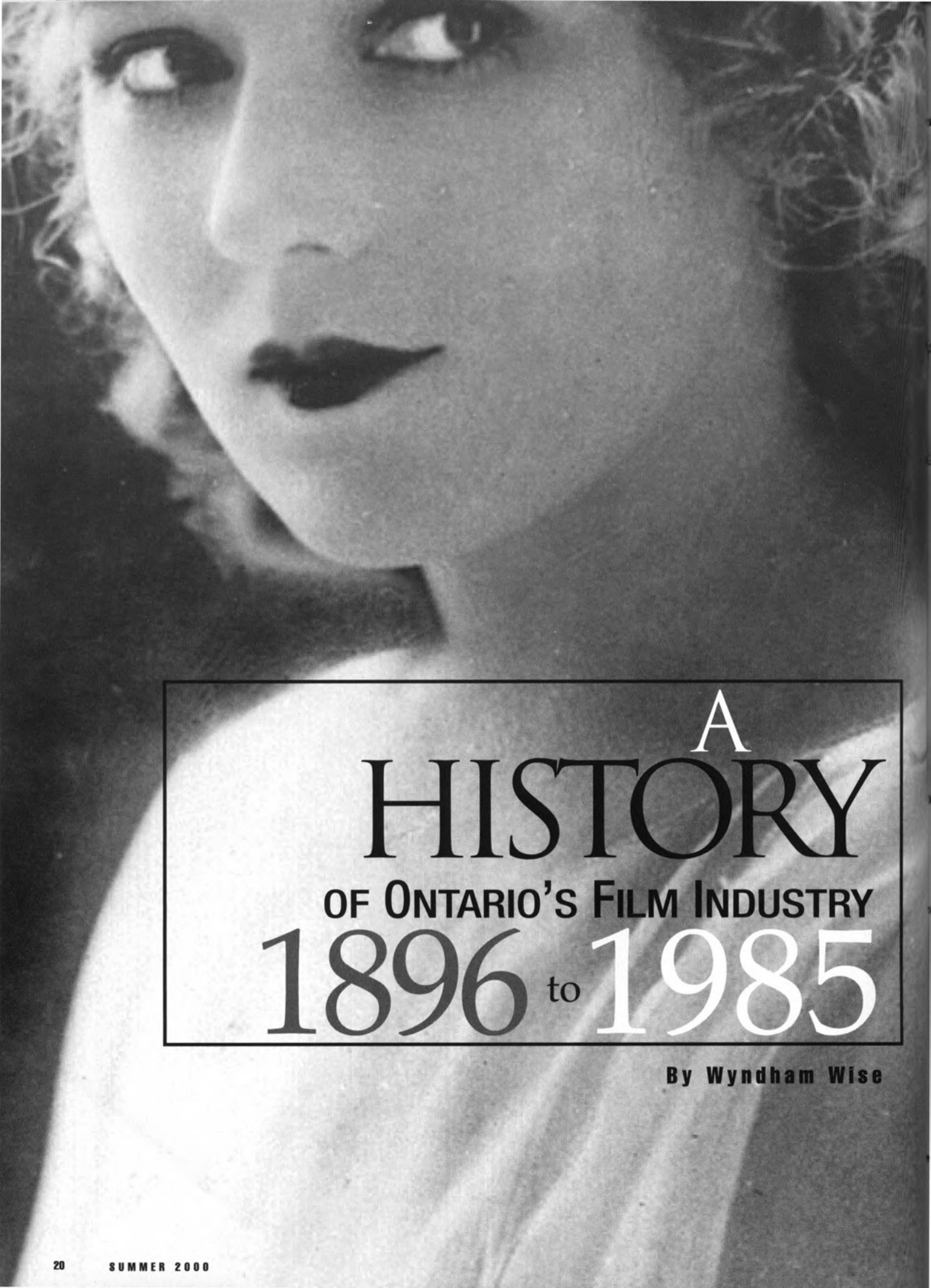

A HISTORY OF ONTARIO'S FILM INDUSTRY 1896 to 1985

By Wyndham Wise

Left: Toronto–born actress Mary Pickford became the top box–office star in Famous Players–Lasky films and the object of an intense bidding war among Canadian exhibitors during the 1920s.

