

F-Stop: Power Differentials

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ABSTRACT

Power differentials can significantly impact all forms of media creation: fiction, documentary, journalism, and social media. This chapter explores power differentials in the relationship between the filmmaker and the people portrayed in documentaries. It looks at the principles of personal presentation, agency, equality, and power. I am using my experiences as a filmmaker to look at the ethics of consent, working with teenagers, screening rough-cuts, and the economic relationship between the filmmaker and the people in the films.

LOOKING FOR LOVE (1982)

I first met Audrey when she was 11 years old. Her mother, Gloria, worked with my husband at the U.S. Postal Service Bulk Center in Secaucus, New Jersey. On July 21, 1978, hundreds of postal workers went on a wildcat strike demanding an end to mandatory overtime, forced speedups, and hazardous working conditions. My film partners and I followed the strike as it unfolded for the documentary *Signed, Sealed and Delivered: Labor Struggle in the Post Office* (1980). We were in the thick of the action with a borrowed Sony camera, half-inch video deck, a handheld microphone and a lot of cables. Audrey was often on the picket line, too, with her mother, sister, and two brothers.

Over three years of filming, Audrey and I became close though we came from very different worlds. I was a white Jewish mother in my mid-20s who had just left a job at Public Service Electric & Gas as a pipefitter to return to my passion—documentary filmmaking. Audrey was a young African-American child from East Orange, NJ about to enter high school. By the time we completed *Signed, Sealed and Delivered* she had become a beautiful 14-year-old young woman.

One day Gloria called to tell me Audrey was pregnant. Recognizing the bond we had, she asked if I would be comfortable encouraging Audrey to have an abortion. Though this was a difficult request, I reached out to Audrey and we talked about the pros and cons

(mostly the cons) of having a child and becoming a mother at 15. Audrey made her own decision and eight months later she gave birth to a baby girl.

During this time, Newark, NJ was launching its first cable TV channel and I was invited by a cable consortium to propose ideas for documentaries that would speak to the different communities in the city. Understanding the need for a public discussion about teenage parenting, I proposed a documentary about what it means to be a teenage mother and that is when the film *Looking for Love* began. I asked Audrey to be one of the teenagers featured in the film, and, with all of her 15-year-old enthusiasm, she jumped at the idea.

More than anything, Audrey wanted adult approval about her decision to become a mother.

The first time I planned to film with Audrey, she didn't show up. The second time, Audrey decided to go skating after school while I waited at her home for hours. The third time, Audrey came home from school late and was angry that her one-year-old daughter would not stop crying. She threw her schoolbooks down and stormed into the living room. This was the first time I had worked with teenagers and learned quickly how unpredictable filming would be. What was most important: I learned to be flexible and non-judgmental.

When I began to interview Audrey, I realized she would respond as though the camera wasn't present, never fully understanding what it would mean to share her story in a documentary with the world. She was an open book and I was someone she trusted.

I spent months entering and leaving Audrey's complicated, and at times, painful life with a camera on my shoulder. But I held more than the camera—I held the power in this fragile relationship (see also Cipriani, 2014).

It wasn't until I asked Audrey to sign a Personal Release Form that I began to understand what it means to document the lives of teenagers.

Audrey could not sign because she was underage. She could give birth to a child at 15 but had to have a parent or guardian sign the Personal Release Form to grant me permission to use her story in the documentary.

As I explained this, Audrey burst into tears. She was demoralized that everyone in her life treated like a child without any agency, and she believed she should be treated as an adult.

At this moment, my priority was to get the Personal Release Form signed. I was concerned that Audrey would decide that she did not want to be part of the film if her mother was the one to sign the release form, so I minimized the whole thing, never taking the time to explain what a release form was. I didn't use this moment to talk about the implications of sharing her story with the public and that she would always be labeled, as a result of being in this film, a teenage mother. I don't think I understood this myself. What does it mean to have your life forever imprinted into a non-fiction film?

