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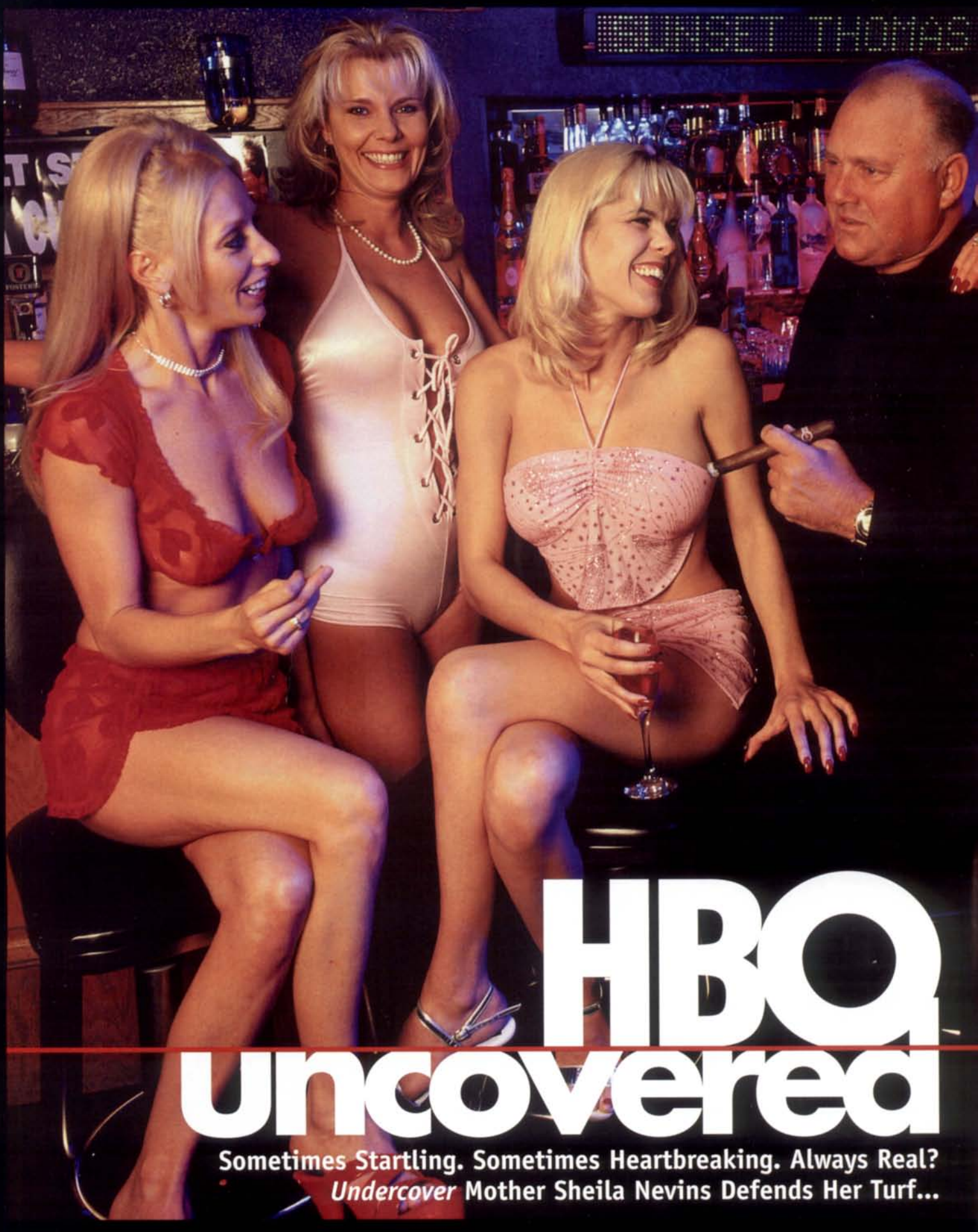
Vol. VII No. 2



HBO Uncovered

Sometimes Startling. Sometimes Heartbreaking. Always Real? *Undercover* Mother Sheila Nevins Defends Her Turf...

photo: Danny Feld

text **Nelson Handel**

A RINGLING BROS. AND BARNUM & BAILEY CIRCUS POSTER HANGS on the office wall above Sheila Nevins, HBO's executive vice president for original programming. In it, a large black panther leaps over the word "circus." "I have it there for inspiration," says Nevins, lounging beneath it in comfortable blue jeans. "Pop culture is not a dirty word."