The Early Years: 1896–1934

A marvel in a marvellous age, the Vitascope screening of *The Kiss*—starring the Whitby–born Broadway comedian May Irwin—was a huge success. Long before 8 o'clock on the Tuesday evening, July 21, 1896, every reserved seat was taken in Ottawa's West End Park and audiences exceeded 1,600 people in the first week. A month later, an unusual double bill featuring "Edison's Wonderful Vitascope" and "Prof. Roentgen's Great X–Rays" opened in Toronto at Robinson's Musée, 81 Yonge St. The Musée was an odd mixture, with a zoo on the roof, a curio shop on the second floor, the Bijou Theatre on the ground floor and Wonderland, offering freaks and waxworks, in the basement. It cost 25 cents to see the professor's "X–Rays" and 10 to see the Vitascope screening.

Shown infrequently at first, movies earned a regular place on Ontario vaudeville show bills over the next 10 years. Toronto's first permanent movie theatre, the Theatorium (at the corner of Yonge and Queen streets), opened in 1906 with Edison's production of *The Train Wreckers*. The Allen brothers, Jules and Jay, opened their own Theatorium in Brantford in the fall of that year. The American–born brothers would soon become a major force in the early days of Canadian exhibition and distribution. A much more powerful force, the Hungarian–born Adolph Zukor, had entered the penny arcade business in 1903 and by 1904 had built his first palatial movie theatre, the Crystal Hall, in New York City.

In 1911, the province of Ontario passed The Theatres and Cinematographers Act to regulate theatres and "cinematographs" and establish a Board of Censors, the first in North America. A separate Theatres Inspection Branch, responsible for setting the standards by which the theatres were to operate, was formed in 1913. In a few short years, the Ontario Board of Censors became an effective department, setting a high moral standard for films shown in the province. George Armstrong, the first chairman of the Board, wrote to the provincial treasurer (T.W. McGarry, who was responsible for its management): "The present standard of censorship is that of all Censor Boards in the Dominion, and in the United States. In some instances, films that have been passed by the Philadelphia Board, which is one of the strictest Boards in the United States, have been condemned by our Board."

Ontario theatre audiences, however, were becoming increasingly upset at the often gratuitous insertion of the Stars and Stripes in American films. Liberal prime minister Sir Wilfrid Laurier had been defeated in the 1911 national elections on the issue of trade reciprocity (essentially free trade) with the United States. In an era when English–Canadians identified themselves as proud citizens of the British Empire, British interests were perceived to be Canadian interests. Throughout this period there was a continuous demand for films with a pro–British Empire point of view. The Board of Censors, in response to this groundswell of anti–Americanism, attempted to curb the overwhelming patriotic content of many American films. In December 1911, Armstrong wrote an open letter to the American distributors operating in the province, published in *Moving Picture World*: "Our position is this—in subjects where the flag is shown where there is not the least bit necessity of it, or where the display of the Stars and Stripes in any way compares to the disadvantage of our own flag, we bar these subjects out."

The popularity of movies grew throughout the war years and Toronto, headquarters to seven of the largest Canadian distribution companies, became the most important film centre in the Dominion. The province was not slow to realize the tax potential of this new business and a war tax (officially known as the Amusement Tax) was introduced in 1916. It ranged from one cent to 25 cents per ticket, according to the price of admission.

Bruce Bairnsfather's *Carry on Sergeant!*, the most expensive Canadian feature production during the silent era and a major box–office flop.

Loew's Theatre in downtown Toronto in the 1930s: "Not one percent of the pictures shown in Canada were made in Great Britain and not one percent were Canadian made."

McGarry, however, did not view films only as a source of tax revenue. He became convinced of the educational value of film. With the cooperation of Premier William Hearst, he centralized Ontario's film production activities. In 1917, S. C. Johnson, an employee in the Department of Agriculture (which had been active in making short films on farming methods), was appointed director of the Ontario Motion Picture Bureau (OMPD). Its purpose was to advise the province and "to carry out educational work for farmers, school children, factory workers and other classes."

