

# the independent: a real alternative to cbc

---

---

Among the ardent believers in the ability of private enterprise to do what the government agencies are now doing in film are Messrs. Nielson and Ferns. Having solved the cash-flow problem which so plagues independent producers, they are ready to take on the CBC.

---

---

by Paul Kelman



*"Since 1950, the Canadian taxpayer has spent five billion dollars for the CBC and the NFB... It's incredible to have spent that amount of money and not have anything that the world recognizes as fine!"*

— Richard Nielsen (President of NFI)



*"We're probably the leading supplier of film material in the country. I'm not sure if we're perceived as that, but I think we ought to be."*

— Pat Ferns (Vice-President of NFI)

---

It's nearly ten years ago, since Richard Nielsen, then executive producer of the public affairs program *CBC Weekend*, received a trans-Atlantic call from a young Cambridge graduate, Pat Ferns, asking for work. Two months later Ferns was directing film for Nielsen. Within five years, Ferns was a senior producer to Nielsen and the two of them were "plotting" their "escape" from the CBC.

In 1972, their escape made good, they formed a Toronto based film production company, Nielsen-Ferns Ltd., a subsidiary of a Montreal facilities house, Inter-Video. Their first project was *A Third Testament*, a six part series of hour long films with Malcolm Muggeridge, on Christianity, and it was telecast by the CBC, BBC and PBS Networks. In 1976, the Montreal outfit wanted to go solo and separated. The Toronto



company then sold eighty-percent of its ownership to the Torstar Corporation and became Nielsen-Ferns Inc. (NFI). Since then, it has produced one-hundred and sixty-four productions, including five major series this year.

NFI is primarily a production house whose orientation is towards television and, as such, deals in the international market.

Ferns explains, "We decided, when we left the CBC, that we wanted to work with more money not less. In order to get more money it meant we had to go to the international marketplace, which meant you had to meet international standards, and I think that's one of the things the company has consistently done."

At present, NFI can develop a project, find finances for and manage both its production and distribution. Says Nielsen, "As a company we're different than other companies. We sell the Canadian industry's production resources. We're developing management services. The significance for the industry is that it is an area that tends to be neglected."



This Nielsen-Ferns production, *An Ark for Our Times*

"We see ourselves as a company that is a benefit to other companies. In a sense, we're a service. We'd like to define ourselves in two ways. One by the programs we do and another by the people we have assembled. We cover a broad range of programming and we are looking for other ways to broaden the spectrum. From a documentary base we have moved into sponsored films, corporate and industrial films and into the television area which we regard as the mainstream of our business, from there into wildlife series into music programs, variety, drama and now we are looking at piloting a new situation-comedy and are interested in movies for television," says Ferns.

Last year, NFI's gross production volume was between four to five million dollars (that's cost). Nielsen clarifies, "We earn our money in two ways, in production fees and on the returns of ownership (thirty to fifty percent)." It's big business.

A concerned Ferns point out, "I think that it is important that if we are really going to build an independent production industry in this country, that, in fact, we behave as hard

headed businessmen. Otherwise we are not going to survive. It is a very difficult environment in which to function.

"We are an industry that is very heavily regulated and we are in a very competitive marketplace internationally and a rather difficult market domestically, because your main purchasers are the CBC and to a much lesser extent, CTV and Global, and some of the educational networks. There aren't a lot of outlets, not enough airtime for the independent producer."

Nielsen agrees, "We found the state of the film industry in Canada required more concentration in the business than we would have wanted... The danger you get into as an independent is that people want your services. You can be a free lancer but you can not produce a series because you go to the bank and they want to know what you've got, a house and a car... If you say you are going to deliver seven or ten programs, they want to know you have the resources."

NFI's financial credibility increased dramatically when it was acquired by the Torstar Corporation. Torstar ("one-hundred percent Canadian") is a holding company which was formed when the *Toronto Star* decided that it should diversify into other areas of communications. The newspaper is now a subsidiary of Torstar whose other holdings include Harlequin Enterprises (the publishers of romance novels), various magazines and regional newspapers (through Metrospan). It is now in the film business and is also acquiring a significant position in Western broadcasting. Beland Honderich, who is chairman of the board of directors and publisher of the *Star*, sits on the board of directors for NFI along with *Star* president, Bill Dimma, and Roy McGary (McGary has just been named publisher of the *Globe and Mail* and will be leaving NFI's Board and Torstar). Nielsen and Ferns are the other two directors with twenty-percent ownership.

