Document Citation

Title	**The Thin Blue suit**
Author(s)	Amy Taubin Amy Taubin
Source	*Village Voice*
Date	1989 Aug 01
Type	article
Language	English English
Pagination	67-68
No. of Pages	2
Subjects	Morris, Errol (1948), Hewlett, New York, United States
Film Subjects	The thin blue line, Morris, Errol, 1988

AMY TAUBIN

Shooting Script

The *Thin Blue* Suit

NEW YORK

Like *The Thin Blue Line* itself, the current legal wrangle between the film's director, Errol Morris, and its subject, Randall Adams, is a nightmare about loss of control. Adams has brought suit against Morris in order to establish rights to his life story. The suit has had almost as much national press coverage as did the release of Morris's film in '88 and the subsequent release, in March '89, of Adams from the Texas prison where he spent 12 years, falsely convicted of the murder of a Dallas County police officer.

Speaking two weeks ago at the 92nd Street Y after a screening of *TBL*, Adams said, "I know the film proves beyond a shadow of a doubt that I wasn't guilty." But he also said that, eventually, he would have won his appeal even without the film. "*The Thin Blue Line*," he allowed, "speeded up the process." Interviewed by phone, Morris said, "When I met Randall Adams in 1985, no one except his family cared about what happened to him. In the intervening years [between '85 and '89] he became national news. That was because of *The Thin Blue Line*. The film served so many functions. It was shown as a work of art but it was also submitted in evidence in court. Emily Miller's on-camera interview, which convinced the court that she had perjured herself in the original trial, was the piece of evidence that made the difference and caused the case to be reopened."

In that sense, *TBL* fulfilled the raison d'être of most documentary filmmaking: it changed the course of events in the actual world. The film brought the two men what each most desired: Adams, his freedom from prison; and Morris, the public recognition that has already won him financial backing for long-delayed projects. "After I made *Vernon, Florida* in 1981, there was a long period when I couldn't raise money to do anything at all," said an aggrieved Morris. This frustration and sense of powerlessness probably made Morris immediately empathize with Adams's situation.

Ironically, while *TBL* was instrumental in returning to Adams the freedom that the state of Texas had wrongly taken, it also seems to have enmeshed him in the corporate financial structure that limits Morris's independence as a filmmaker. In a phone interview, Adams's lawyer, Randy Schaffer, asserted that Morris's lawyer had said that one problem is that "whatever Errol signed with Miramax [the theatrical distributor of *TBL*] might be involved."

In 1985, Errol Morris received public-television funding to make a film about Dr. James Grigson, known as "Dr. Death," the Texas psychiatrist whose testimony for the state had sent many people convicted of murder, including Adams, to death row.

Morris filmed an interview with Adams for the film about Dr. Death. (He had Adams sign a standard documentary film release.) As Morris became convinced of Adams's innocence, the film changed its focus. In 1986, Morris and Adams signed an option agreement, giving Morris the rights to Adams's life story for two years. Morris says that the option didn't apply to *TBL*, but to a possible film follow-up. The option stated that Adams would

CONTINUED ON NEXT PAGE

TAUBIN

CONTINUED FROM LAST PAGE

receive $10 if the film were a documentary, $40,000 for a TV movie, and $60,000 for a theatrical release. "In retrospect," said Morris, "I think it may have been a mistake." (At the time, it probably seemed to Morris that taking the option was the professional thing to do.) At some point, Morris also entered into a deal with Miramax for the theatrical distribution of *TBL*.

Morris said he met with Adams the day after Adams was freed. "Randall had been greeted at the [Columbus, Ohio] airport by the mayor, who offered him the keys to the city, and six or eight camera crews," said Morris. "There were already signs of movie madness. I advised Randall to hire an attorney, someone not involved in the criminal case, who would have some distance. He chose not to do that."

