

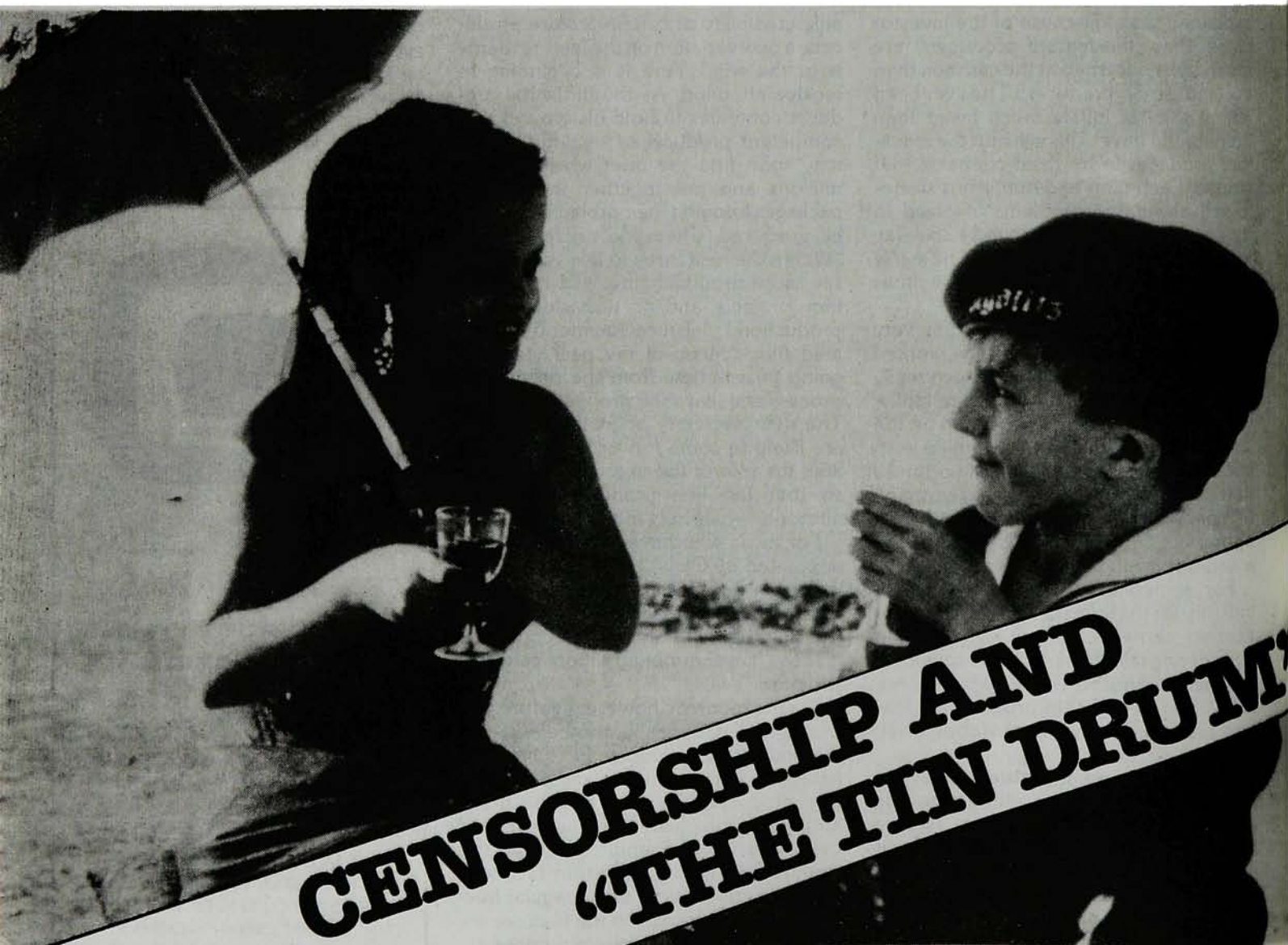
# drumming up a storm

by john harkness

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Ontario: the hub of Canadian culture, or a provincial heart of darkness? As *The Tin Drum* Controversy nags on, it's a toss-up — between Sodom and Gomorrah, and Big Brother. Any bets?