When asked about the Torstar acquisition, Ferns explained, "We were looking for them at the point that they were looking for us. The marriage made a lot of sense. In 1976 they acquired a majority interest, certain of the predecessor company's being assets the productions that Dick and I were doing out of Toronto.

"One of the misconceptions because of our association with Torstar is that we are, in fact, financed. We aren't, we have to go out and find all our own money."

Nielsen adds, "Torstar is not a direct investor. It supplies a certain amount of money for development and manages cash flow."

"The normal route, when we have something we want to produce," continues Ferns, "is that we either go and find a co-producer who will put up some of the money, or we make a presale to a network which provides some of the money, or go to independent investors."

With the *Third Testament* series, financing came from the CBC (one third), Time-Life Inc. (one third), Société Radio-Canada (one sixth, for a French version), and the remainder from Noranda Mines who was brought in as a sponsor. The determining factor as to whether a project is taken on, then, is whether or not money can be found for it, either in presale or investment.

Does Torstar give any editorial direction to NFI productions? According to both Nielsen and Ferns, there is "no editorial interference Torstar, being "a sympathetic environment" in which to do business, keeping a guardian eye towards spending the money wisely.

---

Paul Kelman is a Toronto based actor, director and writer who has worked in the Canadian theatre and film industry since 1969.



The major reason for NFI's focus on television production is that they want to reach "as broad a market as possible". This means then that the American market is very important to the company. Ferns elaborates, "One of the things Canadians should recognize is that they should not look at the giants south of the border as something to fear but as an opportunity. We're sitting next to the largest marketplace in the world. Virtually half of the television market in the world is the U.S.! It is very difficult to get programing into the U.S. networks, but, through syndication, through underwriting with PBS etcetera, you can get very good dollars out of the American market. It is important that the Canadian industry reaches a large market."

Apparently the U.S. thinks so too. NFI has recently completed a thirteen part, half-hour series entitled *Portraits of Power* (critical portraits of Hitler, Stalin, Roosevelt, Churchill, de Gaulle and Mao Tse-Tung) with *The New York Times*, narrated by Henry Fonda.

photo: Christopher Darling



Karen Kain and Frank Augustyn star in *Ballerina*

Ferns recounts, "This was a case of journalistic expertise the *Times* looking for the best documentary producer they could find, and we felt very pleased that they turned to us. I'm going to New York tomorrow to negotiate another thirteen programs."

In addition, the company boasts that the majority of NFI productions are "entirely Canadian" with ninety-nine percent of its programs in the past few years satisfying the CRTC regulations as "Canadian content." This does not mean, however, that the subject matter, nor on-screen talent, need necessarily always be Canadian.

Explains Ferns, "We've made a commitment to Canada. We are producing here. We are going to use the talents that are available here. We feel with *The Newcomers/Les Arrivants* series (CBC) that we proved we can produce drama as well as anyone in the world. However, you have to be realistic. If you have investors who are putting money up for a series, are they going to get a return?"

"On the *New York Times* series, clearly, the *Times*, is one of the reasons that it is going to be sold. Also, when someone is looking in the *TV Guide*, all they are going to see is *Portraits of Power: Hitler*, narrated by Henry Fonda, which will be important from a rating standpoint. I think it is important that we generate some successes in this country."

Other more uniquely Canadian successes have included the series on Canadian Naturalist Al Oeming and a one hour portrait of **Karen Kain: Ballerina**, which was shown on the BBC and described by the *Observer* as "the best program on the BBC that Christmas," says Ferns.

*The Newcomers/Les Arrivants*, is seven one hour films (in French and English) dramatically tracing the arrival and settlement of the different cultures in Canada through individual families, with the first episode as prologue dealing with the Indian. Commissioned by Imperial Oil Ltd. to mark their 100th anniversary, it cost three million dollars and was filmed on location throughout Canada.

From this experience Ferns speaks highly of Canadian talent "I think if you look at the episode 1847, directed by Eric Till, out of a performance cast of ninety, only a couple gave really weak performances and they were in minor roles. I think the standards of performance were exceptionally high. We have got no qualms about casting things with Canadians.

"My personal view of the acting community here is that it is getting better and better. I think there has been a lot of interesting theatre happening here in Canada and it is giving more work opportunity to the Canadian performer. Frankly, the standards can only rise as more people work."