The OMPB developed the content of these films and distributed the prints; the actual production was contracted out to private firms. In 1919, the Bureau appointed Regal Films Ltd. of Toronto to handle the distribution as well. This contrasted markedly with the Canadian Government Motion Picture Bureau (CGMPB), which was established in Ottawa in 1918; it produced its own films with filmmakers on staff. This lack of hands–on filmmaking expertise would hamper the growth of the OMPB, as would its choice of non–theatrical 28mm safety film, instead of 35mm, the industry standard. At the time, 35mm was being made on flammable nitrate stock; so, the OMPB decided to stay with the safer 28mm for screenings in schools and town halls. This decision restricted the Bureau's films to the non–theatrical market.

The United Farmers of Ontario were elected to power in Ontario under the leadership of E. C. Drury in 1919. In one of his first acts as provincial treasurer, Peter Smith appointed the first woman to the Board of Censors. Smith then centralized the Board, the Theatres Inspection Branch and the OMPB under a newly established Amusement Branch. Otter Elliott, one of the three original censors, was appointed director of the Branch and the OMPB. Elliott was more concerned than his predecessors had been with the quality of film production. In July of 1920, he went to Hollywood "to make personal observations of various moving picture production activities." The OMPB made considerable progress. It developed a library of some 200 films and any group could borrow them at no charge except for transportation costs. By 1922, the OMPB's list of films exceeded 300 titles on such subjects as mining, forestry, shooting and fishing, hydroelectric power and education.

George Patton replaced Otter Elliott as the director of the OMPB in 1922, in an administrative change that saw the OMPB separated from the Amusement Branch. Under the chairmanship of Major A. S. Hamilton, a new Board of Censors was named in 1921. Hamilton and his fellow censors attempted to articulate the criteria upon which to base their evaluations of films submitted to them. The resultant pamphlet, *Standards and Field Work of the Ontario Board of Censors of Moving Pictures*, clearly illustrated the primary concern the Board had with the "power" of the movies to influence deviant or anti–social behaviour. The introductory paragraph noted: "(The Ontario Board of Censors) realizes the educational recreational value of Moving Pictures, and will endeavour to save all pictures possible. In so doing it will try to make its judgments from the standpoint of a normal Ontario audience, basing its decisions on the fundamental principles laid down by the respectable and law–abiding general public."

The United Farmers of Ontario were defeated in the 1923 election, and the Conservatives, under Premier Howard Ferguson, were returned to power. They decided that the OMPB should abandon its practice of commissioning private companies to produce its films. The CGMPB, which operated its own studio and laborato-

ries, functioned more efficiently. So, the OMPB was instructed to produced its own films, and under provincial treasurer Col. C.H. Price, purchased the Trenton Studios for $29,000. The studios, located outside of Toronto, had been operational on and off since 1916. *Moving Picture World* covered the official opening. October 9, 1924: "In his dedication address Col. Price announced that the Ontario Government was entering the producing field for the purpose of preserving Canadian traditions and the Province would make five–reel features of a historical and dramatic nature in addition to the one– and two–reel educational and scenic releases.... 'Not one per cent of the pictures shown in Canada were made in Great Britain and not one per cent were Canadian made,' he said. Canadian traditions could be better guarded by the introduction of Canadian films and this the Ontario government intended to do."

Thus began a 10–year period of proactive provincial legislation in an effort to stem the tide of the American films flooding into Ontario theatres. The main thrust of this legislation was aimed at achieving more screen time for British, and by implication, Canadian films. Buying the studios was one strategy; the other was to impose a screen quota on the exhibitors operating in the province in favour of British and Canadian films. In the United Kingdom, a Film Bill was proposed in Westminster in 1927. Adolph Zukor's Famous Player–Lasky Corp. had set up operations in England and was buying theatres at a rate that alarmed the fragile British industry. The Film Bill was passed by Parliament at the end of 1927 and there was widespread support for a similar film quota in Ontario. E.A. Dunlop, who had replaced Price as provincial treasurer, announced a British Film Quota Act in 1931. The Act amended the Theatres and Cinematographers Act of 1911 with the addition of the lines: "a portion of the films available for distribution to exhibitors shall be of British manufacture and origin." It was anticipated that the five per cent quota announced by Dunlop would be followed by an annual increase in the ratio to seven–and–a–half per cent, 10 per cent, and eventually twelve–and–a–half per cent. However, the distribution of British–made films was only marginally improved.

