

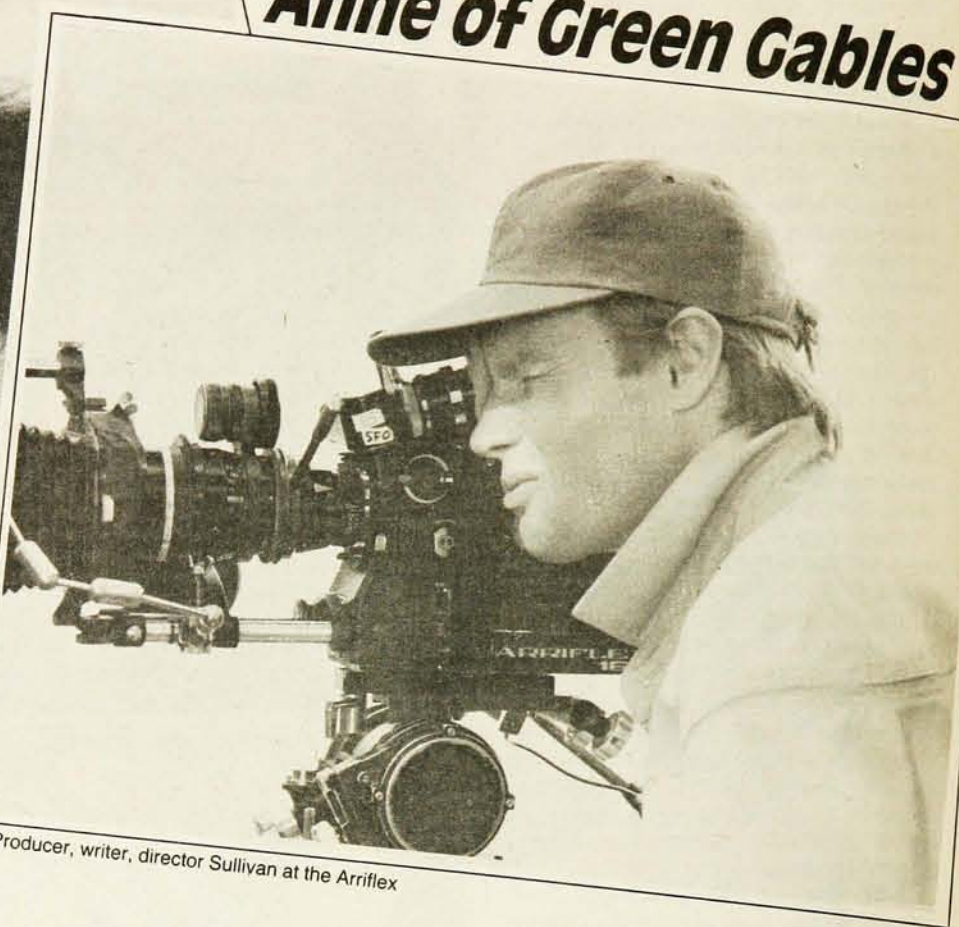
Filming the Canadian literary classic

Anne of Green Gables



photo: Rob McEwan

• Megan Follows as Anne, with Schuyler Grant as Diana



• Producer, writer, director Sullivan at the Arriflex

The stubbornness of Kevin Sullivan

by Lucie Hall

Kevin Sullivan, producer, director and writer of this December's major CBC mini-series, *Anne of Green Gables*, is somewhat of a phenomenon in the Canadian film industry — he's never lost money on a film. And his rise to the pinnacles of that industry has been nothing short of meteoric.

A recent *Globe and Mail* article described Kevin in the following way: "At first impression, Kevin Sullivan does not look like a man who should be producing a major feature film — especially of that much-loved classic, *Anne of Green Gables*. He is a scant 29 years old, and he spent a good portion of that time preparing to be a doctor. He is blond and clean-cut, relaxed and

Lucie Hall is a Toronto television producer.

affable, without the faintest cloud of artistic temperament blemishing his sunny complexion."