Over the next months, I began filming other teenage mothers and found myself needing to protect them from saying too much and exposing things that could come back to hurt them. They would tell me stories that they had never shared with anyone and their need to be loved was woven into everything they expressed. While I was interviewing Diana, a 16-year-old mother, she told me how jealous she was of her daughter and that she had had thoughts of hurting her. She went on to explain that all she really wanted was to be listened to, understood, seen, and loved.

BOX 4.1 HOW TO ASK PEOPLE TO SIGN A PERSONAL RELEASE FORM

I often return to these questions when asking people to sign a Personal Release Form:

- How do I explain why I need it?
- How do I navigate what signing it really means?
- Should I explain that they are giving up significant power to me; that they are agreeing that I can edit the interview, the footage, and the visuals the way I want without any guarantee that they can change the film?
- Do I discuss how much input they can have, but that I would have ultimate control of the final edit?
- How do I explain that the Personal Release Form is a contract like any other binding legal agreement and that they should read it carefully before signing?

As the filmmaker, and also as their elder, I had authority and power, and by deeply listening to them, I became a transference figure as they told me the innermost secrets that they could never tell their mothers.

In recent studies of the brain, researchers have found that the frontal lobe does not fully develop until around 25 years of age. The logic and reasoning functions of the brain are located in the frontal lobe, enabling people to understand cause and effect and to use good judgment. This ability balances our impulsive and emotional reactions with rational thinking. Because their frontal lobes are still developing, teenagers are more vulnerable to their emotions and often act without thinking about the consequences of their actions (NIMH, 2011).¹ This was not something I knew when I was producing *Looking for Love*. I thought I was a great interviewer and this was why Audrey, Diana, and the other teenagers opened up with such spontaneity and candor. I never questioned the psychological or physiological interactions at play.

In 2014, I produced a documentary with David Pavlosky about a violent hate crime in a gay bar perpetrated by an 18-year-old white male. The film, *Puzzles: When Hate Came to Town*, includes interviews with the protagonist's friends who were between 14 and 24 years old. Equipped with a deeper understanding of teenagers and development, we made different choices than we might have made in the past. We were concerned with not dehumanizing the young people though we strongly disagreed with much of their thinking. We also were careful not to include impulsive statements understanding the impact this could have on them in their adult lives. Omitting some of their hate speech may have changed the overall film, but this is an important ethical consideration that documentary filmmakers must weigh.

Documentary filmmakers often tell stories of trauma or personal and political struggle. Under these conditions we enter into someone's life during stressful moments or times of crisis or change, and above all, we listen. To our subjects, we can become a confidante, counselor, minister, or therapist—people who represent, or in fact, have powerful positions.

A difficult—and often unacknowledged—issue is the racial power dynamic that occurs when the filmmaker is white and the people in the film are African American and Latino. In *Looking for Love*, Audrey and Diana were young women of color and I was white. How they were represented meant that they had to have a voice and also veto power during the editing stage. The edit room was five minutes from Audrey's high school and a bus ride from Diana's home and they had ongoing input about editing decisions and how they were portrayed. It was important that I did not, even unintentionally, cause them to be voiceless. They screened many rough-cuts and the completed documentary before its premiere at the Newark Museum.

Audrey's mother, Gloria, however, was very busy with work and the demands of her life and was never able to see a rough-cut or the final edit of the film. The end result was painful. She was not prepared to hear her daughter say difficult things about their relationship in a public venue. She had to process her feelings on the spot. Since this experience, I make a great effort to screen rough-cuts and the final film for all of the main interviewees before ever releasing a film.

Looking for Love was broadcast on the local PBS station, followed by a 30-minute live call-in show. Teenagers from across New Jersey and New York called in to ask questions and talk openly about teenage parenthood. It was clear the film had reached an important audience. The show was a success and the station's programmers decided to rebroadcast the documentary.