The Board of Censors, under the chairmanship of Major J.C. Boylen did impose an effective quota on newsreels shown in the province. The 1932 Annual Report of the Board of Censors reported: "As all newsreels exhibited here are of U.S. origin, the Board has insisted on the inclusion of a definite percentage of Canadian and other British lines in each company's weekly reel." The regulations required at least 25 per cent Canadian content in every newsreel shown. This accompanied an earlier regulation that required a 40 per cent British news content. The footage was to be supplied by British and Canadian companies depicting a British Empire viewpoint, and the quota remained in effect for as long as newsreels were shown across the province.

Ontario's legislative push for quotas went directly against the interests of the powerful Canadian Motion Pictures Distributors Association. The Association had been formed in Toronto in 1921 under the chairmanship of Col. John A. Cooper. It was closely linked to the Motion Picture Producers and Distributors Association of America, commonly known as the Hays Office after its first head, former U.S. postmaster general William Hays. (The American association had been created by the Hollywood majors in an effort to improve the image of the industry.)

Col. Cooper was an effective professional lobbyist. He had two items on his agenda: one was the "burdensome and excessive" censorship fees and the Amusement Tax; the other was the issue of quotas.

With the passage of the British Film Act there were many plans to produce theatrical features in Ontario for the British market. The most ambitious was *Carry On, Sergeant!* by British Empire Films. The producers claimed that "this proposed super–feature will be a big financial success, not only in the British Empire, but throughout the world." They were able to convince a group of wealthy Canadians to subscribe or loan money to their company to produce the film, using the facilities of the OMPB at Trenton. *Carry on, Sergeant!* went into production in November of 1927; however, after many delays and constant bickering, the investors lost all their money on a film that eventually cost $500,000 to make. The film received only limited distribution after its Toronto opening, although a debate raged in public long

The Wonderland nickelodeon in Dundas, Ont. circa 1909.

after it had disappeared. Gordon Sparling, who had been employed as an editor on the film, wrote a bitter piece in the *Canadian Moving Picture Digest* entitled "The Sergeant Who Didn't Carry On." He said, with perceptive insight, "A tragedy has occurred. It is a tragedy not only because $500,000 has been lost by a group of conservative Canadian businessmen, but also because the hopes of a Canadian motion picture industry have again been dashed.... It is going to be a hard job for those of us who hope some day to see a good Canadian picture, to live down the memory of (this) blunder."

The Liberal Party came to power in Ontario under the charismatic leadership of Mitchell Hepburn in 1934. It was the first time the Liberals had won a provincial election since 1904. Hepburn had already made known his intentions to reduce government expenditures in the Great Depression by cutting much of the bureaucracy. He was in favour of one federal censor board for the whole country and said, in effect, that there were far too

Adolph Zukor, the most powerful influence on the distribution and exhibition of films in the province.

many provincial censors. Major Boylen, chairman of the Board of Censors, was politely asked for his resignation. The OMPB was deemed unnecessary and expensive and was quickly disbanded. Twenty–six of the OMPB's 38 employees were let go, including Major Patton. The land and buildings of the Trenton Studios were donated to the city of Trenton for a community hall. It was a sad end for one of Canada's earliest and busiest film studio. The demise of the OMPB itself, however, was regretted by only a few. Circulation had diminished considerably and the films produced had little theatrical impact. The OMPB's decision to release its films on 28mm made its product outdated and very expensive to convert to the new, and less expensive, 16mm safety stock.