Kevin began his career in film in 1979 when he decided to self-finance a short film. He then produced, directed and wrote the adaptation of the Hans Christian Andersen fable "The Fir Tree". It was later sold as a Christmas Special to CBC and on American and European networks.

In 1981, after a few more shorts, Kevin produced, directed, wrote — even acted in — a dramatic special on the life of Canadian artist Cornelius Krieghoff, who became internationally renowned for his Bruegel-like scenes of life in 19th-century rural Quebec. The one-hour special was produced in both French and English and again Kevin sold it upon completion to CBC/Radio Canada as a Christmas Special. The film, now under exclusive licence to Mobil Oil for American broadcast, has sold in six major territories.

In 1981 Kevin acquired the rights to Walt Morey's classic novel, "The Year of the Black Pony" and developed the motion-picture which was to become the first feature film produced exclusively for pay-television in Canada. *The Wild Pony*, broadcast in May 1983, was also co-produced, written and directed by Kevin, and has since earned both international critical and commercial success. Recent sales have been to HBO, Showtime and the Movie Channel. On HBO, it was the network's third bestseller of the month. Recently, it was also bought by the PBS network and will be shown on the *Wonderworks* series.

Now that Kevin Sullivan is completing the much-coveted *Anne of Green Gables* mini-series, one wonders what made Kevin succeed in a field where so many others have failed. There is no doubt that his versatility in being able to produce, direct, write, and even on occasion, act in his own films, has

given him both the financial and aesthetic control necessary to successful filmmaking. Further, his expertise in the business of film distribution keeps him forever mindful of economic limitations and the possibilities of marketing his films internationally. But primarily it could be said that the real reason for Kevin's success probably lies in his burning desire to make films and his unswerving belief in his own vision. Even against sometimes impossible odds, Kevin has the unshakable belief that the successful completion of his films is a foregone conclusion. And because Kevin feels so certain that he will succeed in the end, he then has the willingness to put in the exhausting hours, the financial commitment, and suffer the inevitable heartaches that lie on the road to making it happen.

Kevin spoke with *Cinema Canada* on three separate occasions, focusing on his most recent work, *Anne of Green Gables*.

I first inquired into the rights of *Anne of Green Gables* about four years ago with the New York publisher Farrar, Straus and Giroux. I loved the book and thought that the images were very strong. But like everybody else who inquired at the publishers, I was told that the rights to *Anne of Green Gables* the novel had been merged with *Anne of Green Gables* the musical and that those rights were owned by the authors of that musical, Canadians Don Harron and Norman Campbell. I was also told that no royalties were being paid to the author's estate, which I found weird and didn't understand.

In the summer of 1983, I learned from an American producer that the rights to the novel *Anne of Green Gables* were going into the public domain. So I inquired further at Farrar, Straus and Giroux and found that they didn't know. I couldn't believe the confusion of their legal department. It was then that I decided to research American copyright law for myself without having either previous knowledge or much understanding of it. I can still remember the hours I spent just trying to understand and then eventually learning about copyright.

All of a sudden, in the summer of 1983, the word was out that the rights to the novel *Anne of Green Gables* were going into the public domain. As a result CBC was besieged by a number of different producers, all saying that they should be the ones to do it. And, of course, CBC was very nervous because nobody really knew what the legal status of the property was. It was then I decided to get to the bottom of it.

I hired a very good friend of mine who happened to be lawyer specializing in copyright to begin an investigation into the rights. As well, I tried on my side to unravel the mystery as best I could. It became a horrendous expense, double what many people earn in a year. What I eventually discovered was that the L.C. Page Company in Boston was the original publisher of *Anne of Green Gables* in 1907. Lucy Maud Montgomery had contracted all rights to her book to the L.C. Page Company for the modest fee of 10% of the wholesale price of the book over and above the first 1000 copies. Meanwhile, the book became a fabulous success and it went through myriad printings and sold millions of copies for enormous sums – and all along Lucy Maud was getting only 10% of the wholesale price of the books. Then, in 1919, Lucy Maud signed over all the rights to *Anne of Green Gables*, and all other Anne books as well, to the publishing company for what would now be considered the paltry sum of \$17,500, the royalties she considered she would have earned off the books in her lifetime. In making that agreement, she signed away her rights in perpetuity. Thirty years later, the L.C. Page Company merged with Farrar, Straus and Giroux and these rights transferred to them.

