

EDITORIAL

For lack of a leader ...

There's a vacuum at the top, and the public and private sectors are neck and neck, rushing to fill it. The goal is to get the Minister's ear, and to influence the drift of Canadian film policy. The prize just might be the authority to divvy up some \$25 million rumored to be set aside to bolster program production.

The competition is tough, and antagonism is growing. Seldom have people in the private sector spoken of the public agencies with such disdain. Seldom have government employees been so quick to discount the opinion of the private sector and to plow ahead, alone, with their own projects.

At present, two new elements are working to raise the ire of those in the private sector. First, there is the creation of Film Canada, an umbrella group of government agencies which hopes to work with the private sector and present a unified image of the Canadian film industry at foreign film markets. Impetus for the project came from the Canadian Film Development Corporation, and producers look sceptically at what they perceive as an expansion of government bureaucracy. They intimate that Film Canada constitutes an attempt to extend control over the private sector, not to work toward building up that sector.

They also wonder when the CFDC became competent in world sales, and why selling an image seems to have taken priority over producing good films. Moreover, the idea of cooperating in a joint sales venture with their sometime competitors - the CBC and the NFB - is anathema.

Second, the department of Communications has set up a study committee on distribution, and has chosen Sam Freeman to head it. Past legal counsel of Famous Players and lately part of the defunct Famous Players Productions, Freeman had his chance to influence policy when he served under Michael McCabe as deputy director of the CFDC. Sitting down with people from the NFB, the CBC and one independent distributor from Québec hardly is perceived as the most promising approach to identifying the real problems of the private sector.

The producers have dashed off angry letters concerning Film Canada, and Québec has refused outright to participate. Meanwhile, as if to counter the flurry of agency activity, the Producers Council of Canada has gone directly to the top, securing a day-long meeting with the Minister in March. It plans then to present its own strategies for financing and production, distribution and marketing, and government agencies.

Several conclusions can be drawn. First, everyone agrees it is time to write real film policy. Ever since John Roberts' April 1, 1978 no-policy speech, observers have been at a loss to explain the government's objectives in promoting the industry.

Second, distribution and marketing are seriously in the spotlight for the first time. Both the CFDC and the producers agree that a major strategy is needed. One may wonder just why they waited until the production climate was so gravely deteriorated, but that is now academic.

Lost in the shuffle is one very real problem. The inability of the private sector to create a workable coalition between Canadian producers and Canadian distributors and sales agents. The knee-jerk tendency to look to Americans for marketing expertise has left the door open for the government agencies to get involved. And despite the private sector talk about taking the initiative and doing the job, it has yet to prove that, left to its own devices, it can successfully promote and sell Canadian films abroad.

Driven by the need to get organized for the American Film Market (to which French language films are inadmissible) and Cannes, both the public and private sectors are running short of time to straighten things out.

The editors

LETTERS

No thanks for this ride

The following letter was addressed to James de B. Domville, Government Film Commissioner.

I wish to bring to your attention a matter in which the National Film Board has grossly interfered with an independent production being produced with the full support of the Canada Council.

I am writing to you for a clarification of National Film Board policy with regard to the productions of independent, culturally oriented producers.

In March, 1981, I contacted the literary agent of a Canadian author, Alice Munro, about a short story titled "Thanks for the Ride" that appears in an anthology of stories published in 1968. I received assurances that the rights were available and applied to the Canada Council in July to produce a film adaptation of this story.

The grant application was successful and I received a major grant of \$22,000 for production of this film which included \$2,000 to obtain the rights to the short story. We were concluding negotiations for the rights with the author's literary agent when the grant was announced in mid-September.

The literary agent mentioned in early October that a John Kramer from the National Film Board had made an inquiry about the same story. However, she explained that the rights were already in negotiation and suggested he pick another short story instead. The next thing we knew, the National Film Board had made an offer for this very same story and by December 16th they had won the rights over us.

Mr. Kramer of the Ontario Regional Studio admits that he went ahead in this knowing about my Canada Council backed production. He never attempted

to contact me before or after he made his first bid. Moreover, he never answered any of my calls to his office until after the Film Board had succeeded in forcing my production out.

That the Film Board should knowingly bid against an independent production that has the unanimous support of the jury of the Canada Council and the approval of its directors, is scandalous.

