy Award winning documentary feature films with a record of previous exhibitions to appreciative audiences. *Enron* has the additional credibility of being based on a best-selling book that had previously established the veracity of the events portrayed in the film. Both films also presented their narratives chronologically using Expository-Investigative mode conventions.

Archival and contemporary (original) sources provide testimony for the contentions made by *Enron's* filmmakers. The elemental use of a narrator provides the viewer with specific information about the events in support of picture and sound elements. The archival news-source B and A-roll scenes of the narrative's primary characters provide literal, primary information. Like the archival, on-camera news reports in *Milk*, these first order observations and commentary have a referential integrity that lends a more journalistic tone to the film's voice. Many of these scenes feature characters in the officious contexts of formal hearings and testimonials that are acute validations of the contentions verbalized in the voice-over narration. Additional veracity is provided in the testimonial A-roll scenes where characters speak for themselves in response to queries from hearing officials. These primary sources of information are then elaborated on by the narrator over supporting B-roll scenes. There is a clear rhetorical purpose – that of persuading the viewer that the characters are players in an elaborate and conspiratorial scheme – in the selection and arrangement of these scenes. The use of a narrator as the dominant voice in the film is an authoritative element required of a rhetorical work. This narration, supported by testimonials from event participants and witnesses, is characteristic of

Expository mode. *Enron*'s use of an actor as the narrator is less of a mode-deviation than the use of Harvey Feinstein to voice *Milk*.

In addition to the archival images and voices of the Enron officers and traders, original interviews of witnesses and former colleagues were conducted for the film. The archival A-roll scenes of Enron executives, operatives and family members are a direct link to the actual events, which gives them significant credibility from a viewer's perspective. As in *Milk*, this is a Participatory convention typically associated or used in conjunction with Expository- Investigative documentary conventions in creating a collective of voices that combine to validate each other's claims. The few, original B-roll scenes that are recreations of events might be considered expressive, but their aesthetic properties lend a verisimilitude that belies their origin. As a point of comparison, the recreated or representative scenes in Errol Morris documentary *The Fog of War* have more expressive qualities that provided counterpoints to perspectives presented by the film's social-actors (most notably, Robert S. McNamara) that are contrary to the prevailing perspective of the filmmaker.

As defined earlier, public television's core demographic was beginning to reflect the increase in more local and less nationally syndicated programming that might have appealed to a more discriminating audience interested in programs concerned with national and global social issues often presented in an alternative manner. This audience would be more inclined appreciate programming concerned with local issues presented in forms less inclined to challenge middle-American aesthetic sensibilities. Even broad, historic narratives, if presented in a manner that would not challenge these sensibilities, would appeal to viewers already drawn to the educational and historic programming that PBS provided. At the time of *Milk*'s broadcast, the network's

most popular documentary series was *The Civil War*. Like the *Frontline* series programs, *The Civil War* is an example of Expository-Observational mode that follows the traditional, literary non-fiction Historical model. The overwhelmingly positive audience reception of this and other Burns documentaries further cemented PBS affinity for this sober model. Burns' thematic content was "safe" as was his mode of presentation – a true "discourse of sobriety"¹⁴¹ The deliberate pace and choreographed scenes of *Enron* are not unlike the static presentations of *The Civil War*. The video news scenes of the characters that populate this contemporary drama seem just as distant as those in the pan-and-scanned still photos of the one hundred and fifty year old war narrative. The kinetic values, color and texture tones are different, appropriate for the respective time frames, but the effect is similar. Other than their HD video format (versus film for *Civil War*;) the original-contemporary interviews shot for *Enron* have the same static, talking-head qualities as those of the history experts giving testimony regarding the war's events.

Despite the twenty-year programming interval, *Enron: the Smartest Guys in the Room* does not differ in presentation form in a significant manner from *The Times of Harvey Milk*, broadcast 20 years earlier. While there are Observational conventions present in both *Milk* and *Enron*, these films are characterized more by a mode of presentation akin to the traditional broadcast journalism form that predates Cinema Verite. If this (mode consistency) were typical of the primetime documentary feature programming during this same interval, it would demonstrate the network's practice of presenting works exclusively characterized by traditional Expressive-Investigative forms of representation in prime broadcast slots. Conversely, independent productions deemed by the network as being alternative due to using a first-person narratological voice or other conventions related to Poetic or Participatory modes were relegated to off-prime broadcasts, often as part of the *POV* series. The inclusion of *Enron* in the

Independent Lens series prime-time schedule (and not that of *POV*) further substantiates the network's practice of promoting independent works that conform to traditional style mandates.