What I discovered through my legal investigations, however, was that copyright laws changed internationally since Lucy Maud Montgomery made this original agreement with the L.C. Page Company. The new copyright laws came into effect, unknown to Lucy Maud Montgomery, in 1924, and were very paternalistic. They said that if an author had signed away her rights to a pub-

lisher before the laws had changed, then the present amended copyright act would take effect. As it relates to *Anne of Green Gables*, the effect of this new act was that the rights of the novel reverted back to the author's estate in 1949, over 35 years ago.

I eventually contacted Lucy Maud Montgomery's estate and their lawyer, Marian Hebb, and provided them with all this information. I even presented them with different cases I unearthed from the University of Toronto law library to prove that this was, in fact, the situation. There were other cases that had come up in the British legal system which were similar to the case of Lucy Maud Montgomery that proved the fact that the rights were, in all likelihood, owned by the author's estate.

As a result of the investigations of their attorney confirming my opinion, the estate made a public announcement in February, 1984, stating that they were the owners of the rights to the property of *Anne of Green Gables*. Suddenly, everybody who had been seeing CBC about *Anne of Green Gables* being in the public domain, started contacting Marian Hebb about acquiring these rights, although many of these people were still unsure whether the rights were in the public domain or not. But I knew I was right and felt at a distinct advantage, because I had out-researched everybody else and knew exactly what the status of the work was. I was also doggedly determined to prove it even if it meant that I had to hire a lawyer and fight on the estate's behalf. In the end, however, it became quite clear that the author's estate did own the rights according to the law.

But even after the announcement by the author's estate, Don Harron and Norman Campbell, the writers of the musical, were still claiming they had the rights to the property. Actually, the only way for them to prove that would have been to arbitrate it in a court of law, but

no one wanted to do so. Everybody was fearful of the time, money and uncertainty of arbitration.

What happened next was that I made a series of bids to the author's estate and eventually succeeded in acquiring all the rights that the estate owned. Basically, I knew the estate wanted three things. They didn't want a major American studio to do a film version of *Anne of Green Gables*. They wanted a Canadian producer to do it. Also they wanted somebody of artistic merit to do the production. I had gotten to know them through our discussions as to who owned the rights and I decided to appeal to them on a personal level and try to make them understand that I would do the book justice. They also wanted someone who was prepared to pay handsomely for the rights because they knew the value of the production. Up to this point, the cost of researching the rights, securing those rights, getting documents, hiring a lawyer, and flying to New York to see the publishers, all added up to a vast amount of money – way over \$100,000. I could have lost it all by not getting the film off the ground, but my instincts led me to believe that eventually I would prevail.

One week after I bought the rights to *Anne of Green Gables*, I opened up the *Toronto Star* newspaper and read Sid Adilman's column saying "Two Canadian Producers Vie for *Anne of Green Gables*" and I thought "Oh Christ, what are we up against here?" Adilman, in his most eloquent fashion, had called both the estate-lawyer as well as Harron and Campbell's lawyer and gotten everybody all stirred up about *Anne of Green Gables*. He pointed out that Harron and Campbell were also going ahead with plans to shoot a feature film of the book.