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Happily oblivious to the storm of controversy over *The Tin Drum*, Roswitha (Mariella Oliveri) and Oskar (David Bennent) toast their togetherness

Most of the time, the Ontario Board of Censors creates little fuss with the general public. Some filmgoers gnash their teeth at its existence, and distributors with controversial films may occasionally worry when the Board deliberates on what they've submitted, but by and large it is ignored. But in the past three years, the Board has found itself in the midst of several controversies over films made by world-famous and world-acclaimed foreign directors. In 1978, shortly after the homosexual rape-murder of young Emmanuel Jaques, which so shocked Toronto, the Board banned Louis Malle's **Pretty Baby**, claiming that it exploited young Brooke Shields. (Interestingly enough, as of this writing, the Board has passed **Blue Lagoon** without cuts, which also features Miss Shields — who is now old enough to simulate sex on-camera, but *not* old enough to see the film in Ontario, where it has been rated Restricted.)

Last year the banning of **Pretty Baby** was followed by the controversy over Bernardo Bertolucci's **Luna**, which ended with **Luna** being released in a cut form. This year's controversy involves Volker Schlöndorff's adaptation of Günter Grass' **The Tin Drum** — a film which shared the Golden Palm award at the Cannes Film Festival and more recently won an Oscar as Best Foreign Film.

The reason that **The Tin Drum** controversy refuses to go away is that the distributor, New World Mutual, refuses to give up. For Michael Skewes, the General Manager of New World Mutual in Toronto, the issue is clear. "We know what we have," he said in an interview with Cinema Canada, "and what we can get away with; and here it isn't a question of getting away with anything. We know **The Tin Drum** should not be censored." Stephen Chesley, the Toronto publicist who has worked with New World Mutual on the case, added that, "With **The Tin Drum**, we knew we had a hook for the anti-censorship forces in the province. The only way to win this one was to totally penetrate the public consciousness. We tried to structure the campaign so it wouldn't let up. The Board always believes that it takes two weeks then everyone forgets."

Skewes and Chesley are confident that the film will ultimately be shown uncut in Ontario — as it is in Quebec, Manitoba and British Columbia — rather than with the four cuts initially demanded by the Board, or the one-cut British print which New World Mutual offered as a compromise.

On the other side of the ledger, there are the confident declarations of the now-retired Board chairman Donald Sims, who stated in a recent issue of the *Toronto Star*, "I suspect we've seen the last of **The Tin Drum**."

From the beginning, the case has been controversial and somewhat enigmatic (see the accompanying chronology), leading to charges within the Board of intimidation by Sims and assistant chairman Mary Brown, accusations that the nature of the film was distorted by the demands for cuts, and finally calling for an investigation of the Board's procedures by the Ontario legislature.

In a moment of magnificent irony, CITY-TV broadcast *all* of the offending material — video-taped at the screening held for the New Democratic Party caucus at Toronto's International Cinema — on its 6 and 10 p.m. news programs. New World Mutual GM Skewes was particularly upset with both the censors and CITY-TV, for the distortion caused by pulling these sequences out of context. "When people read three lines in the paper, that's what the film's about. Drea (Minister of Consumer and Commercial Affairs), Sims and Brown have pulled things out of context." This distortion ultimately led to such events as a pro-Board petition from Etobicoke denouncing the film as kiddie porn — which it most certainly is not.

Elsewhere in the Toronto film community, the Board's action against **The Tin Drum** is perceived as an attempt to turn back the clock. Linda Beath of New Cinema says that the board has become increasingly tough in the past five years. "When I'm screening international art films, I have to think about what the Board will do. They've put independent distributors in the position of auto-censorship. There are films that should be available in English Canada — that are available in Quebec — that aren't brought in because of the seemingly unpredictable nature of the Board."