Dear America: Letters Home from Vietnam – Analysis Summary and Conclusions

Documentary history prior to the 1987 HBO broadcast of *Dear America: Letters Home from Vietnam*, indicates a shift away from expressive conventions usually associated with Poetic, Participatory, and Reflexive modes that characterized these early works prior to the advent of television. To integrate with commercial television networks in an effort to appeal to the public affairs and documentary market, HBO had adopted the same broadcast journalism model as PBS for documentary programs. As a subscriber network that appealed to a more elite audience, some of whom might be migrating from public television, HBO also needed to fulfill expectations this audience might have about unique and entertaining programs that could not be found elsewhere. This meant that even non-fiction programming had to stand apart from the fare offered by commercial and public networks. The staid style conventions these networks were mandating for documentary programs would need to be augmented or replaced with alternative conventions. *Dear America* represented a modest deviation from traditional forms in that it combined the conventions of those forms with more expressive elements. The narratological voice of the film was not that of an authoritative newsman or other authority but that of the subjects/social actors whose stories were being told.

There are three distinct types of visual elements present in *Dear America*. All are archival - historical artifacts provided by both legitimate agencies and personal sources created at the time of the portrayed events. In accordance with Expository mode, these diverse, qualified representations of reality are sequenced for rhetorical purposes, not aesthetic ones. The

impressions created by the arrangements of pictorial and aural elements are substantiated with specific information contained in the voice-over narration. The montage serves the narrator's message in a literal sense - the viewer sees what is being said. As such, this is not a style-deviation from the network's documentary programming from the earlier part of the decade. However, the voice-over narration that typically characterizes Expository mode does deviate from this convention in that actors are used to represent the first-person voices of the soldier-subjects. Like *Milk*, there are first person, primary-source authorities from archival news clips. It is a recounting of historic events in a linear manner with voices providing testimony of the events, but differs in its predominant use of first-person voices to tell the story. There is no third-person voice of authority in the form of a host-narrator. *Milk's* use of a celebrity as narrator constitutes something of an exception to an otherwise expected convention in an Expository documentary, although not as much a deviation as the actor-voiced letter readings of *Dear America*. These aural dramatizations are a more expressive device than the use of a single narrator, especially one functioning as an authority, such as Ken Burns's use of Historian David McCullough as the principle voice of *The Civil War* series on PBS. Burns also used actors to represent the historic figures that played in his expansive documentary but this was a utilitarian exercise as those represented were long since deceased. The actor portrayals in *Dear America* were utilized to create a dramatic effect by virtue of the interpretive and slightly emphatic readings that might not have been possible using the authors of the original letters that comprised the narration.

This narratological aspect differs from the use of celebrity spokespeople who appear in earlier HBO documentaries. An additional departure from the expected convention is the consistent use of popular music for dramatic effect to support the mood and covert perspective of

the filmmakers – one of sympathetic advocacy for the soldiers and families victimized by an unjust war. The use of these conventions indicates that *Dear America* represents a departure from previous HBO documentary programming. Unlike the network's earlier documentary programs, the *Dear America* filmmakers supplement Expository and Observational conventions with more Expressive-Poetic ones to present the narrative.