Though grand entertainment, the circus also exalts what is best in us: the beauty and possibility of the human spirit, the illusion that we can defy death. So does documentary film, one might argue, and that is Nevins' specialty. Yet P.T. Barnum's glorious spectacle also had a dark extreme — the sideshow — where dwarves, Siamese twins and bearded ladies titillated the audience. The sideshow gave America a secret place to gawk at the weird and unimaginable fringes of human existence.

In the documentary division of HBO, where Nevins has worn the ringmaster's top hat for more than twenty years, the sideshow shares the center ring with the headliners; exaltation and exploitation prance hand-in-hand. And like Barnum's Greatest Show on Earth, the documentary world at HBO is not always what it seems. Some of the best work in nonfiction film routinely lives side by side with work whose veracity and ethics are highly suspect, work that perhaps should not be called "documentary" at all.

So as HBO takes another victory lap through this year's awards shows, it is time to take a hard look at what lives on the dark side of HBO, and what effect this shadow-self is having on the world of documentary film. ▶

"IF YOU'RE MAKING [A DOCUMENTARY] TO COMPETE, YOU WANT IT TO BE HOT, AND RACY, AND PRESENT. YOU CAN'T P.T. BARNUM A SHOW ABOUT THE MISSISSIPPI DELTA, BUT YOU CAN P.T. BARNUM A SHOW ABOUT A CATHOUSE."
–SHEILA NEVINS

IF NEVINS WERE WRITING THIS ARTICLE, SHE WOULD LEAD WITH THE HIGH-IMPACT, controversial stuff designed to catch and hold your attention. Like the fact that whorehouse clients who appeared in HBO's recent hidden-camera "exposé," *Cathouse*, were paid for their participation, despite the fact that many filmmakers and journalists find this ethically questionable. That the asking prices which the film shows the "working girls" charging their clients — $700-$3,000 — were routinely lowered once the camera stopped rolling, thus raising questions about the filmmaker's need to aggrandize situations in order to fuel prurient interest. That the Moonlight Bunny Ranch brothel owner, Dennis Hof, a self-described "media whore," had actively shopped his cathouse story to various other networks before landing at HBO, hoping it would become *The Osbournes* of sex (he wasn't paid). And finally, that the "brothers" depicted in the "Two Brothers" segment are not brothers at all, but rather a comedy team whose fictitious sibling identity was created for a women's bare-knuckle fighting video titled *Brawlin' Broads*.

The brothers' true identity would seem to be relevant, considering that their fraternal nature added to the lasciviousness of the segment. But if you speak with the film's director, Patti Kaplan, the force behind HBO's *Real Sex* series, she admits that no post-filming fact-checking *whatsoever* was done to verify that what participants said about themselves was true. "What do I care?" Kaplan says.

Cathouse is part of HBO's ongoing documentary series *America Undercover*, one of two rubrics ["documentary specials" being the other] under which HBO presents nonfiction programming. When pressed about these credibility gaps, Nevins seems to place herself disturbingly in the sole position of deciding which subjects warrant integrity of presentation and which provide free rein to be loosey-goosey with both facts and ethics.

"I don't want to talk about controversies about a show that's so unimportant," she says, her voice rising. "Why make a show that's so ridiculously two-dimensional into something important? Why do you care whether we paid or didn't pay people who were jerking off in a cathouse?"

She points to the many worthy and high-quality docs she's produced. "You don't bleed heart and brain over a show like *Cathouse*. It's about hooking! It's about whores! If it's about whores, you whore; if it's about profundity, you 'profund'!"

"WE'VE NEVER DONE A 'REALITY' SHOW...DOCUMENTARY FILM IS PURE... IN A GOOD DOC, [THE SUBJECT WASN'T] PUT THERE TO EXPERIENCE LIFE, LIFE EXPERIENCED THEM. I THINK THAT WE'D NEVER PUT ANYONE WHERE THEY'RE NOT SUPPOSED TO BE... IF YOU MANUFACTURE IT YOU DON'T LEARN ANYTHING."
–SHEILA NEVINS

Two weeks after Nevins made the statement above, HBO premiered *America Undercover: The Iceman and the Psychiatrist*, a film in which Mafia hit man Richard "The Iceman" Kuklinski participates in a series of contrived conversations with a shrink, Dr. Park Dietz, who specializes in treating murderous psychotics like Kuklinski. Filmmakers Gaby Monet and Arthur Ginsberg illustrate Kuklinski's gruesome and explicit narratives of murder and mayhem with newspaper photos of the gored and bloody remains of his victims, combined with recreated footage of things like dead dogs and raging furnaces (illustrating his childhood fascination with burning cats alive). It's not enough, it seems, to listen to a vivid description of a bound victim being dragged into a cave to be eaten alive by rats; one must also show explicit (and presumably reenacted) footage of the rat's feast. Repeatedly. Ominous, droning synthesizer music underscores the entire presentation. It's the kind of hard-edged — some might say manipulative — filmmaking that is the hallmark of the HBO style.