After four years of rebroadcasting, Audrey was in her early twenties. She had earned a high school diploma, was entering the workforce and planning her wedding. Audrey was embracing adulthood and having *Looking for Love* televised became a point of conflict. She was no longer a teenage mother and the film and its exposure froze her in time. She asked that the film not be televised any more. I deeply respected her wishes, however, by this time I had entered into a legal agreement with a cable consortium to distribute the film. In doing so I had signed over control of broadcasting. It would be their decision—not mine, not Audrey's—to discontinue the repeat broadcasts. I did not realize that I would have no input into what would happen with the film though I was the producer, director, camerawoman, and editor. I had not considered the long-term consequences of the film's continued broadcasts on Audrey's life. The film, however, had become dated. This fact, coupled with my persistent argument about our responsibility to honor the requests of the women portrayed in *Looking for Love*, convinced the local PBS programmer and cable consortium. The last rebroadcast occurred just months before Audrey's wedding.

JUGGLING GENDER (1992)

In the early 1990s, I met Jennifer Miller who openly and unabashedly lives her life with a full beard and strongly identifies as a lesbian feminist. I asked Jennifer if I could interview her for a film about the meaning of feminism. I understood that facial hair occupies a gender-defining position in our culture and wanted to explore how having a full beard had an impact on her lesbian feminist identity.

Like the teenagers in *Looking for Love*, Jennifer was comfortable, relaxed, and, at times, did not seem to notice my filming. However, having learned so much about the need for open

discussion while producing *Looking for Love*, I chose to discuss the Personal Release Form, the importance of screening rough-cuts, and how we would work together on the final cut, with the objective of equalizing the power relationship between the subject, in this case Jennifer, and myself.

Jennifer Miller crosses the gender binary between male and female, and because of this, she has had many experiences in public with people staring at her uncomfortably. However, the act of filming with Jennifer on the street unintentionally gave people permission to look at the “other” without becoming self-conscious or thinking they had broken the cultural taboo of staring and pointing. The presence of the camera became an instrument of power. As in my previous experiences, I had the camera—the power—and Jennifer did not.

The camera empowered bystanders as well. Once, while Jennifer and I were shooting in the East Village, a man stood nearby watching. Then, out of nowhere, he walked into the frame and asked Jennifer, “Is the beard real? Can I touch it?” Without waiting for a response, he leaned in and rubbed his face against her beard. No one had ever before approached Jennifer in public to ask if they could feel her beard, let alone violate her personal space and her body. It was the very presence of the camera and of someone filming that became a catalyst, giving a stranger permission to gawk, to touch, and to break every social code.



FIGURE 4.1 Jennifer Miller. From *Juggling Gender: Politics, Sex and Identity*. Courtesy of Tami Gold.

These experiences raised difficult questions about my role as the filmmaker. When does the camera and the presence of a filmmaker and crew unintentionally encourage aggressive behavior? How does the film crew impact social behavior? Was the act of my looking at Jennifer through a camera interpreted as voyeurism, giving strangers permission to do the same?

As a result of these kinds of experiences while shooting, I made the conscious decision to begin the film with my voiceover in order to create a context explaining why I made the film. My hope was that the voiceover would serve as a surrogate to encourage informed looking and responsibility on the part of the audience—the very opposite of voyeurism.

Juggling Gender includes a scene of Jennifer in the bathtub with frontal nudity, female breasts, and the beard. The decision to shoot her in the bathtub was not premeditated. I was filming in her Brooklyn loft on a frigid day and there was no heat. Jennifer decided a hot bath would take the chill out of her body. I asked if I could film as she bathed and she was flattered. I followed her with the camera.