Dear America represented a move by the subscription network to include documentary works that were thematically less cultural and more socio-political. These works were also beginning to use alternative forms in the presentation of these social issue topics. This trend opened the door to independent films that were more substantially contentious and mode-deviant than the traditional forms of earlier, HBO non-fiction programming. Such a film was *Roger and Me* that the network purchased for broadcast in 1990. This feature film was theatrically released in 1989 and is the largest grossing documentary in US history.¹⁴² It was also indicative of the difference in documentary programming practices between HBO and PBS. A crucial and very apparent difference between *Roger and Me* and *The Civil War* (PBS) is not just the nature of narratological voice but also the tone of this voice. *Roger and Me* is a story told in the 1st person. It breaks with tradition by overtly telling the filmmaker's story in (his) interaction with the players and events of the. Director Michael Moore, whose name is part of the film's title, doggedly pursues the protagonist – GM CEO Roger Smith. Moore is a character in the drama – a very active, outspoken and comical one – compared with Director Ken Burns, who remains cloaked behind the dispassionate, third person voice of *The Civil War*. The difference is between Burns' academic, sober voice and Moore's clownish, expressive one. The controversial nature of *Roger and Me* is due to the film itself being just as much the focus as the anti-establishment/corporate claims being made in the narrative. Following the expiration of HBO's

broadcast rights, *POV* picked up the documentary for national broadcast in 1992 where an estimated 3 million viewers tuned in.¹⁴³

This scenario, HBO first, PBS second, typifies the difference in the status of independent documentary between the two networks. As a commercial, subscription television network, HBO is not prone to the critical scrutiny of funding watchdogs and a complex system of hundreds of affiliate stations who, by weighing in with commitments to air or not to air, affect the network's national programming. A prior successful commercial distribution and audience acceptance of a documentary such as *Roger and Me* effectively validates and legitimizes it as an acceptable genre form. Consequently, the *POV* broadcast did not muster complaints from affiliate stations or General Motors; the corporation whose CEO is portrayed by Moore as a nefarious exploiter. Additionally, filmmaker Moore represents an independent voice and, at the time, could not be considered a cultural authority in the sense that PBS stalwarts such as Bill Moyers were.¹⁴⁴ Mr. Moore's film clearly broke with the style traditions of public affairs documentaries and, like *Dear America* before it, was the beginning of a trend for HBO. The network's public affairs, educational-informational and documentary programs and series would be voiced by on-camera social actors, filmmakers and behind the camera commentators, lending a variety of perspectives and on topics and events using more expressive modes of presentation.

Gasland - Analysis Summary and Conclusions

Prior to the 2010 HBO broadcast of *Gasland*, documentary history indicated a shift away from the commercial network-news model adopted by PBS for documentary programs and toward a hybrid model that combined multiple modes. These alternative, Poetic-Expressive forms were typically associated with the independent "alternative voice" productions that PBS and HBO

purported to provide as part of its mission or rely on to provide alternative programs that audiences want. To further differentiate itself from both commercial and public networks, HBO pushed harder in the direction of alternative presentations looking to fulfill expectations of a more elite audience looking for unique and entertaining programs.

The rise of New Documentary was a consequence of filmmakers' efforts in response to a stagnation of the (traditional) genre style-conventions. Such shifts in form constitute movements often at odds with the established genre conventions mandated by media institutions. This hybrid form that characterizes *Gasland* and other independently produced documentary programs broadcast by HBO at the end of the 20th and into the 21st Century, represents an evolution of the documentary form that began with *Dear America* and other films at that time.

One of the primary characters in *Gasland* is Josh Fox, the film's Director. Mr. Fox shares the screen with numerous social-actors who bear witness to the actions of oil company leaders and minions who relentlessly pursue profits to the detriment of landowners and the general public. The film is similar to *Enron* (PBS) in that they both use Expository and Participatory conventions but *Gasland* enters a Performative realm because of the expressive quality of the filmmaker's engagement with subjects while vividly addressing the audience.¹⁴⁵ Mr. Fox is the predominant voice of the film as narrator, subject and filmmaker whose message is validated by the point-and-shoot aesthetic of his hand-held camerawork that lends eyewitness immediacy to the recorded events. Presenting personal experiences and situations is typical of independent fiction and non-fiction narratives and Mr. Fox injects himself as a central character in the narrative. He, and the numerous social actors he interacts with, function to define their own unique social and cultural experiences that ultimately draw attention to an important social topic.¹⁴⁶ A personally subjective documentary form, using social actors (including the

filmmaker) telling their personal story, can give credence to social issues without overtly presenting them.