Millard Roth, the executive director of the Canadian Motion Picture Distributors Association (CMPDA), does not feel that the Board's actions are unpredictable, but rather that people have failed to see the significance of the

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# Tin Drum Sparks Hearing into Board Procedures

The following excerpts were taken from transcripts of the Legislature of Ontario, Standing Committee on the Administration of Justice, which convened on June 18, 1980, to conduct a two-day hearing into the procedures of the Ontario Censor Board. These excerpts have been selected simply to illustrate the nature and tone of the proceedings, but in no way represent a summary of the full testimony and questioning which took place. Those quoted include: J. Cunningham (Member of Ontario Board of Censors, witness); Hon. Frank Drea (Minister of Consumer and Commercial Relations, taking part); M.N. Davison (Hamilton Centre - NPD, member of Subcommittee on Agenda & Procedure); J.R. Breithaupt (Kitchener - L, member of Subcommittee...).

**Mr. J.A. Taylor:** On a point of order, Mr. Chairman, again, as I understand it, the committee is to pursue the procedures of the Ontario Censor Board. Does the censor board have written procedures or does it not have procedures? If it does, I would like to know what they are and then I would like to know whether there was any deviation from the procedures?

**Mr. M.N. Davison:** Would you tell me what was the discussion on May 1?

**Mr. J. Cunningham:** We discussed the film and took a vote.

**Mr. M.N. Davison:** And took a vote. A vote of the board has been characterized in the Hansard of this committee on Wednesday of last week as a straw vote. Do you take straw votes?

**Mr. J. Cunningham:** What do you mean by a straw vote?

**Mr. M.N. Davison:** Not a real vote.

**Mr. J. Cunningham:** It was my understanding this was a very definite vote.

**Mr. M.N. Davison:** Okay. Are those votes by secret ballot or by show of hands or in what fashion?

**Mr. J. Cunningham:** They are quite open. The chairman sat at the head of the table and asked each member what his vote was.

**Mr. M.N. Davison:** What was the result of that vote?

**Mr. J. Cunningham:** Three members voted for four cuts; one member voted for one cut; and three members voted for no cuts.

**Mr. M.N. Davison:** Do you understand that that conflicts with information put before this committee by the Minister of Consumer and Commercial Relations?

**Hon. Mr. Drea:** That's not correct. It's exactly what was put forward (???) at all times...

**Mr. M.N. Davison:** ... When did the board next meet (after May 1) to discuss The Tin Drum?

**Mr. J. Cunningham:** On May 7.

**Mr. M.N. Davison:** Would you like to tell me what happened at that meeting?

**Mr. J. Cunningham:** We did have a meeting. There were two items on the agenda. The first item was a request from (Deputy Minister D.A.) Crosbie to Mr. Sims to get the board members' opinions on the idea of a rotating board. The second item was to have a vote on The Tin Drum.

**Mr. M.N. Davison:** Could you tell me what the result of that final vote on The Tin Drum was?

**Mr. J. Cunningham:** Three people voted for no cuts; one for one cut; and three for four cuts.

**Mr. M.N. Davison:** The same vote result; I assume the same people voted in the same fashion.

**Mr. J. Cunningham:** Yes.

**Mr. M.N. Davison:** So, at that time, we also have what in effect is a majority decision in favour of one cut.

**Mr. J. Cunningham:** I would presume so.

**Mr. M.N. Davison:** Did you find that the agenda was a little unusual? Mr. Cunningham, did you feel at all intimidated by the agenda?

**Mr. J. Cunningham:** I thought the priorities of business were rather unfortunate.

**Mr. M.N. Davison:** I agree with you; they were incredibly unfortunate.

**Mr. M.N. Davison:** Mr. Cunningham, I would like to take you back again to the meeting of December 5. Do you recall at that meeting you discussed two films that exceptions were made to? To one film an exception was made because it was for educational purposes and not to be released commercially, and the other film, as I recall, was for private film society. They were characterized as exceptions.

The minutes from that meeting include the following sentence: "Mrs. Sexton asked why the board was not informed about exceptions. She suggested that it would like to be involved in these decisions. Mr. Sims replied that since Mr. Drea's speech in the House we know what our guidelines are, exceptions should be forgotten."