Adilman made it seem like the two sides were feuding with each other to

produce two different film versions of the property. As a result of the article, we were left with the situation where all potential buyers for both the Canadian and American networks, as well as all theatrical distributors, did not want to deal with either party because of the complications of having two competing versions of *Anne of Green Gables* in the marketplace simultaneously. The Adil-

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man article had really brought the situation to a head. I also knew that in 1970, the BBC had made a TV-miniseries of *Anne of Green Gables* featuring Barbara Hamilton and that it could not be aired because of quarrels over rights. Harron and Campbell had taken them to court over the rights and it was never aired. Can you believe it? So it was at this point that I hired media lawyer Michael Levine. I wanted expert advice and felt he was best qualified to supply it.

What ensued with Harron and Campbell was another long and complicated process in which both sides agreed not to kill each other's projects. The arrangement was that I could leave a theatrical window for the musical



• Ladies taking tea; from left, Molly Thom, Jackie Burroughs, Juliana Saxton and Viven Reis

movie version of *Anne of Green Gables* to Harron and Campbell. They in turn recognized my position in terms of television distribution. We agreed to this in the event that, if each of us did get our projects off the ground, we could live with each other in the marketplace. This agreement took a year to hammer out and was concluded in February, 1985.

I must say that the risks of this project have been enormous for me from the start. There have been many times that I wondered if this project was at all worth it. But, for the moment, the talent I have acting in the film, as well as the exhilaration of doing a story I believe in, has compensated for that. Seeing it done and come out looking so wonderful is, in essence, why I did it.

After researching and securing the rights to *Anne of Green Gables*, I reached a fork in getting the project off the ground. The licence fee that CBC originally offered me was not enough to put together the film as a Canadian production. As an alternative, I tried finding a corporate sponsor and talked to a lot of the biggies, not just about buying advertising but also paying for the show and placing it. But the Canadian market was just not big enough and it was too expensive for them to finance. So then I started orienting towards an American route and began looking at American superstars to do it with. Stanley Colbert put together a deal with Lorimar and I was wondering if I should go ahead with

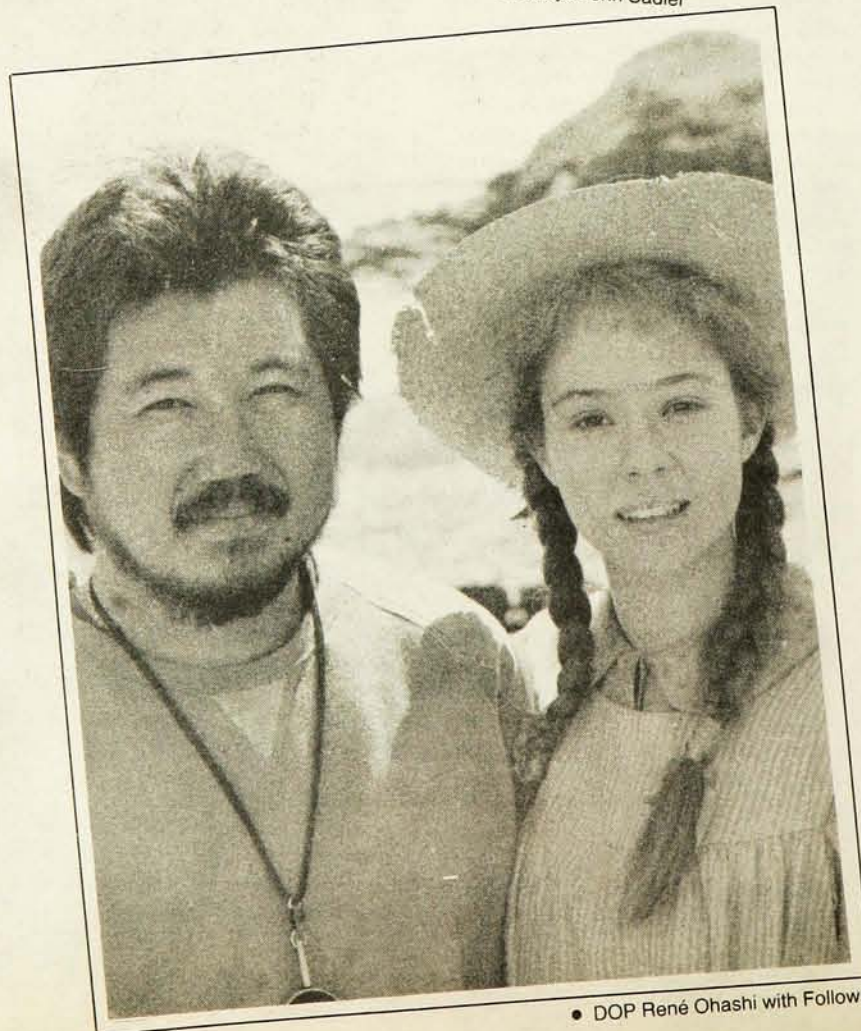
"Fortunately CBC began to recognize the fact that there is a pricetag attached to nationalism"