The pictorial elements of *Gasland* include only live-action A-roll and live-action B-roll scenes shot specifically for the film. No archival scenes are used. Much of this material is Observational in that it features social-actors either addressing one another and the filmmaker or performing tasks without commentary. As such, they are providing narrative information as observed subjects in the tradition of Cinema Verite. There is an inchoate legitimacy to these scenes in that they have an amateurish quality unlike the more formal compositions of the archival newsreel scenes that dominate *Dear America* or the static interview scenes of *Enron*. These images are additionally characterized by their framing, which is persistently close-up. Also relevant is the textural quality of the image produced by the DV camera used to shoot most of the film's scenes. Such a camera produces less resolution and color accuracy than broadcast quality SD or HD cameras typically used for television programs. The variable focus, kinetic value, and enhanced digital texture contribute to an abstract, impressionistic aesthetic that is both illusory-imaginative, which a viewer might find more pleasing-engaging, and immediate-indexical, which lends credibility due to an association a viewer would make with home video recordings.

Scene arrangement also reflects a Poetic disposition concerned more with rhythms and patterns, albeit seemingly random at times, rather than establishing temporal and spatial continuity. Sonic elements are also from numerous sources perpetuating the abstract effect and consistent with a Poetic mode of representation. These values typically evoke a response from the audience that is more emotional and less rational than the more conventional pictorial values

present in Expository mode documentaries. This differs significantly from the prosaic qualities of the shots and their arrangements of *Enron* that are the more expected representations of reality. The visual and sonic tapestry of *Gasland* would be a radical departure from the norm of PBS documentary fare, as would the first person voice provided by the filmmaker. This was apparently not the case for HBO, again due to the network's mission of appealing to a more discerning, sophisticated audience also interested in documentary programs that present relevant social issues such as the environmental, corporate-critical themes of *Gasland*.

Josh Fox presents the *Gasland* narrative by combining Expository, Participatory, Poetic and to a lesser extent, Performative mode conventions – a practice typical of New Documentary practitioners. The fluid and seemingly spontaneous effect is appealing and playful making the audience experience both convincing and enjoyable. The Participatory mode convention of on-camera interviews used sparingly in *Dear America*, is omnipresent in *Gasland* often executed in very informal contexts that include references to the filmmaker (and the process.) This presence and personal connection to events conveys additional legitimacy by virtue of the filmmaker's a posteriori knowledge. The use of these varied conventions makes *Gasland* a more complicated, rich narrative proposition than if it were a carefully crafted exercise in Expository representation only. As is the case with *Roger and Me*, the voice of *Gasland* is that of the filmmaker who is placed squarely in the narrative. His literal voice (and visage) serves to provide facts and commentary as both character and narrator – witness and authority. A genre equivalent would be the New Journalism movement in print journalism that emerged in the late 1960s. The style's subjective perspective and literary techniques subjugated the objective presentation of events to a more amorphous quest for truth, as the author perceived it. Like Cinema Verite, New Journalism represented an alternative voice that relied on a strong sense of keenly observed place. It differed

in its use of a first-person voice often present in the narrative events not unlike that of Reflexive or Participatory documentary forms. In this sense, and in its use of fictional devices to dramatically emphasize themes, it was more akin to New Documentary.

Similar to the reaction to both Cinema Verite and New Documentary, stalwart media institutions determined that this new form did not provide the objective veracity required of a genre expected to accurately portray historic events and actions, especially those pertaining to social issues. The perceived subjective perspectives and expressive style conventions did not fulfill these mandates and otherwise confused the issues being presented.¹⁴⁷ New Documentary filmmakers contend that the adoption of modes not typically associated with the genre does not necessarily represent the abandonment of truth seeking but a recognition (by the filmmakers, audiences and media institutions) that truth is relative, subjective and determined by multiple contexts and that fiction and non-fiction film forms are no longer mutually exclusive. *Gasland* presents a socially relevant and potentially contentious theme in the context of an alternative form. HBO's practice of including independently produced New Documentary programs is testament to the network's mission of providing alternative, exclusive entertainment and reflects its evolving institutional character.