Jennifer is a performance artist and *Juggling Gender* is structured around her performances—fire eating, juggling, lying on beds of nails, and acrobatics. I include a scene of Jennifer performing at the Coney Island Side Show as the Bearded Lady. When I first learned that she was performing in a side show, I was surprised and judgmental. Off-screen we talked about why she would choose to work there, and if by doing this, she was “selling out” and contributing to a negative discourse about what it means to be the “other,” the “outsider,” the “freak.” I included some of her responses from our discussions in the final edit:

This summer, I worked as a bearded lady in the Side Show. It was a little bit heavy and it was something I thought I would never do. With doing the fire, the nails, I’m doing some sideshow acts. So what does fire eating have to do with gender stuff? It is just that it gives you a context in which to look at how the bearded lady was contextualized as a performer . . . it just talks about the atmosphere of the freak show. That’s all it really does. But that’s something. That’s important.

(from *Juggling Gender*)

Jennifer gradually became a proud Coney Island Side Show performer and used the venue to push an unsuspecting audience. In her unapologetic style, she tells the crowd:

The world is full of women who have beards or at least they have the potential to have a beard if only they would reach out and live up to this potential as I myself have done. Instead of spending the time, the money, the energy on the waxing, on shaving! The electrolysis! The plucking! I mean, we all know someone, don’t we, who is out there every day with a little bit pluck pluck pluck. I’m talking about my mother, my grandmother! Pluck Pluck Pluck Pluck Pluck Pluck as if they were chickens.

(from *Juggling Gender*)

Through her performance, Jennifer tells the thousands of people who have seen her show that she is not a “chicken.” She is not a victim. She has agency. She is the victor. Her script

turns the audience into the “chickens” and the conformists. Jennifer’s performance becomes a celebration of female agency and feminism.

Having made a legal agreement with Jennifer stating that she would have final edit approval was liberating. If I crossed an ethical line, she was there with veto power. For me this was an imperative. In addition, Jennifer is a performer and uses performance to challenge the rigid constructs of gender; and in doing so often pushed against cultural conventions, using non-traditional venues such as the Coney Island Side Show: “Historically hair has been a symbol of power. That’s why the men don’t want the women having too much of it in too many places. You get it? Well, forget it” (from *Juggling Gender*).

Since its release in 1992, *Juggling Gender* has had a long and successful life. However, there have been strong reactions from different viewing communities, and though many people loved the film, I also came face to face with strong criticism, particularly around including Jennifer naked in the bathtub and the side show.

For one, the lesbian and gay community was not ready to embrace issues of gender non-conformity. The film was rejected from many lesbian and gay film festivals throughout the country. With pressure, the New York Lesbian and Gay Film Festival agreed to program *Juggling Gender* only if it was screened at the same time as the closing party. A member of the festival advisory board later told me that the festival programmers thought it necessary to “hide the film.”

In addition, many mainstream film reviews, including one in *The New York Times*, accused me of voyeurism while simultaneously insinuating that Jennifer Miller was a “freak.” When screened at museums, some audiences were openly disgusted and hostile during the Q&A.

My mentor—the father of public-access and community television, George Stoney—left the theater before the film ended when it screened at the New York Film Festival-Video Showcase. Later, he explained that my voiceover at the beginning of the documentary did not provide the context that was needed for a general audience. He also did not agree with me that Jennifer’s performance in the Coney Island Side Show was about her agency and power. In fact, he saw it as “selling out.”

I questioned if I sufficiently investigated my own politics and the larger meaning of the side show within a corporate capitalist culture that markets our souls at the same time it shuns difference and the “other.” Did I need to set up the film more carefully for a general audience?

Now, years later, when I reflect on those discussions, I am not certain that, had I built a stronger framework, those reactions would have been different. Homophobia,² transphobia,³ and the gender binary⁴ construct run deep and *Juggling Gender* challenges all these.

IS IT ETHICAL TO PAY SOMEONE TO BE IN YOUR DOCUMENTARY?

Should filmmakers broach the subject of money with the people in our films? Should subjects be paid for their time, information, contacts, and their talent? The issue of money is always present, whether voiced or silent.