it and make it happen. But I soon realized that I would have lost overall control of the production if Lorimar became involved. It would have been only a line production deal for me.

Fortunately at this time, CBC began to recognize the fact that there is a pricetag attached to nationalism and started becoming much more cooperative. They were prepared to make it a Canadian production on the condition that the two lead performers, the characters of Anne and Marilla, be Canadian. So then I put a deal together where CBC and Telefilm were each in for a third of the \$3.4 million budget, and PBS, Germany's ZDF, CITY-TV and myself would put together the last third of the financing. But the negotiations for this deal proved to be extremely difficult because we got caught in the CBC cut-backs. After our deal was concluded with CBC, CBC pulled out and we had to renegotiate the deal all over again. What eventually happened was that Telefilm Canada filled the gap in CBC financing. Meanwhile the whole process of working with five coproduction partners became so complicated that my head was spinning. Fortunately, my lawyer, Michael Levine, proved to be every bit the master juggler of egos and emotions and deals. He had a field day. At one time I had six lawyers on the phone screaming at each other. Eventu-



• Sullivan with West German actor Joachim Hansen who plays John Sadler



• DOP René Ohashi with Follows

ally I just said, "Stop, I can't take this anymore! I'm paying for this conference call put we're not getting anywhere. Everybody off the phone!" Click.

Through all this I just had to have overwhelming faith that it would eventually all gel. Like dominoes, I had to wait to push at the right time and then all the different pieces would fall into place at once. But it was such a difficult deal to make that it was like going through a bath of fire all that year. And I kept trying to find coproduction partners to become involved. At one time or another I became involved with the Tribune Entertainment Corporation, Richard Price, Central Television in England, TV South in England, REVCOM in France, as well as others. But they didn't work out. Fortunately the right mix of coproduction partners did work itself out.

Both Telefilm Canada and PBS have equity in the film. But that is the reason Telefilm is there - to help sustain an industry that would otherwise be unable to be self-sufficient. CBC and all the Canadian broadcasters are incapable of paying enough for the films because our populations are not large enough. In the U.S., the TV and film industries are self-sufficient. They can produce a program for whatever and make 5% on their domestic market. Foreign sales are

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gravy. In Canada, it will take five years down the road and maybe more before you begin to break even, and you have to rely on your foreign sales for that. I wonder if the industry would be able to sustain itself if Telefilm were no longer there. I don't really think so. Not really. I think that there will always have to be subsidies in order for nationalism to flourish.

A *anne of Green Gables* will do well internationally. If it does well, it's more power to the Canadian industry. The world will recognize the television industry and this large miniseries will be recognized as Canadian quality.

The scripting process from first rough-draft to final script took a little over a year. In all fairness, adapting a novel is not screenwriting. Adaptation is a carpentry job. The greatest praise for the material goes to Lucy Maud Montgomery. And, after that, to me for working with these scenes in a way that would work for film. After that, to Joe Wiesenfeld who was brought in to bring a different perspective to the work. After that, though, I had to go back and redraft the script yet again to accommodate CBC, PBS and ZDF. PBS required three separate episodes without commercials. CBC and ZDF required the

show to run slightly longer at four commercial hours. The difference between the ZDF and CBC script-length and the PBS script is about 25 minutes.