Conclusions Summary

It is important to note that the categories of representation used in this analysis are products of both the filmmaking and critical processes. Identifying techniques or conventions that a filmmaker knowingly applies to the production process is a means to identify a film's style and aesthetic properties. Comparing these sets of conventions to those of other documentary films in the same historic interval and tracking their use (and disuse) over time establishes trends and

practices within the institutions that ultimately display these works to the public. This dialectic indicates an evolutionary process where “new forms arise from the limitations and constraints of previous forms and in which the credibility of the impression of documentary reality changes historically.”¹⁴⁸ New modes, such as New Documentary and Cinema Verite before it, convey a fresh perspective on reality when the traditional modes of representation become increasingly familiar and perhaps suspect as legitimate or relevant perspectives. The conundrum, especially for a traditional institution such as PBS, is accommodating contemporary documentary modes while placating the cultural authorities and traditional audiences that require the established style conventions that satisfy their notions of truthful-objective presentation. Conversely, HBO programmers need to balance providing entertaining programs for a discerning audience with satisfying a genre requirement of journalistic inquiry.

I have remarked on the notable differences in the institutional conditions of HBO and PBS and the consequent programming practices and style mandates for documentary programs. Both services rely on independent producers to provide these documentaries, and they both place them in the framework of series installments, with PBS more deliberately so for reasons previously stated. Independently produced documentaries are especially problematic as they represent voices from outside the institution and, as such, do not possess the level of authority inherent in the sanctioned members of the broadcast institution responsible for internal productions. The crucial difference between the two networks regarding documentary programming is the presentation style of such films.

As I have demonstrated, the aesthetic conventions that characterize a PBS documentary conform to more stringent journalistic conventions than do ones playing on HBO. *Dear America: Letters Home from Vietnam* and other independent documentaries broadcast at that

time was a moment of inception in HBO's expanding role in providing unique televised media in an expanding market. The film seamlessly and subtly blended Poetic with traditional Expository conventions. Twenty years later, *Gasland*, pushed farther into Expressive mode territory, in sync with the evolving documentary genre, using Reflexive and Participatory conventions to create a hybrid form that was an expressive and impressionistic collage of visual and sonic elements from a variety of sources. Since the broadcast of *Dear America*, HBO programmers have succeeded in navigating into the programming waters of PBS, and beyond. In addition to the historical and cultural non-fiction programs and series, the network supplemented its roster of cultural non-fiction programs with social issue documentaries that, by 2010, numbered 40 airing in prime time slots on two channels. In accordance with the network's practice of offering alternative entertainment, these programs utilized the expressive forms that characterized the New Documentary movement that *Gasland* is clearly part of.

The institutional culture of the former boutique enterprise significantly changed following the merger with media giant Warner Communications. HBO expanded its brand to include documentary properties that would work in multiple media markets beyond their network programming. In comparing my analysis of *Milk*, broadcast in 1985 on PBS, with that of *Enron*, twenty years later, I concluded there was a significant similarity in their production styles, and that such a similarity does not reflect the ongoing style shifts that characterize cinema forms. PBS, as a television broadcast institution, changed significantly from 1980 through 2010. It came to reflect a more conservative mandate regarding both form and content resulting from the shift in program funding from public to private. The significantly diminished federal funding resulted in the network looking to private donations to fund its programming. Consequently, programming became less national and more local as programming managers at affiliate stations

looked to appeal to a local, broader-based audience. This also meant that stations needed to appeal corporate underwriters that were less inclined to be accepting of potentially contentious alternative programming that might appeal to a smaller, more specialized audience. Network demographics were shifting toward viewers less inclined to appreciate forms that challenged middle-American aesthetic sensibilities. Documentary programs continued to include independent films concerned with relevant public issue topics, but the accepted modes of presentation did not shift in line with the documentary genre that had evolved to accommodate a stylistic diversity increasingly inclusive of expressive conventions. The network remains committed to presenting relevant social issue narratives that are often contentious, but is far less inclined to accommodate alternative perspectives in the form of presentation style provided by independent filmmakers.