"If the Iceman killed 200 people, it's not my fault," says Nevins. "It's my fault if I put a show on and it's only about the killing. But if it's about the agony of the family, or about what's wrong with his brain that he could let this happen, then I don't feel to blame."

Indeed, this "greater context" argument is at the center of many such "what to show" documentary decisions. You could perhaps make an argument that the seven

THE ICEMAN COMETH CLEAN: Richard "The Iceman" Kuklinski (The Iceman and the Psychiatrist) admits to killing 200 people.

"IT'S A GREAT PRIVILEGE TO WORK IN PAY TELEVISION BECAUSE NOBODY'S LOUNGING WHEN THEY WATCH YOU; THEY'RE PAYING... IT GIVES YOU ENORMOUS RESPONSIBILITY TO GIVE THEM WHAT THEY ARE ASKING FOR." –SHEILA NEVINS

minutes of psychoanalysis at the conclusion of *The Iceman and the Psychiatrist* qualifies as contextualization (we learn that Kuklinski, who admits to killing 200 people, is "antisocial"), but you'd be hard-pressed to argue that the first forty minutes are about anything *but* killing. Kuklinski has been the subject of two other "documentary" treatments by HBO, so presumably he's a Nielsens bonanza. It doesn't seem a stretch to wonder whether this film, too, exploits grotesque violence and gore in a naked play for ratings.

In retrospect, *The Iceman and the Psychiatrist* is an event staged for the cameras, just like *Monica in Black and White*, an HBO presentation that featured Monica Lewinsky facing off against a studio audience peppered with HBO staffers that *Los Angeles Times* television critic Howard Rosenberg calls "complete shit." As in *Cathouse*, fact (in this case, newspaper accounts) and fiction (the reenactments, simulated images, and Kuklinski's own obvious love of the spotlight) blend together uneasily without prior disclaimer or explanation. A short disclaimer confessing to "simulated" locations and events does appear at the end of the *Iceman* credits, but it stretches credulity to think that many viewers will still be watching when it does. A similar disclaimer confessing to participant payments appears at the end of *Cathouse*. Neither does anything to alleviate the fact that both films were viewed by audiences who believed they were watching factual documentary material.

Under the *America Undercover* banner, Academy Award-nominated films like *LaLee's Kin: The Legacy of Cotton* (whose filmmakers spent five years capturing and assembling cinéma vérité footage of the crushing effects of poverty in the Mississippi Delta) and Sundance Film Festival award-winner *Southern Comfort* (a sensitively wrought love story improbably set in the transgender community) are routinely marketed as equals with the likes of *Cathouse* and *The Iceman and the Psychiatrist*.

THE ARGUMENT AT THE CENTER OF THIS DEBATE REVOLVES AROUND THE QUEST FOR ratings. Does the power that ratings bring — to present high-quality work of limited market appeal — justify the damage done by so baldly chasing after them? What happens to the integrity of a great documentary work like the Sundance award-winner *Amandla! A Revolution in Four-Part*, about the struggle against apartheid in South Africa, when it must share its *America Undercover* bed with *Taxicab Confessions 2003: Girls Like It Hot*?

Nevins sees it as a balancing act. "If I couldn't get big numbers," she says, "maybe I wouldn't have the privilege of getting small numbers." From a business standpoint, it's an argument that's impossible to dispute. Nevins has unprecedented clout to do what she wants at HBO, earned by her ability to deliver big numbers at low cost with such shows as *Iceman*, *Real Sex*, *Monica in Black and White* and *Cathouse*. More than one documentarian interviewed for this article commented that Nevins has used her influence to almost single-handedly create a major market for such low-rated but worthy work as *Southern Comfort* and Academy Award® winner *King Gimp*.

But from an ethical and filmmaking standpoint, does the quest for ratings mean that different subjects warrant differing standards of integrity and differing definitions of truth? Can the best nonfiction film dwell harmoniously in the same house with shoddy, exploitative fare without assuming some of the stink of the untrue? Where do you draw the line between fact and fiction?