The CBC series will be shown in two two-hour episodes on December 1 and 2 this year. The first episode called "A Real Home" shows how this young eccentric orphan girl changes the lives of these two repressed elderly people, Marilla and Matthew Cuthbert, who have never experienced love in their lives. It's told in a series of events and some of them are wildly funny. The second episode called "A Bend in the Road" shows this young girl transforming from an ugly duckling into a beautiful swan. She establishes herself in the community and eventually all kinds of opportunities are laid out in front of her, including wealth, travel and scholarships to university. But she decides to give it all up to return to Green Gables and stay where her roots are. Many people have told me that they find the story drippy and in certain ways I think I agree with them. But I think that I've made the story palatable for the cynical '80s by shooting and scripting it in a realistic way that allows the audience to be overcome by the true spirit of it.

It's been very difficult for me to cast this film, however. The issue with casting a classic book is that every reader has a different interpretation of what the characters should be like. Finding the right girl to play Anne proved to be the most difficult task of all. I auditioned 3,000 girls across Canada. I needed a person who could play Anne as eccentric, frenetic and wild. Initially I had not considered Megan Follows for the part because she seemed like a very solemn, contemplative actress. But after auditioning her several times, I came to appreciate her tremendous acting ability. She had never been allowed to portray a character like Anne before and she really has grown into the role. She's a premier international-level actress. My German co-production partners responded to her immediately saying she was a marvellous child. She's been able to give polished performances under the most incredible duress. One day Megan went through six different wardrobe and hair changes. We needed a professional kid who could function coolly in that frantic environment, who had tremendous talent and was totally capable of making the age transition from 12 to 17 needed for the story. I now feel so strongly about Megan that I can honestly say that I could never have made the film without her.

Coleen Dewhurst as Marilla has been wonderful. She's got this wonderful, raspy voice. The performance she delivers is such a high caliber that the direction required of her at any time has been really minimal. She's so much the role. And this role has been a dream come true for her. This was the first book that she ever had read to her, and she loved the story ever since. She knows the role implicitly and is committed to the story 100%.

Another extremely difficult decision was choosing an actor good enough to play Matthew, a crucial role. And from the very beginning, from the very minute I started thinking about who could possibly play Matthew, it was always Richard Farnworth. He's so sweet. He has a natural quality to him that is Matthew. Richard received a tre-



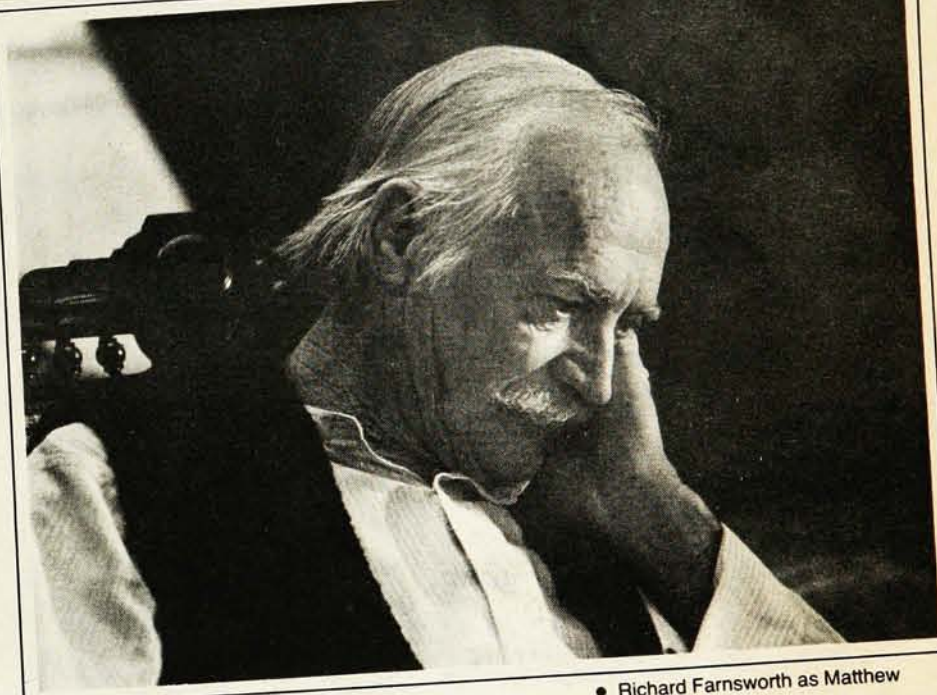
• Diana (Schuyler Grant) tells Jane (Jennifer Inch) and Ruby (Trish Nettleton) the terrible news about Anne