The guidelines of the board, I take it, and the only guidelines of the board, are those set forth in the memo from Mr. Sims dated January 16, 1980?

**Mr. J. Cunningham:** That is the first communication on guidelines from Mr. Sims on paper, yes.

**Mr. M.N. Davison:** Are there subsequent communications from Mr. Sims regarding guidelines?

**Mr. J. Cunningham:** Not that I recall.

**Mr. M.N. Davison:** Prior to January 16 were there written guidelines in the hands of the members of the board?

**Mr. J. Cunningham:** Not in the hands of the board members, no.

**Mr. M.N. Davison:** Thank you. Was there a procedures manual in the hands of members of the board?

**Mr. J. Cunningham:** No.

**Mr. M.N. Davison:** So there were no written guidelines and there was no written procedures manual, at least in the hands of members of the board?

**Mr. J. Cunningham:** No.

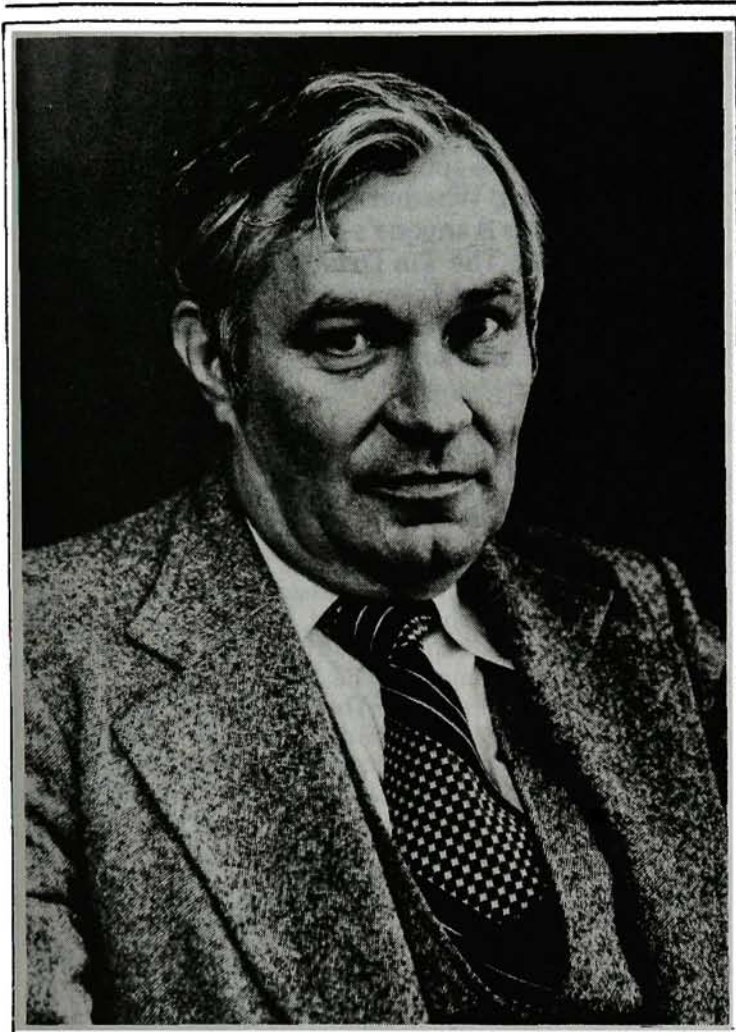
**Mr. M.N. Davison:** This board has operated since 1911 with no procedures manual?

**Mr. J. Cunningham:** So far as I know, yes. No, the board changes, they did put out a procedures manual in 1921 and 1922 and it did set out guidelines and rules of operations for the board but these were discontinued.

**Mr. Breithaupt:** Mr. Cunningham, I have listened with great interest to the testimony that you have brought before us today. In looking at you and the other members of the board who we will probably not all be able to question in a shorter period tomorrow afternoon, it, I suppose, surprises me that all of the films you have seen haven't turned you into a group of rather nasty people. You seem quite pleasant, quite mindful, quite normal and I suppose those questioning censorship, one way or the other, will take that into account.