Though there is a rising optimism in the growth of the Canadian film and television industry, it is obvious that as a whole our industry has not matched the standards of other countries. There is not sufficient work available for producers, writers, directors and performers. The reasons for this according to both men, rests squarely on the shoulders of the Canadian government and it's agencies, the CBC, NFB and the grant giving bodies. These are not recent views but have been developed independently throughout each man's career.

Ferns inherited his initial distrust of the Canadian government from his father who worked in the office of Mackenzie King during the war and found himself in exile from Canada in the early McCarthy days because of his suspected activities which included an address to the Anglo-Soviet Friendship Society. "Subsequently," reveals Ferns, "he published the first critical biography of King and that mysteriously disappeared from the bookshelves in Ottawa just after it was published. Which indicates the long arm of the Liberal establishment in this country." Ferns, a top first in Economics at Cambridge was also influenced by the thriving satirical movement at the university which included the people who went on to create Monty Python, the Beyond the Fringe group, and notables David Frost and Germaine Greer. Says Ferns, "My own politics have probably shifted from a fairly left to a much more free enterprise position. I have very lit-





Early settlers in an episode from *The Newcomers*

the confidence in government actually doing business, though it can create an environment in which business can be done.”

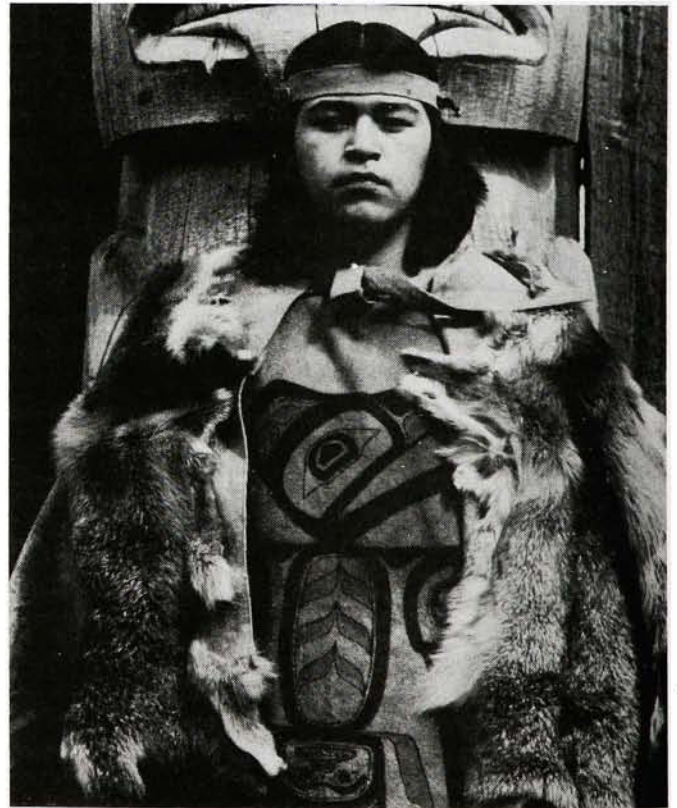
His masters thesis was an analysis of the film industry in England and his views compared favorably with Nielsen’s experience in the Canadian industry.

Nielsen’s roots were in Labour as an organizer and in 1961 he joined the CBC. “Politically, I had the humbling experience of being a socialist and working for a government institution... I’m in a position now where I don’t regret anything I’ve done. I’m critical of the establishment, that hasn’t changed, but, I don’t see public institutions as the solvent remedy I did twenty-five years ago.”

According to Nielsen and Ferns the solution to growth in the industry lies in the independent sector. Unlike the American networks who got out of production towards the end of the fifties, the CBC farms out less than five percent of production to the independent.

Says Nielsen, “The only successful network who has done that (produce its own programs) is the BBC because they sit on the doorstep of the greatest theatre in the world and a fifty year old film industry.”

Ferns furthers the argument, “Clearly, the CBC is the major cultural institution in this country. Therefore, we do vest in it some very particular responsibility... It buys American programming in order to achieve audience but its being clobbered in the ratings. Where it is a three market situation, it’s number three, if it’s a four market, it’s number four. I think the CBC is clearly failing but it is the organization with the potential to assist the independent.”