mendous amount of acclaim in Canada because of his work on *The Grey Fox* and also has a tremendous amount of box-office appeal. He also happens to be, in my estimation, totally, all-consumingly right for the role.

I began casting at the end of May, 1984. I was discussing a possible role with Katharine Hepburn and she put her niece forward as a possible contender for the role of Anne. I screen-tested her niece, Schuyler Grant, who I thought was a wonderful actress with a great sense of vitality and in many ways a real-life Anne. I became convinced that this delightful child with the perfect physique with red hair would be Anne. But the connotation of an American playing a primary Canadian role was offensive to CBC, Telefilm and, I'm sure, ACTRA, although it never got that far. So I agreed to look again. I later casted Schuyler as Diana, Anne's bestfriend. She agreed to play the part and her inner radiance has transformed Diana into an equally strong character without overshadowing Anne.

Jonathon Crombie, son of Indian and Northern Affairs minister David Crombie, plays Gilbert, Anne's boyfriend. Diane Polley, the casting agent, has been instrumental in selecting Jonathon for the part. She saw him in a school-play and thought there was something special about him. He looks like the classic turn-of-the-century young man with chestnut curly hair, perfect complexion, freckles on his nose and a wonderful smile. Although he had never acted professionally before he made an excellent audition. He has no idea how good he is and sometimes got very nervous and lost his confidence, yet his facial expressions are so subtle that he's a real film actor. He can portray a great deal of intensity with just a flicker. He's riveting to watch.

I think that because I've had the tremendous luxury of being able to pro-



• Richard Farnworth as Matthew

duce, direct and write this film that I will be able to produce a film which is very much in keeping with the marketplace and still maintains the authenticity of the material. I've shot this film over 11 weeks, 60 hours a week. I worked the normal 11-hour day; that is, a nine-hour day with two hours overtime. Most of our days we kept with our schedules and our crews have really been working hard. They've been very efficient, constantly thinking ahead and trying to improve on the overall efficiency. We're right on-budget, which is fortunate.

Editing has proceeded from the first day of shooting. The editors are desperate because we have to deliver it so soon. It's worked out very well, though. We haven't had the luxury of shooting an enormous amount of film, so the choices are almost made as we do the scenes. The scenes were not chopped up. It's choreographed so that things happen within the frame. It's my style and I think that it really works dramatically. You're not putting performances together that are edited. By-and-large,

they stand on their own.

But it's been exhausting for me to bring in this film for \$3.4 million. My ass is on the line. The film stayed on-budget, however, and we've done extremely well for the kinds of constraints we've been under. I consider this a low-budget film. A low-budget feature film by studio standards is five or six million dollars and that's for two hours. We have shot four hours for half the money, in half the time, with tight, tight resources.

But everyone wanted this picture to be good. It was like motherhood. Every person that worked on this decided to come in and do their damndest. They fought to make this good. The art and wardrobe departments fought to make it authentic. Rene Ohashi, my director of photography, fought to create an atmosphere and capture it in his shots. Many of the cast and crew have said that this is the most wonderful project that they have ever worked on and everybody is just so high about it that it just has to be a success.