

## HEARTS AND MINDS

By Peter Davis

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In 1972 the Vietnam war had just passed the American Revolution as the longest war in our history. I myself had made a film on Defense Department public relations, *THE SELLING OF THE PENTAGON*, the year before, as a result of which CBS News and I were investigated by Congress for our investigation of Pentagon propaganda. At this point Bob Rafelson, an old friend who had made the brilliant *FIVE EASY PIECES*, called me in New York and asked if I'd like to speak to his partner, Bert Schneider, about making a film that had something to do with Daniel Ellsberg and the Vietnam war.

Meeting Bert a couple of days later in Los Angeles, was, to put it mildly, a defining moment in my life. Other executives might say, in a flush of early enthusiasm, the sky's the limit on what you can do here. To Bert, however, the sky was not the limit at all; the only limit was my own ability to make the best film I could, the only failure would be because I couldn't bring forth the best that was in me and in the subject itself.

The subject. The Vietnam war was a vast subject and had been filmed virtually every day for a decade. Which meant it had been in living rooms virtually every evening. There had also been excellent documentary films by independent filmmakers such as Emile D'Antonio, Eugene Jones, and Pierre Schoendorfer. At first, of course, I had no title, no theme, no direction, just a mutual

determination I shared with Bert to get to the core of the war. For me this was an opportunity --discover the America that was fighting its longest war (up to that point), proceed with the unheard-of-for-documentaries budget of a million dollars – that would never come again. If somewhere there's a filmmaker who wouldn't rise to that bait and quit even a job he'd been very happy doing (which was my lot most of the time at CBS News), it wasn't me. Bert Schneider and his two partners, Bob Rafelson and Steve Blauner, had a production company amply funded, for my purposes at least, by Columbia Pictures.

In the beginning I thought it might be possible to use the trial of Daniel Ellsberg and Anthony Russo (for leaking the secret Pentagon Papers on the hidden history of the Vietnam war to newspapers) as an armature around which I could wrap the whole film. The prosecution and defense would be bringing the policy makers and military leaders as witnesses, and I'd be able to question these men (they were all men) after they'd testified. Almost immediately, though, it was clear neither the defense nor the prosecution would have anything to do with a filmmaker and would certainly not make their witnesses available to be filmed. Then the trial was delayed. Then it lurched forward, finally ending in a mistrial due to the judge's having been bribed by the Nixon Administration with an offer of the FBI directorship if he'd conduct the

trial in such a way as to favor the prosecution. A film in itself, of course, just not the film I was making.

I hired the best group of colleagues a filmmaker could hope for. Richard Pearce was the cameraman and associate producer; Tom Cohen the sound man and associate producer; Lynzee Klingman and Susan Martin were the editors; Brennon Jones was the researcher, and when we were in Vietnam he was also the translator, general guide, and assistant cameraman. In Vietnam we were only four, and since I'm a technical dunce, there were really only Dick, Tom and Brennon to do everything that needed to be done with camera, sound and occasional minimal lighting.

Before going to Vietnam but after three or four months of research all over this country and in the literature of both film and books, I decided on a focus for the film. This focus would consist essentially of three questions I did not feel were being dealt with sufficiently in war coverage: why did we go to Vietnam in the first place; what was it we did there to Vietnam and the Vietnamese people; and what did the doing in turn do to us? I didn't feel the film would answer those questions, but I thought each sequence in the film should address one or more of the questions.

Then we shot 200,000 feet of 16mm film. "We" being a euphemism for, mostly, Dick Pearce, with occasional help from other camera people as well as stock footage mostly found by a deeply perceptive researcher, Dell Byrne, whom I'd first worked with in 1961 on a series about Franklin D. Roosevelt when I myself had been a text researcher. Two

hundred thousand feet of film meant a two hour film would have a shooting ratio of approximately 100 to 1, not uncommon now with digital cameras but extremely rare in the 1970s.