I have met with Mr. Kramer and cannot accept his explanations that this had been determined by "competition in the free market." I do not dispute the fact that the National Film Board has successfully bid on the rights to this story. However, in doing so I believe that the Film Board has acted unethically. I believe that the National Film Board was wrong in knowingly entering into competition with an independent production which has such substantial support from the Canada Council. Unlike the Film Board, the Canada Council is not a producer of films in itself. It aids filmmakers who work in the private sector.

John Kramer's statement and his actions lead me to believe that he was not acting in good faith. Upon his first inquiry, finding that the rights were already in negotiation by a Canadian independent, he could easily have picked another short story. This is what the literary agent asked the Film Board to do and this is what Mr. Kramer should have done. What, at this stage, would he have lost by this?

Instead, he chose to go after that same story that I had chosen. For what reason is this particular story so important to the National Film Board of Canada? If it is part of a series on Can Lit, this same author has written literally hundreds of short stories set in small towns.

I want to know why did the Film Board, fourteen years after this story has been published, choose this one story among hundreds to film and why did they suddenly enter into the scene two weeks after the Canada Council announcement was made public? Like John Kramer, I recognize that coincidences can happen. However, as a professional, I know that rip-offs also happen. Ideas, especially good ones, do get stolen.

The literary agent told me that the National Film Board went after this story as if it was after a multi-million dollar deal.

I cannot stress enough how destructive this is when regional producers begin acting like mini movie moguls. Seven months of meticulous and considered preparation by a professional artist have been callously interfered with.

I would like to know if it is a policy of the National Film Board to override the Canada Council in this manner. What then is preventing the National Film Board from skimming off the ideas it wants to film from the Canada Council, knowing that an individual artist has no means of effectively competing with the huge corporate profile of the National Film Board of Canada.

The shame in this case is that it seems so totally unnecessary. I cannot understand why the Film Board producer, John Kramer, became so intent on acquiring the rights to this story after he knew that I was already heavily committed to filming it. I have met with him and talked with him but still don't understand what it is about this particular story that makes it so important to the National Film Board of Canada.

I want to know whose interests are being served here. I've heard John Kramer's story and I'm not satisfied.

I want a statement from the National Film Board explaining how its actions in this case fit National Film Board policies, considering that a film of the Alice Munro short story "Thanks for the Ride" was going to be made anyway by an independent who has the support of a federal cultural agency, the Canada Council; and considering that it had already been in production months before the Ontario Regional Studio's production started.

Keith Lawrence Lock

The following response was addressed to Mr. Lock on February 10, 1982.

As Mr. Domville is away until late this month, I am replying to your letter of January 4th to him.

You raise several allegations regarding the conduct of the National Film Board in the matter of negotiating film rights for a short story for which you also wished to acquire rights. Before responding to these allegations, I wish to say that the NFB's policy is one of collaboration and cooperation with the private sector and this is carried out in many ways.

When Mr. Kramer first contacted Ms. Munro's agent on October 30th, he had no prior knowledge of your interest in the subject nor of the Canada Council's grant to you in mid-September. Further, the agent only informed Mr. Kramer that there were two others interested in the rights for the story and invited him to submit a bid which he did.

We have received a copy of Ms. Munro's agent's letter to you of February 2nd in which it is clear that when Mr. Kramer expressed interest in the story neither of the first two offers met the terms that were acceptable to the author and it was only after many discussions that the three parties were invited to submit their best offer for the author's final decision. The author's agent indicates that she knew nothing of your grant.

Our interest in this story began over a year ago when we were approached in Montreal by an independent filmmaker with his project for a film based on an Alice Munro short story. We expressed interest but had no available funds to proceed. The independent producer moved to Toronto and approached Mr. Kramer at the beginning of September with his proposal to adapt to film the Alice Munro short story "Thanks for the Ride." Our regional production studios across the country are collaborating on a series of films to celebrate Canadian literature. As a producer in the Ontario region, Mr. Kramer was looking for a short story set in Ontario and expressive of its regional character.

With respect to your statement that Mr. Kramer refused to answer your calls prior to receiving the rights, I understand that these calls were made to him on December 14th and December 18th. Both were answered and, at your request on December 18th, an appointment was set up for yourself, your associate Mr. Howard Hacker and Mr. Kramer at which point Mr. Kramer responded to your concerns.

In the light of the above, I believe the NFB does not deserve censure for its conduct in this matter. I believe it was handled in a way consistent with our policy and practices.

Reta Kilpatrick

Assistant Government Film Commissioner
Planning, Policy and External Relations