Most who've worked for Nevins comment on the way she moves seamlessly from one film subject to another. "Most executives aren't polymorphous — to use the sexual term – the way Sheila is, and that is to her credit," says Mark Levin, whose film *Gladiator Days* debuted on *America Undercover* last year. "She can work on an award-winning film about the Holocaust, or on AIDS around the world, and she can work on *Cathouse* and *Hookers at the Point*, and she brings the same passion to them all."

Nevins seems proud of this range. "I have no problem at all," she says, "going from *In Memoriam*, a show about the World Trade Center, to a show about sexual practices. It's all part of the same world. If people in that horrible tragedy had been able to live, they might have enjoyed the *Real Sex* show."

But it's also clear that Nevins sets the bar for each film based on whether it is being made to win awards or to get ratings. If it's the latter, then a much lower level of scrutiny applies. Perhaps Nevins knows in which films the truth is respected and in which it's not, but the audience doesn't. And she doesn't seem to be letting on.

COTTON THE ACT: *LaLee's Kin:* The Legacy of Cotton captures the crushing effects of poverty in the Mississippi Delta.

"HBO has an obligation to let people know when their films have different criteria, different relations to reality, or different levels of integrity," says James Friedman of the UCLA Film & Television Archive and editor of the groundbreaking book *Reality Squared*, an examination of the influence of the

"AWARDS ARE VERY IMPORTANT TO ME. WHEN MY FILMMAKERS GET AWARDS, I'M VERY PLEASED FOR THEM. WHEN WE READ THE DESCRIPTION OF *IN MEMORIAM* IN THE DUPONT-COLUMBIA AWARDS ANNOUNCEMENTS, WE ALL SQUEALED AND GOT TEARFUL. IT MEANT SO MUCH TO US."
–SHEILA NEVINS

documentary aesthetic on TV programming. "They have a responsibility to make that clear. That's a clear ethical line. Just as when they are reenacting things versus [showing] actual events, they have a responsibility to tell people."

The situation creates confusion in the mind of the audience and unease within the documentary film community. When half of what's labeled as "real" inspires justifiable incredulity, it necessarily casts doubt on work of the highest integrity. "The one thing I wouldn't want someone to think," says director Susan Froemke, producer/director of *LaLee's Kin* and a thirty-year collaborator of the groundbreaking cinéma vérité documentarians Albert and David Maysles, "is that because some other documentary filmmaker had manipulated a subject or set up, or presented something as reality when it wasn't, the reality of a film like *LaLee's Kin* should be cast into doubt."

FORTY-SEVEN EMMYS®, TWELVE OSCARS®, SEVENTEEN PEABODY AWARDS, A SILVER baton from the Columbia University Graduate School of Journalism — HBO's documentary-programming division has earned a passel of awards over the years. And deservedly so. Documentary distributor Mitchell Block called Nevins "the most important producer of documentary film in the English language." Other filmmakers are equally complimentary, and speak lavishly of the support and freedom they received while working with her.

The opportunities Nevins has provided for documentarians have had a profound impact on the substance and style of what we think of as documentary film. No discussion of HBO's impact on nonfiction filmmaking would be fair without generously acknowledging these tremendous accomplishments and the career-long support Nevins has provided filmmakers and films of the highest quality.

Which only makes these issues all the more disturbing. Why should HBO compromise the merits of its award-winning work in order to substantiate pandering efforts of questionable veracity?

IN AND OF ITSELF, THE *CATHOUSE* CONTROVERSY ADDS UP TO little but careless work by a filmmaker charged with delivering a titillating piece of fluff that was designed to draw big numbers. Paying participants a nominal fee is not the documentary crime it seems on first blush, despite the unseemly timing of offering movie money to people who had just negotiated the price of sex. There's little chance that remuneration substantially altered the content of

"HB-HO — THAT'S WHAT WE CALL IT AROUND HERE." –DENNIS HOF, OWNER/ PROPRIETOR, MOONLIGHT BUNNY RANCH

Cathouse. Since everything — from the gratuitous nude-sunbathing scene to the faux camera reticle posted in over the hidden camera footage — was essentially exploitative sensationalism, such misrepresentation and sloppy fact-checking seem like harmless transgressions.