The one problem that I have had and

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Oh, for the best of a different drum! Minister of Consumer and Commercial Relations, Frank Drea

Emmanuel Jaques case, which has led to "a political situation motivated by a moral interpretation of events." The Board simply will not pass films which it perceives as child pornography. A secondary problem, according to Roth, is that treating the province of Ontario as a whole tends to belie the fact that there are very large differences between Toronto, as a sophisticated urban centre, and the rest of the province. Roth and the CMPDA see a partial solution in a changing of the Province's classification system; first the addition of a classification between Restricted and Adult — a classification similar to the American R, which allows those under 17 to attend a film accompanied by an adult; and second, through the creation of a code of information which will inform and warn the viewer in advance of offensive material of whatever type, be it violence, sex or language.

Leonard Bernstein of Premier Operating — a chain of Ontario Theatres — is in agreement with the CMPDA position but rather more vociferous on the long-range effects of **The Tin Drum** controversy itself. "The whole furor is unfortunate because of the type of film it is — German dialogue with English subtitles. The highly-discriminating audience that would have seen it would hardly have been contaminated by contact with it..."

Bernstein emphatically denied that the film has anything to do with child pornography.

The problem of Toronto (and Ontario's) image on the world film market was raised by Wayne Clarkson, director of the Festival of Festivals. "Internationally, it's an embarrassment, because there are films we would like to run (at the Festival) which we can't get because of the censors: Oshima's **Empire of the Senses**, for example, is a magnificent film that would never pass the Board. We have been denied films because their producers or distributors will not accept cuts." On the issue of **The Tin Drum** itself, Clarkson expressed shock. "I select what we consider the best films produced in the last year, and I will not tolerate exploitation at the Festival. What **The Tin Drum** teaches us is that what the censors consider exploitation I would not have dreamed was. I can't act as my own censor because I can't predict what the Board will do."

At this point, the distributors of **The Tin Drum** say they are confident the film will be shown uncut in Ontario. The legislative hearings into the Board's procedures revealed some rather underhanded dealings, aimed at weakening the positions of both the liberal members of the Board and the distributors. Yet, short of taking the Board to court — a long and expensive process, which would quite likely not produce any results before the autumn — New World Mutual has no legal recourse. There is no appeal mechanism within the Ontario Board of Censors: it was abolished



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in 1971 by an Order-in-Council of the Conservative government.

There is, however, the extra-legal option of showing the film without the Board's approval. Yet the penalties here would be extreme were the distributors to lose the court case which would ensue. The theatre which screened the film would consequently lose its exhibition license, the projectionist would lose his union ticket, and the fines involved could total over \$20,000. According to Chesley, New World Mutual considered that option, but felt that, ultimately, the cost would be too high, and acting illegally

could serve to prejudice the Ontario public against the film.

Despite the distributor's confidence, a pro-show outcome is doubtful. The legislative inquiry took place just before the end of the spring session, and memories in this province are short. Whether the controversy will survive the summer recess is anyone's guess — as is the answer to the question, Will **The Tin Drum** be shown in Ontario?

"I used to think that Toronto was the cultural capital of Canada, but now I'm not so sure." Leonard Bernstein is not the only one who's wondering. ■

## Chronology May 1979 : The Tin Drum

**May 1979:** **The Tin Drum** and **Apocalypse Now** share the Golden Palm award at Cannes.

**April 11, 1980:** **The Tin Drum** opens in New York and Montreal to rave reviews. New York rating — under 17 must be accompanied by adult. Montreal rating — those under fourteen not allowed.

**April 14, 1980:** **Tin Drum** wins Oscar as Best Foreign Film.

**April 17:** Submitted by New World Mutual to Ontario Board of Censors (OBC).

**April 18:** OBC screens **The Tin Drum**.

**April 23:** Toronto *Globe and Mail* story reveals demand for cuts. Michael Skewes, General Manager of New World Mutual: "It looks like we're sitting with a **Pretty Baby**." Donald Sims, Director of the OBC refuses to discuss the cuts demanded.