Schools of journalism and documentary filmmaking teach that it is unethical to pay subjects to participate. The principle is that payment will impact the testimony and taint the content of a film; that it will compromise intentions and lead people to believe they have to deliver for the dollar. Others argue that documentary filmmakers make money from their films. They are praised as artists and journalists for their storytelling, for their camerawork, or for finding great “characters,” while, most of the time, the characters in the films do not get to share in the glory. I understand this argument; however, paying people to be in a documentary is a slippery slope that can lead to a film’s content being challenged. What I attempt to do is to pay the main people in my films through royalties once a film is in distribution.

But paying subjects to be in a documentary is not always the major ethical concern. How race and class are represented often go beyond any economic exchange. In a documentary class that I was teaching at New York University, a student presented his final production which included a group of homeless men on the streets. The student filmed while the men danced and mouthed the words to a song blasting from the student’s boom box. He explained that the men were drunk, that he had told them how he wanted them to dance, and that he had agreed to pay them before filming. The student was a young white man and the men who danced were African American.

Would it have been any more ethical had the student asked the men to dance and sing, but not offered to pay them? How filmmakers approach the content and the subjects of their films can be equally unethical and exploitative—even without the issue of financial compensation. The student asked a group of homeless men to dance while they were drunk, and this was unethical on many levels regardless of whether he paid them or not.

MAKING A KILLING (1999)

In 1999, Kelly Anderson and I were hired by Corporate Accountability International to produce a documentary about Philip Morris’s newly found markets in the former Soviet Union and throughout South East Asia.

While filming in Vietnam, we were told by a public health activist that Philip Morris was illegally marketing cigarettes by hiring young women to work as “Marlboro Girls.” Groups of young women dressed in skimpy white blouses, red mini-skirts, and high heels would go from bar to bar seductively handing out free cigarettes to men.

The public health activist suggested we film this marketing tactic as evidence that Philip Morris was, in fact, breaking the law. With her help, we found the bars and coffee shops where free sampling was common, filmed the women on the motor scooters emblazoned with the Marlboro logo, and followed them handing out free cigarettes. It was uncomfortable filming these scenes because we knew we were making the young women nervous. However, we also understood that, in the spirit of investigative reporting, this was the right thing to do. The public had a right to know Philip Morris was breaking the law. “Free sampling” is not harmless. It is one of the main problems identified by health organizations working throughout the world.

When we interviewed Vietnam’s director of public health we told her we had filmed the “Marlboro Girls.” She had not known that this illegal marketing tactic continued and contacted Philip Morris. The corporation was forced to stop “free sampling” in Vietnam.

Although Kelly and I knew this footage was critical for the film, we were also aware that by enforcing an end to this illegal marketing tactic the young women would likely lose these jobs.

The reality is that we cannot always reconcile all of the ethical dimensions of our work.

In fact, the process of documentary filmmaking often replicates power relationships, and if we tried as filmmakers never to compromise anybody, we would not have been able to make a film with the impact of *Making a Killing*.

Ultimately, this scene stands out as the strongest illustration of the illegal practices of one of the largest tobacco companies in the world. I am glad that we captured that material; it helped to pass the first ever International Framework Convention on Tobacco Control.

EVERY MOTHER'S SON (2004)

In 1999, Kelly and I began filming *Every Mother's Son*. The documentary tells the story of three mothers whose sons were unjustly killed by law enforcement.



FIGURE 4.2 Iris Baez, Kadiatou Diallo, and Doris Busch Boskey. Courtesy of Anna Curtis and Tami Gold.



FIGURE 4.3 The Baez family. Courtesy of Kirk Condyles.

At first we followed a group of ten women who had experienced the death of a child at the hands of the police. We filmed them at demonstrations crossing the Brooklyn Bridge, rallies in Harlem, conferences in Chicago, and national mobilizations in Washington D.C.

After one year of filming, we decided to focus on four of the mothers—Iris Baez, Milta Calderon, Kadiato Diallo, and Doris Busch Boskey—and we continued filming with each woman for a few years as their stories unfolded. They told us of their uphill struggles to bring their cases to court and their determination to never stop fighting on behalf of their sons.