Schaffer told me that Morris had also tried to have him replaced much earlier, when Adams's case was first reopened. There is clearly no love lost between the two. Schaffer said that Morris "wanted to direct the appeal like a media event and he didn't like it that I was in control and wouldn't reveal my strategies to him." Schaffer added that he really began to distrust Morris when he finally saw the option that Adams had signed. "What kind of person would have an incarcerated man sign away the rights to his life story without the benefit of a lawyer?" (Remember, this *is* a lawyer talking.)

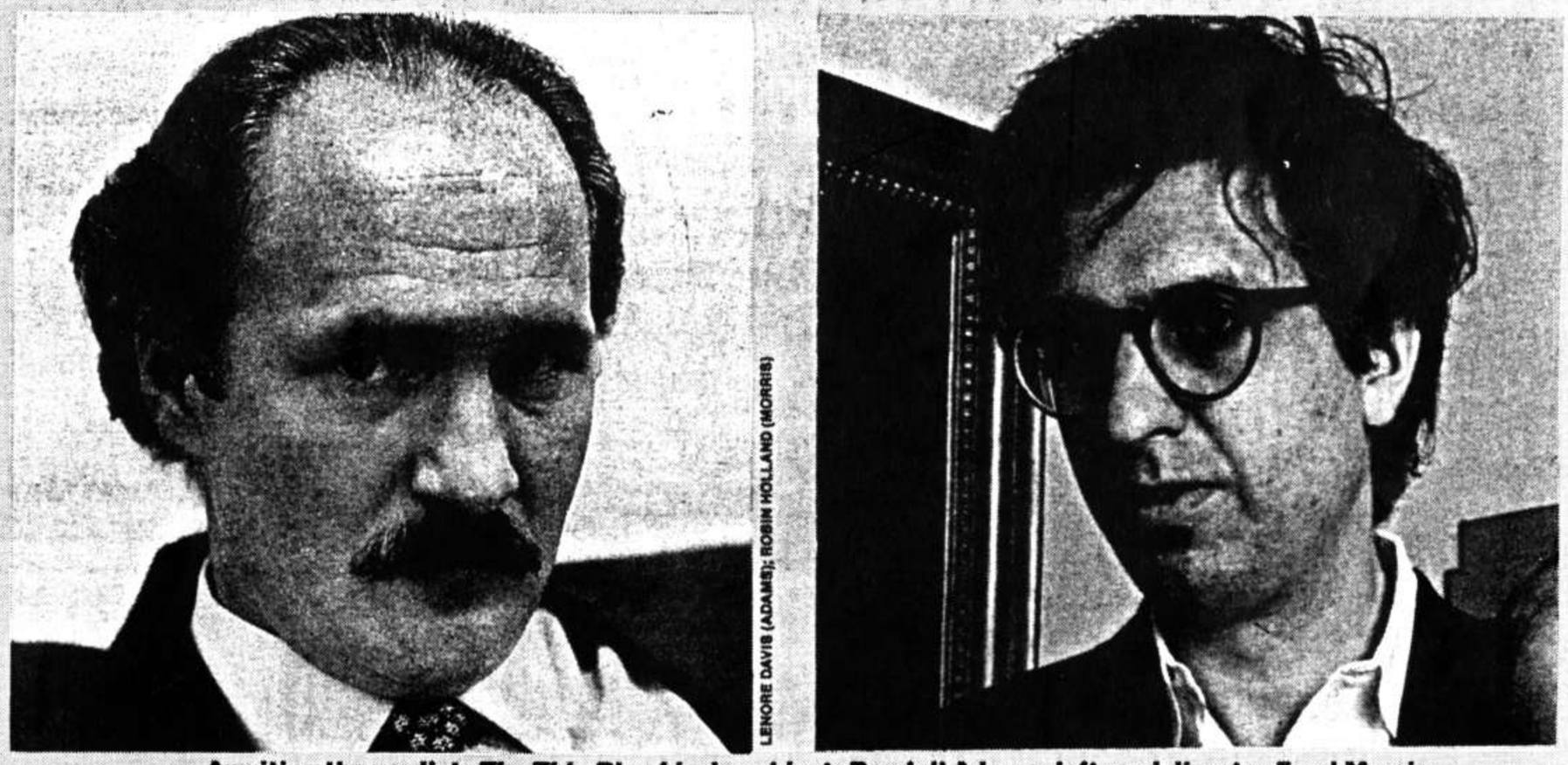
Even before he was released, Adams began receiving book and movie offers. "I couldn't let him sign any agreements while there was still a possibility that some prior agreement existed," said Schaffer. He asked Morris to prove that the option was still in effect—that Morris had renewed it in 1988 by paying Adams $10. "We got three or four conflicting answers. After two months of this, we sent a very strong letter that was meant to put a fire under him. It said if we didn't have a satisfactory reply in 30 days we would bring suit."