**April 24:** Frank Drea, Minister of Consumer and Corporate Affairs, reveals the nature of the four cuts being demanded.

**April 25:** New World Pictures in Los Angeles and New World Mutual consider legal action against the Board. *Toronto Globe* attacks the OBC as "redundant" and a "tight-lipped pack of interfering egos without . . . the slightest sense of public responsibility."

**April 28:** Frank Moreno, Vice-President of New World Mutual, says that **Drum** director Volker Schlöndorff will not allow any cuts.

**April 29:** Great Britain demands the cutting of 23 seconds under the Protection of Children Act. Schlöndorff: "**The Tin Drum** will stand as it is, to be shown uncut or not at all."

**May 1:** New World Mutual lawyer Aubrey Golden meets with Sims to discuss OBC votes 4-3 for one cut. This decision is not made public.

**May 7:** OBC again votes favouring one

cut. This decision is not made public, either.

**May 11:** Toronto Mayor John Sewell admits to attending a live sex show in Amsterdam.

**May 13:** Golden submits letter to OBC offering to withdraw film in the light of the lack of response to his May 1 offer of one cut.

**May 14:** Sims offers to return print. Golden replies that the print is not an issue, but a resolution of the issues is. Golden offers one cut to Sims and Mary Brown, assistant director of the OBC: Brown requests some changes in his letter. Golden makes changes, re-submits letter, which is received on the 15th.

**May 17:** *Globe* story cites sources in OBC that there had been threats of job rotation, and that Brown, not Sims, was running the OBC. Sims refuses comment.

**May 23:** Drea denies that the majority favoured one cut. Claims that the distributor (New World Mutual) would accept none. Golden denies this and threatens to take the OBC to court unless the decision requesting one cut is produced. "I don't believe the Board is entitled to operate in total secrecy."

**May 26:** Ontario Liberal leader Stuart Smith calls Sims "a little tin god."

**May 27:** Drea defends Sims against charges of suppression of Golden's letter offering one cut. Claims the compromise offer was irrelevant.

**May 29:** Lawyers for New World Mutual renew their charge that Sims and Brown kept the compromise offer from the Board. Sims and Brown prove unavailable for comment.

**May 31:** *Globe* story by Jay Scott: Drea claims he will resign before allowing **The Tin Drum** to be shown uncut or asking the OBC to review its decision. "If he (Ontario New Democratic leader

Michael Cassidy) wants the thing shown uncut, let him stand up on behalf of his party and say so."

**June 2:** The New Democratic caucus screens **The Tin Drum** at Toronto's International Cinema. Cassidy calls Drea a "prude." Skewes says Schlöndorff is willing to make one cut. CITY-TV carries the censored material on its 6 and 10 p.m. news. Drea denies resignation threat.

**June 3:** Brown, speaking in Scarborough East, says that the film is of "vital interest" to 1% of Ontarians.

**June 5:** New World Mutual promises to "keep fighting the Board in any way we can, with the full blessing of the main office in L.A. . . the L.A. attitude is to hang tough."

**June 7:** Henry Miller dies.

**June 9:** The National Arts Centre in Ottawa cancels its scheduled showing of **The Tin Drum**.

**June 11:** The Ontario Legislature decides to hold public hearings on OBC procedure.

**June 16:** Catholic *New Times* calls for the abolition of the OBC and its replacement by a classificatory body. *Canadian Jewish News* says "**The Tin Drum** deserves every award it has won. . . A pity the Censor Board won't allow us to see it in Ontario."

**June 18:** The Legislature committee convenes. Sims does not testify for reasons of health. OBC member Joseph Cunningham states that he felt his job was in danger if he voted against the cuts.

**June 19:** Rosemary Sexton, OBC, claims Sims accused her of "going soft" and advised her not to read material on the pros and cons of censorship. Says that she believed in censorship until she became a censor. Says that the letter offering the compromise was not shown to the Board. Brown testifies that "The letter was irrelevant."