*The Newcomers*: Chester McLean as the chief’s nephew who will become chief after proving to his tribal elders that he is responsible and mature





Kenneth Welsh in the 1828 episode from *The Newcomers*

Nielsen's basic criticism is that, "The CBC was licensed by the Canadian public to provide broadcasting services," but "it was never given a mandate to produce all the programs it does", and, "the CBC thinks it needs to supply its own facilities, it has no mandate for that either"! He cites the astounding figure of one hundred and forty producers on staff at CBC Toronto. "What publishing house would put novelists on staff? A shlock house!" He adds, "Such a sinecure is a bad environment for producers and expensive to the taxpayer because of the bureaucracy."

The argument, then, is that the CBC is — to put it bluntly, hogging the production work and because of its mammoth size, it has become too expensive and too slow to be able to supply enough work for a rapidly growing pool of talent that can produce a greater volume, at less expense, with greater efficiency. If the independents were running the show, performers would not have to depend on one source for the bulk of their film experience and income, writers could maintain a continuity in their work, instead of the minimal opportunity of writing every "two years", novelists might even take screenwriting more seriously, and producer/directors wouldn't have to go to Hollywood when they want to do drama. The taxpayer would get a break too, standards would rise and the Canadian industry would have a chance of reaching its international maturity and markets. This is the 'independent's vision.'

Another factor which affects the condition of Canada's artists, Nielsen emphasizes, "is the fact that I don't think there has ever been a non-socialist or communist country where so much of the artist's income comes from the government. That is bad creatively. You have to question that sort of system, the same system that deals with the Indians."

Malcolm Muggeridge echoed a similar sentiment when he made note of Dostoevsky's incarceration, "Prisons... have fostered more supreme art and mystical insight than any Arts

Council, Ministry of Culture or other such efforts by way of government encouragement."

The point being that the extent of government subsidy discourages popular art form. Says Nielsen, "Everyone is comfortable in ballet... Classical art can't fail unless the ballerina falls down... but popular art can fail and therefore the politician has to admit the public's money was mispent." As a result, "We are inventing the kind of programing which while it may not be good, is undeniably Canadian." And he adds, "It is painful for me. I go down to Los Angeles and people kid me about it." He admits, "Americans have produced worse than *The King of Kensington* (CBC)," but, "There's more good writing in one episode of *Mary Tyler Moore* than the whole Broadway season."

The system of financing the industry then, is intrinsic to the artistic standards achieved. Nielsen laments, "Since 1950 the Canadian taxpayer has spent five billion dollars for the CBC and the NFB and have not produced a single program that the world wants to see. We are dealing in universals. It is incredible to have spent that amount of money and not have anything that the world recognizes as fine." He concludes, "If the CBC or the government can insist that the independents get fifty to seventy-five percent of what the CBC actually spends, then we can be in business in this country in a major way. We need access to the air-time and the market."

The independents' stand is a strong and critical one and NFI has put their money and talent where their mouths are. They are dedicated to building an independent industry that is "large enough to command the attention and some of the clout of the CBC."

Presently, Pat Ferns is chairman of the television section of the Canadian Film and Television Association (CFTA) which is the major representative of independent producers, the laboratories, optical houses, distributors etc. He revealed that "We, the CFTA, are producing a film directed specifically at the problem that the CBC is not taking enough material from the independent sector. The Secretary of State said that he wants to see more material produced by the independent producers. Al Johnson, the President of the CBC, has assured that this will happen. Unfortunately, we are not per-

suaded that this commitment, which I think is honestly made, is actually going to be translated into action on the operational level. Hence, we are producing a film, which, in a sense, is a delegation of some of the leading producers in the country, putting them on film, so we can take that film to the decision-makers in Ottawa... and make our presence felt, because, we are the real alternative to the CBC."

Nor are they stopping there. Ferns adds, "We are going to make an intervention into the CBC's license renewal hearings in October and that film will be part of that presentation."

In *The Newcomers/Les Arrivants* series, one episode dated 1911, is the story of Western-Europeans immigrating into Canada. The story is by Richard Nielsen, and is really the story of Nielsen's own family, in the first year of their arrival. It is a case where the wife did not really want to be here and was always looking back to the mother country; the husband found it a land of opportunity and believed that this is where the chances were.

Sixty-seven years later, Nielsen, still believes this and along with Ferns is energetically building on that opportunity in a major way. This then is the Nielsen-Ferns story... so far.