The letter charged that either Morris had exercised his option by making *TBL* (in which case he owed Adams $60,000, 2 per cent of the royalties, and interest from the day that principal photography on *TBL* began), or that he had no rights, because the option had lapsed.

By Morris's account, though he wanted Adams to regain "control of his own story," the process had been delayed by a conflicting series of demands from Adams's lawyer. Morris was adamant that he would not pay Adams $60,000. "*The Thin Blue Line* is not *Batman*. It's grotesque to contemplate a court argument about whether the film is fiction [worth $60,000] or a documentary [worth $10]." As to when principal photography on *TBL* began, Morris responded, "Philosophers, lawyers, and theologians couldn't decide when *Dr. Death* became *The Thin Blue Line*. It's ludicrous." Morris also stated that he needed to protect the rights to his own story where it overlaps with Adams's—which is reasonable. (If a Hollywood producer optioned the rights, the focus of the script would depend on what star became attached to the project. With Paul Newman, it might be Morris; with Dennis Quaid, it probably would be Adams.) Like all good detective stories, *TBL* intertwines two narratives—that of a crime (both the crime Adams was accused of and the crime of his conviction) and that of its investigation. It may turn out that to market their stories, Adams and Morris will have to legally accept their entwined lives. (My feeling is that they are close to an out-of-court settlement.)

And then there's Miramax. Morris says that he didn't sell Miramax the option, although he did use it, along with the initial release, as documentation when he guaranteed Miramax that he had all necessary rights and releases (i.e., when he indemnified Miramax against possible claims and suits). Boilerplate distribution contracts always make the filmmaker responsible for obtaining clearances. Such contracts *also* demand that the distributor receive a percentage of all subsequent TV series, feature films, etc., that might result from the distribution of the film in question. When Morris signed his deal with Miramax, he was not in a very strong position. (Schaffer said Morris told him that he needed money up front to finish the film. Morris also wanted Miramax to go out on a limb by treating what was an experimental documentary as a fiction art film.) Having no leverage, Morris might have given Miramax his claim on Adams's story as part of the deal to get the film completed. If so, it's possible that he wasn't clear about the significance of what he gave away. And if Morris had transferred an option that, as Schaffer maintains, he no longer held, he could be liable to Miramax and, in that case, needs to protect himself from its claims. (A spokeswoman said that Miramax could not comment during negotiations.)

Adams says he still regards Morris as family. Morris says he still cares a "great deal" about Adams. Both regret that the nightmare of *TBL* still pervades their lives. (Morris describes *TBL* as "the last episode of *The Twilight Zone*.") In a way, Morris has come out better than Adams. He's still in debt from the production (though the film made over a million at the box office, he won't see any profits), but he has been awarded both a Guggenheim and a five-year MacArthur fellowship. Adams has his freedom, but both Texas law and the terms of his release make it impossible for him to sue Texas for compensation. What he's gained from his experience, in material terms, is a potentially marketable story. It's no wonder he wants to establish control of it—at least long enough to relinquish it to whomever he chooses, at his own price. ■



LENORE DAVIS (ADAMS); ROBIN HOLLAND (MORRIS)

Awaiting the verdict: *The Thin Blue Line*'s subject, Randall Adams, left, and director Errol Morris