Iris Baez, Milta Calderon, Kadiato Diallo, and Doris Busch Boskey are powerful, dynamic, and vulnerable—always vulnerable. At times we became their confidantes and friends, and in turn, we had the responsibility to share their stories with the world. Though we explained that it could take a couple of years to complete the film and that we hoped *Every Mother's Son* would have a PBS broadcast, we never discussed the fact that we could not guarantee that all of their stories would be included in the final film.

While editing, Kelly and I struggled with how to tell the story. We went back and forth between third-person narration versus a more character-driven approach. In addition, *Every Mother's Son* received financial support from ITVS and the contract stipulated that we needed to deliver a one-hour film. Though we requested a longer running time, we were unable to change the agreement.

As directors, we knew the individual stories were complicated and needed time to play out. It was also critical to establish the political climate under newly elected Mayor Rudi

Giuliani. We understood the need to document the growing numbers of stop-and-frisks throughout communities of color, the new aggressive policing tactics, and the growing collective anger in black and Latino communities. All of this needed screen time.

After many attempts to include all four stories, Kelly and I came to the difficult conclusion that we would need to drop one.

In the midst of filming, writing proposals, and researching, it had never crossed our minds that this might happen.

How could we tell one of the mothers that her story, her experience of loss and pain, would end up on the cutting room floor?

The documentary offered a chance for the mothers to be seen and heard, but it also offered some hope of receiving justice for their child. In the end, documentary filmmakers strive to produce powerful films with the hope of having significant impact. Subsequently, we decided not to use Milta Calderon's story. I remember the conversation we had with Milta and her dignified response; nonetheless, Milta did not hide her sense of rejection.

The Personal Release Form states that there is no guarantee the interviews and footage will be made into a film or included in the final production. Most documentary filmmakers try to maximize the chances that people will sign the Personal Release Forms. In that moment we are concerned about the film. It is almost always a tense moment no matter how we try to spin it.

Should we have risked not getting the release form signed and explained this to all the mothers before we began filming? Would doing so have even made a difference in this situation?

This dilemma had come up before when Kelly and I produced *Out at Work: Lesbians and Gay Men on the Job*. Following the completion of that film in 1997, HBO wanted to acquire it for its renowned series *America Undercover*, with the caveat that we change one of our stories. HBO wanted the film to focus exclusively on the Civil Rights Act of 1964 which does not include sexual orientation as a protected class. In 1997, this meant that gay men and lesbians could be fired in 47 states without any legal recourse because of their sexual orientation.

With this new focus, we would have to omit Nat Keitt, one of the featured characters in the original *Out at Work*. Nat was part of the struggle in New York City to win recognition of domestic partnership for same-sex couples. His story was not about being fired.

Ultimately we decided that the visibility of the issues raised would best be served to have the film included in HBO's documentary series.

The original *Out at Work*, which includes Nat Keitt's story, continues to have great distribution. Nat was invited to speak with the film at major events, so the sting of this decision was less difficult than the experience we later had with *Every Mother's Son*.

As hard as documentary filmmakers try, there are no guarantees that all the people filmed and interviewed will end up in the film.

When we make documentaries we are walking in and out of the lives of real people, and by definition, we have a lot of power. Many times, we have more money, more ability to navigate in the world, and ultimately the final decision-making power.