PBS, as long-lived, iconic television network, perceives a responsibility to an established, loyal audience, or at least a financially driven motivation to appeal to an established funding base – members who pledge. The network continues to be responsive to regulatory and critical restrictions because of its public institution status, although less so since its inception due to the near complete diminishing of public funds from its operating capital. A diminished political-administrative scrutiny has been replaced by that of corporate sponsors and individual underwriters equally at odds with alternative or politically contrary perspective. This more expansive group of critics and authorities are similarly inclined to diminish national programming that has an “East-Coast liberal bias” that, according to officials dating back to the Nixon administration, had come to dominate national programming in public affairs.¹⁴⁹

The answer to the question “has PBS ventured from its original mission?” is a qualified “yes.” In 1967, the Public Broadcasting Act established two institutional bodies, the Corporation for Public Broadcasting and the Public Broadcasting Service to separate business administration from programming and operations, and to thwart government interference and the formation of a “fourth network.”¹⁵⁰ This ideal was never realized and a pattern of interference and defunding was set in motion. Various Telecommunications Financing Acts in the late 1970s and the PBS Amendment Act in 1981 ultimately allocated the majority of PBS funding dollars to local affiliates, setting the wheels in motion for corporate and individual funding of the network. The “public” component of the network was significantly eroded. The contemporary institutional financial and organizational structure of public television and the tradition of rigid journalistic conventions for documentary programs make it problematic for the network to fulfill its obligation to provide a forum for diverse and alternative voices. “Without federal funding and dependent on a mix of private funds from corporations, foundations, and private donors, public television’s promise as a vital forum in our democracy will remain unrealized.”¹⁵¹ Conversely, the network’s inventive strategy of establishing documentary series’ that feature independent documentary programs indicates a continued willingness to accommodate diverse perspectives. The critical difference is that the films distinguished by alternative, expressive conventions are placed in out-of-core programming slots.¹⁵² As noted in Chapter Three, this was not the case with feature documentaries the network presented in the 1970s.

Style, as Related to Content

My concluding remarks in Chapter Three include identifying the thematic content of the analyzed PBS documentaries. *Milk* was potentially controversial but by the time of the prime-time broadcast of the film on PBS in the fall of 1985, gay rights activism was familiar and had

become a tacitly accepted social movement. Additionally, the film's Academy Award winner status and use of traditional modes of representation that framed its topic in a historical-biographical context, the film was a safe bet for PBS programmers acutely concerned with negative reactions. *Enron* also presents a social-issue theme with a diminished potential for controversy due to the latency between the event and the time of broadcast. Additionally, *Enron* the documentary was based on *Enron* the best selling book, making it an even safer choice for programmers concerned with negative reactions to a portrayal critical of the American economic system, the book having provided a priori evidence of the actions portrayed in the film. While it did incorporate some expressive conventions, *Enron* was ultimately more confined with regard to form because of its more contentious topic. For these reasons, both films qualified for prime time broadcast – *Milk* as a stand-alone independent feature and *Enron* as an installment in the *Independent Lens* series, which isolated it from the more distinctive (and scrutinized) public affairs programming such as *Frontline*.

The PBS strategy of creating series that showcase independent documentaries and strategically placing them outside of the core programming relates to an additional analytic consideration of how a film's thematic content might impact its presentation style. Institutional mandates regarding a film's voice – its mode of representation – are vying for *legitimacy* as determined by audience and authorities.¹⁵³ A narrative can be controversial by presenting a topic that will polarize opposing factions but it can be acceptable if it conforms to style standards set by the institution and expected by the audience. Within the institutional realm of PBS, credibility in the minds of governing and cultural authorities can be established by adopting conventional methods. The difference is often that between what might be considered a perspective of opposition or advocacy and something more akin to expositional or even explanatory. “Attaching

a particular text (mode) to a traditional mode of representation may well strengthen its claims.”¹⁵⁴

As noted at the end of Chapter Two, The dominant theme of *Dear America* is a sympathetic portrayal of Vietnam War soldiers as victims of an unjust military action by the United States. HBO included the film in its core programming even though its singular perspective on a contentious event in US history was a deviation from the thematically neutral perspectives of earlier HBO documentaries. This was a significant step in the direction of presenting controversial topic from a singular perspective - that of the social actors in the narrative – dramatically voiced by actors interpreting sections of original correspondence selected to support the filmmakers’ claims. *Gasland*, likewise, promotes a controversial claim harshly critical of corporate enterprise that victimizes the public, and the political-economic system that supports these practices. The various landowners and public functionaries are portrayed as helpless victims or ineffectual authorities and the gas company operatives as either malicious or in denial of the deleterious effects of their actions. The film’s radical departure from traditional documentary form did not deter the network from broadcasting the film in prime time. The positive response by audiences and critics compelled the network to contract with the filmmaker to produce a sequel – *Gasland 2*.