After a year of shooting, while we were based in New York, we moved to Los Angeles where we spent the next year editing in Bert Schneider's BBS production studio. We had filmed all kinds of situations in this country, France, and Vietnam. We had filmed many people connected to the war in a variety of ways – soldiers, politicians, policy makers. I made another decision fairly early in the year-long editing process; despite the fact we had filmed many people in the peace movement, the film did not have room for them. No American would appear in the final film who had not either fought in the war or been in favor of the war at one time. That would eliminate much political analysis on the left, but it would also provide a way of telling the story of the war as a progressive unfolding of illusion, practical application (meaning the decisions leading to war and the war itself), and finally disillusion on the part of most, but not all, participants in the film. (General William Westmoreland and Walt Whitman Rostow, for instance, both of whom appear prominently in the film, believed until they died that the Vietnam war was worth fighting and had been winnable if only they'd been allowed to carry the war forward.) I still had no title and was playing with many when my brother-in-law, Frank Mankiewicz, who had worked for Robert Kennedy and George McGovern, suggested HEARTS AND MINDS.

Our first screenings were terrible. We screened a five and a half hour version

for friends on Christmas Eve 1973.

Actually, that would be how you treat enemies, not friends. I never intended for the film to be anywhere near that length, but it was time to show something – a rough assembly, we called it, not a rough cut. A friend of mine walked out saying she'd call me and of course never did. I'm sure Bert Schneider's friends were appalled and too polite to tell me so; he's far too gracious ever to have repeated to me what they said to him. My own father, the screenwriter Frank Davis, said the material is there for a strong documentary but it's a hodge podge that doesn't go anywhere. Bert said the best thing: "It's incredible, but it's a mess."

If there are no atheists in foxholes there are probably no filmmakers who sleep very well or have wonderful Christmases after hearing words like those from their producer on Christmas Eve.

Several weeks later we had another screening at just under three hours, then more and more screenings, good and bad. Most of the time Lyn Zee, Susan and I felt we improved the film from one screening to the next, but there was an awful afternoon when we knew we had ruined good sequences by chopping them and had shown a worse film than we'd had a couple of weeks earlier. That became known to Lyn Zee, Susan and me as the "hateful screening." After another screening a friend of Bert's, the filmmaker Alan Myerson, came up to me and said, "We have only one shot at this, you know, and you're blowing it." His "we" was accurate and I knew what he meant in terms of the motion picture community; a well-financed documentary on Vietnam coming out of a Hollywood studio was an occasion highly unlikely to recur.

More cutting, and much more shaping in terms of a structure that I hoped would actually move from a beginning to an end, without the middle being a muddle, and finally in March I took a scratch print to Paris to show to officials from the Cannes Film Festival. They accepted this murky black-and-white print with irritating unmixed sound. When I came back we had four weeks to lock the picture and began sound editing immediately, even knowing there would have to be changes to the sound as we plunged forward to our final structure.

At Cannes in May 1974 HEARTS AND MINDS was received with an enthusiasm that shocked me. None of our early screenings had prepared me for cheering. David Begelman, head of Columbia Pictures, was asked by the French press how soon he planned to release the film in America. He gave an honest reply: "I don't know."

Columbia made many demands on Bert Schneider, among them that he obtain additional \$20 million of E and O insurance against law suits. Amazingly to me, Bert was able to do this. None of these labors, however, moved Columbia and in the end they refused to release HEARTS AND MINDS. At this point three things happened: first, Warner Brothers, under John Calley, said they'd release the film but didn't want to pay Columbia for it; second, Henry Jaglom and Zack Norman, filmmakers and friends of Bert's and then, eternally, of mine, raised the money to buy HEARTS AND MINDS from Columbia and turn it over to Warner Brothers; third, after Warners announced they were putting the film in theatres, Walt Rostow sued to block the release on the grounds that he

would be damaged by HEARTS AND MINDS if it played publicly. A judge in Los Angeles issued a temporary restraining order. Our lawyers and Rostow's argued the merits of potential damage for Rostow versus prior restraint of expression on our side. The judge said he couldn't make up his mind from arguments alone and wanted to see the film. As he left the screening the judge was overheard to tell his clerk, "Okay, a picture really is worth a thousand words." The next morning he vacated the stay, and at Christmastime 1974, one painful long year from our first terrible rough assembly screening on Christmas Eve 1973, HEARTS AND MINDS was at last released.

HEARTS AND MINDS won the Academy Award for best documentary feature in 1975. Thirty years later the film was re-released, but that's another story.

*The views expressed in this essay are those of the author and do not necessarily represent the views of the Library of Congress.*