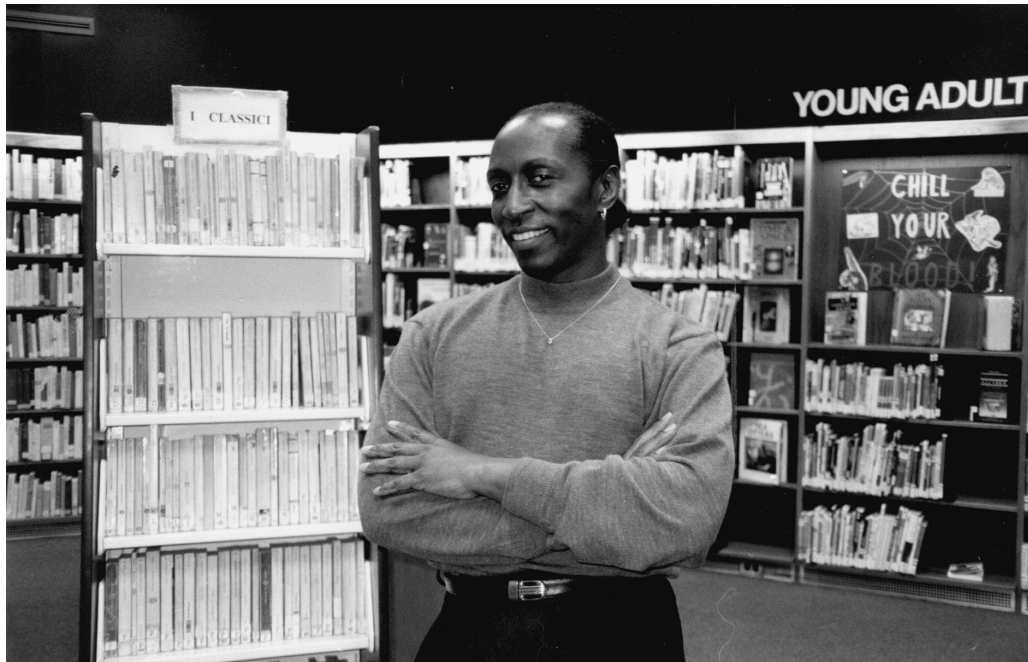


FIGURE 4.4 Nat Keitt from *Out at Work*. Courtesy of Andrea Ades Vasquez and Tami Gold.

Not for distribution

While this chapter is specifically about power differentials and the collaborative process in documentary filmmaking, it raises issues that are also relevant in a variety of media approaches—for example docudrama, reality shows, news, and fiction.

In the end, the commitment to full transparency and honesty is the responsibility of the filmmaker. The moral principles that govern my life and my behavior must be in sync with how I approach filmmaking.

TAKE HOME POINTS

- Collaboration and transparency are the foundations of ethical practice.
- Take the time to explain what it means to be the subject of a documentary film. Many people are eager and excited to tell their story, but do not understand that the film will be seen for many years by diverse and potentially expansive audiences.
- Demonstrate your understanding that you are an outsider and that you welcome their opinions and input.
- Be considerate and compassionate. The people in your documentaries are real people and subject to comments and criticism when the film is released. Remember this throughout the editing process.

- Paying someone to be in a documentary can appear to—or can actually result in—the interviewee saying what they think you want them to say since they are being paid. It is best and ethical to not pay the people who are in your documentary.
- The Personal Release Form is a legally binding contract. When interviewing people, take the time to explain why filmmakers need a signed release in order to use them in the film. Consider adjusting the Personal Release Form if someone requests his or her concerns to be added to the contract.
- Clearly explain the editing process and how the final edit will be determined. Be forthright about who has control and “final say” over the final cut of the movie. Discuss the importance of screening rough-cuts together and the final documentary before public viewings.
- All creative decisions have political implications. Remember “art is political.”

NOTES

- 1 The research has turned up some surprises, among them the discovery that striking changes take place during the teen years. These findings have altered long-held assumptions about the timing of brain maturation. In key ways, the brain doesn't look like that of an adult until the early twenties.
- 2 Homophobia encompasses a range of negative attitudes and feelings toward homosexuality or toward people who are identified or perceived as being lesbian, gay, bisexual, or transgender. It can be expressed as antipathy, contempt, prejudice, aversion, or hatred; maybe based on irrational fear; and is sometimes related to religious beliefs.
- 3 Transphobia is a range of antagonistic attitudes and feelings against transsexuality and transsexual or transgender people, based on the expression of their internal gender identity.
- 4 The gender binary is the classification of sex and gender into two distinct, opposite, and disconnected forms of masculine and feminine. It is one general type of a gender system.

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