This aspect of how a film’s thematic content is related to its style prompts a final consideration in defining the institutional impact on documentary. Programming practices that designate a particular form as being appropriate (or not) to a film’s topic are indicative of that institution’s perspective on documentary function or purpose. As a thing that is produced for and sold in a marketplace, documentary films are a commodity with varying degrees of use and exchange value.¹⁵⁵ With its stated mission of providing education and information, free from the

bias of commercial enterprise, to a democratic society, public broadcasting programs would be considered as having a strong “use value.” Productions are journalistic inquiries and projects of democratic civics with little or no requirement for financial gain. Commercial networks may also define their documentary programs as such but may also characterize them as having alternative perspectives and, especially in the case of subscription networks, function as diversion or pure entertainment. The use value of these programs would be diminished, offset by their strong “exchange value.” The purveyors of New Documentary works would posit that the form has evolved to incorporate any and all cinematic conventions and still function and still perform journalistic duties of inquiry and exposition. Their expressive modes of representation support a contention that the truth of events and actions are subjective, and often compete with the perspectives of other individuals and groups regarding the same events.¹⁵⁶ Pictorial and sound components that are created and arranged in a pleasurable manner do not necessarily detract from a film’s truthfulness but instead combine with expositional-observational elements to form a “charged real.”¹⁵⁷

Research Limitations, Relevance

I cannot unequivocally state these four films typify both network’s prime time documentary offerings but programming surveys at the respective interval points indicate that this is likely. A more relevant limitation of this research is the confinement of comparative analysis to the documentary offerings of only two television networks. A more comprehensive analysis and concluding theories regarding documentary aesthetics would be inclusive of additional subscription commercial networks and outlets and the burgeoning Internet marketplace. Critical considerations of the documentary form will continue to include analysis of aesthetics as well as

content. Future research on documentary aesthetics must consider the relevance of the New Documentary hybrid form and its status as an accepted mode of representation. Will it follow the trend of New Journalism as something ultimately rejected by mainstream media and relegated to fringe media? As a dominant media institution, HBO's acceptance of this form constitutes a legitimacy and status that is not outside the dominant realm of (documentary) discourse.¹⁵⁸ PBS has also accommodated the form but continues to relegate such programs to off core programming timetables.

As mentioned earlier in this chapter, much of the discussion regarding the pivotal documentary *Roger and Me* focused on the film itself - its mode or representation – and away from that of its thematic content, although it is difficult to disassociate one from the other. Critics and journalists critical of the film's form and subjective perspective missed the point that this was a new form with the same objectives as the traditional forms that addressed similar topics. It was the agenda that was different.¹⁵⁹ New Documentary takes a considered step in the direction of using the strategies of fictional construction to present more subjective truths. This tends toward auteur and away from realist theory and practice and is thereby defined by an examination of style conventions that are personally, culturally, and institutionally determined. Practitioners are less inclined to present traditional social issue themes as they are with adopting contemporary cinematic trends that will elicit a stronger response from the audience.

The relevance of this research lies in the recognition that media conventions - in this case, conventions that characterize documentary forms - relate to audience perceptions of veracity and authenticity regarding those forms considered to be journalistic. Identifying shifts in documentary conventions and themes is key to understanding how such programming evolves to

serve both the marketplace and the ideological and regulatory mandates imposed by media institutions. This understanding is instrumental for audiences as they negotiate the documentary programming landscape and make determinations about what constitutes truthful or authentic exposition, and for documentary practitioners making determinations about what conventions to apply to their productions relative to their broadcast destinations. The program analyses and conclusions presented here apply to the spectrum of public affairs programs presented by two television networks. However, as the media becomes increasingly convergent and audiences more fragmented, the considerations of this research might also be relevant in assessing the impact of institutional mandates of emerging media outlets on documentary form.