But these sins of error and omission, combined with the rest of the dubious reality that lurks under the "always real" banner of HBO nonfiction programming, cast a dark shadow across a lot of good work. HBO has, to a certain extent, built its brand on being a home of important nonfiction film. If, as Nevins says, HBO really believes in the purity of the documentary form and its power to engage, entertain, move and educate, then perhaps it should stop exhausting documentary's storehouse of integrity to sell the worst of populist fare.

Entertainment programming has its place, as does the kind of salacious and violent nonfiction-based material that HBO subscribers seem to enjoy. But all nonfiction is not created equally, and surely that same audience will watch without being led to believe that it is. If HBO creates some of the finest documentaries — and it does — it must take responsibility for protecting them as well, to be clear about what is fact and what is not. Or pretty soon, no one will be able to tell.

LOVE AMONG THE RUINS: *Southern Comfort* chronicles a sensitively wrought love story improbably set in the transgender community.

hookers *are* the point

"WHEN I GOT TO HBO, I FELT LIKE I'D DIED AND GONE TO HEAVEN. THEY PRIORITIZE WHAT'S BEST FOR THE FILM." –LIZ GARBUS, DIRECTOR, *AMERICA UNDERCOVER: THE EXECUTION OF WANDA JEAN*

Close collaboration is the rule at HBO's documentary division. Little leaves the shop without the Sheila Nevins touch. Many filmmakers describe the process in enthusiastic terms. But many also routinely mention Nevins' thirst for high-impact footage that skirts the edge of sensationalism. "Not everyone has a mind that leads to their gut," she says. "Some people have to go gut first."

This attitude beats in the heart of HBO's documentary style — an edgy, in-your-face approach that incorporates many storytelling devices common to fiction filmmaking. Even the most serious of subjects get the Nevins treatment. And because she produced some thirty documentaries last year alone, her choices and tastes, good and bad, are having a lasting impact on a generation of documentary filmmakers.

"ONE CRITIC CALLED *GLADIATOR DAYS* A SNUFF FILM; HE SAID THAT HBO WAS NOW SHOWING SNUFF FILMS." –MARK LEVIN, DIRECTOR, *GLADIATOR DAYS*

Director Mark Levin has a long and rich working relationship with HBO. His film *Gladiator Days* provides an object lesson in the HBO process. A penetrating, intelligent examination of prison violence, the film centers on a white supremacist prisoner, Troy Kell, who stabs a black inmate sixty-seven times, killing him. Prison officials captured the act on surveillance cameras. "The first time I saw the footage I almost got sick," says Levin. "That's as hardcore as it gets." Nevins closely guided the film's final cut. "We went back and forth," says Levin. "I joked at one point that we'll show it every five minutes, and then in another cut it was teased at the beginning and then shown once."

The final film began with the stabbing clip, and then repeated it four more times in less than an hour. Many found it, at best, excessive, and at its worst, exploitative in the extreme. "As sensationalistic as the footage was," Levin says, "and there's no doubt it was, in the end, it was one of the most brutal and honest looks at what goes into a moment like that."

Nevins is refreshingly upfront about the ultra-violence in *Gladiator Days*. "Maybe I did too many stabbings," she confesses. "I overdid it. I went a little far because the story was weak in the knees; I just got lusty. Too lusty too fast."

"THE ONLY THING THAT SEPARATES NONFICTION FROM FICTION FILMS IS THAT ONE USES ACTORS." –JAMES RONALD WHITNEY, DIRECTOR OF *JUST, MELVIN: JUST EVIL*

The Nevins approach often sends chills through the documentary film community. One Sundance Film Festival award-winning documentarian says, "[HBO] offers a big opportunity for documentary film, but I don't know what price you pay for working with them."

In fact, it's possible that documentary film as a whole is paying the price, especially when you hear the opinions of young filmmakers like James Ronald Whitney. Whitney, who got his break at HBO, says he enthusiastically embraces the "bells and whistles" common to HBO-style docs. These filmic techniques more closely associated with the fiction world — sound effects, intrusive dramatic scoring, special effects, and reenactments — were anathema to the documentary community just a few years ago. Their use is still controversial.

Gladiator Days director Levin sums up the issue best: "Between HBO and the 'reality TV' form, there's no doubt that documentary has been commercialized, but that's a two-way street. On one hand, it's been given a respect and a commercial viability that it didn't have, so you get to make a living doing it. On the other hand, it's an interesting question whether it's conditioning a generation of filmmakers that they've got to be more sensationalistic in their approach. Sheila's been one of the key people in reinvigorating and saving the documentary. But I'm sure there are people who are going to say she's destroyed it."