Cinema is popular, narrative art and, as such, is fluid in its forms of presentation to reflect the ambitions and creative impulses of practitioners and to remain relevant and appealing to its patrons/viewers. Story formats in television documentary have undergone change and intensifications in the last twenty years as part of the genre's requirement to increase viewing enjoyment within the circumstances of stronger competition and an increasingly diverse audience. Attention to documentary varieties and to the particular kinds of viewing experience they offer need to be an ongoing aspect of documentary scholarship.¹⁶⁰ The works of independent filmmakers are especially relevant since, even though they function outside the realm of the institutions that might impact their work, they must make style considerations about their productions to conform to programming mandates. They "have not only re-energized the motion picture industry but also have vastly expanded the realm of the documentary in both the scope of its storytelling and the size and diversity of its audience."¹⁶¹ Documentary may no longer be considered a "discourse of sobriety"¹⁶² as an increasing number of producers compete

in the marketplace by providing “artful entertainment” as well as something journalistic or authentic - two appeals that are no longer mutually exclusive.¹⁶³

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¹²⁰ Coburn, 0:17:30 – 0:19:30.

¹²¹ *Ibid.*, 0:54:30 – 0:56:44.

¹²² Nichols, *Intro*, 149.

¹²³ Ibid., 168.

¹²⁴ Aufderheide, 177.

¹²⁵ Oulette, 177.

¹²⁶ Bullert, 19.

¹²⁷ Bullert, 31.

¹²⁸ Ibid., 31.

¹²⁹ “Washington: PBS Show Draws Indecency Complaints at FCC.” *Broadcasting* (Archive: 1957-1993): 121, 70-70.

¹³⁰ “Programming: PBS's 'second season': More news, documentaries.” *Broadcasting* (Archive: 1957-1993): 117, 68-68.

¹³¹ “Independent Lens.” <http://www.pbs.org/independentlens/films/>

¹³² Bullert, 60.

¹³³ Ibid., 61.

¹³⁴ Gitlin, 7.

¹¹³⁵ “Programming,” 68-68.

¹³⁶ “News: PBS breaks narrow mould.” *Screen International* (Archive: 1976-2000): 2-2.

¹³⁷ “Independent Lens - Our Films.” <http://www.pbs.org/independentlens/films/>

¹³⁸ Engelmann, *Public Radio*, 1.

¹³⁹ Aumont, 33.

¹⁴⁰ Ruby, 215-216.

¹⁴¹ Nichols, *Representing*, 3.

¹⁴² Bullert, 148.

¹⁴³ Ibid., 167.

¹⁴⁴ Bullert, 167.

¹⁴⁵ Nichols, *Introduction to*, 157.

¹⁴⁶ Newman, 88.

¹⁴⁷ Ruby, 216.

¹⁴⁸ Nichols, 32.

¹⁴⁹ Keefe, 8.

¹⁵⁰ *Ibid.*, 5.

¹⁵¹ Bullert, 191.

¹⁵² Patricia Aufderheide, "Public Television Viewers and Public Purpose Programming," Center for Social Media, School of Communication at American University, April 9, 2012: 2.

¹⁵³ Nichols, *Introduction to*, 147.

¹⁵⁴ Nichols, *Representing Reality*, 33-34.

¹⁵⁵ Corner, "Performing the Real," 258.

¹⁵⁶ Williams, 13.

¹⁵⁷ Corner, "Television, Documentary," 97.

¹⁵⁸ Gitlin, 209.

¹⁵⁹ Roger Ebert, "Attacks on Roger and Me Completely Miss the Point." *Roger Ebert's Journal*, (Feb. 1990): 1, online, internet, Feb. 2013.
<http://rogerebert.suntimes.com/apps/pbcs.dll/article?AID=/19900211/COMMENTARY/22010306>

¹⁶⁰ Corner, 99.

¹⁶¹ Patricia Aufderheide, "The changing documentary marketplace," *Cineaste* 30.3 (2005): 2.

¹⁶² Nichols, 3.

¹⁶³ Aufderheide, 25.

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