Parallel to and interwoven into this story of the Board of Censors and OMPD is the takeover of the Canadian film distribution and exhibition sector by American interests. From their modest beginnings, the Allen brothers had expanded rapidly. In 1909, they established a film exchange (the Allen Amusement Corp.) and in 1911 built their first luxury theatre—the 800–seat Allen Theatre in Calgary. By 1918, the Allens owned the largest and most modern chain of theatres in Canada, with locations in Montreal, Quebec City, Moose Jaw, Brandon, Edmonton, Winnipeg and Regina. They had the Canadian rights to the Goldwyn films of New York as well as Famous Players–Lasky films, distributed by Paramount Pictures, which was the sole distributor of Mary Pickford films, the Toronto–born actress who was the top box–office draw of the time. Their only serious rival was N.L. Nathanson, also an American by birth, who had bought his first theatre in Toronto, in 1916, with the backing of several wealthy Canadian financiers.

At the same time, in the United States, Adolph Zukor, with the aid of a massive loan from the Morgan Bank, embarked on an ambitious plan to acquire motion picture theatres right across North America. His strategy was simple. Since he co–owned, with Jesse Lasky, a production company (Famous Players–Lasky) and a distribution company (Paramount Pictures), films produced by Famous Players–Lasky and distributed by Paramount would play exclusively in his theatres, thereby giving him the basis for an effective monopoly of the business. In 1919, he set his sights on Canada. He wouldn't negotiate the rights to Famous Players–Lasky films with the Allens unless they took him into partnership. They refused; so, instead, Zukor acquired a substantial interest in Nathanson's Paramount Theatres chain. By the end of January 1920, he formally incorporated Famous Players Canadian Corp., with a capital infusion of $10 million. The company was listed on the Montreal Stock Exchange with Nathanson placed in charge. The Allens went bankrupt in 1922, losing a fierce bidding war with Famous Players. They overextended themselves and simply could not compete with Zukor's well–financed plan to dominate feature–film production, exhibition and distribution in North America.

In April 1923, the Allen Theatres, in prime locations right across Canada, went on the auction block; in June, Famous Players acquired all 53 theatres. The company had expanded from 15 theatres, with a total seating capacity of 15,000 in 1920, to 196 theatres with a seating capacity of 215,000 in 1930 under Nathanson's aggressive takeover tactics. On paper, Famous Players was a Canadian company; however, that fiction was shattered in 1930. Zukor, through Paramount Publix, acquired direct control of Famous Players Canadian Corp., rather than merely being the majority shareholder. This led to a revolt among a minority of Canadian shareholders who opposed the forced buyout (Zukor offered four Paramount Publix shares for every five Famous Players Canadian Corp. shares). Nathanson resigned from the company, explaining his decision to the press as a protest against a deal that would have given control of the company to American interests. The matter reached the federal cabinet, and Conservative prime minister R. B. Bennett launched an investigation into the Canadian film industry under the Federal Combines Investigation Act. Commissioner Peter White was appointed in charge of the hearings, which were held in what is now known as Toronto's Old City Hall, in October of 1930.

In July 1931, White released his report and found Famous Players Canadian Corp. to be a combine "detrimental to the Public Interest." White made it clear that, in the opinion of the Commission, "a combine exists in the Motion Picture Industry within the meaning of the Combines Investigation Act...and has existed at least since 1926." Four provinces—Ontario, Saskatchewan, Alberta and British Columbia—immediately took legal action and a trial followed the release of the White Report in the Ontario Supreme Court. Ontario was chosen as the province most likely to obtain a conviction because of its history of an activist Board of Censors. However, the 109 defendants, all individuals or companies associated with Famous Players and the Hollywood exhibition and distribution monopoly in Canada, were found not guilty on three counts of conspiracy and combination.

This would be the last time the American distribution/exhibition cartel would be challenged by a joint federal and provincial initiative to loosen its grip on the Canadian market. A decision

continued

against the cartel would have been a historic turning point, but it was not meant to be. Nathanson returned to Famous Players in 1933 and said: "When the affairs of the Paramount Co. assume a more healthy tone, it is quite likely that steps will be taken to permit the control of the Canadian company to return to Canada." It never would. After 10 years of concentrated effort, with little to show in the way of tangible results, the Ontario government lapsed into a 25–year period of inaction and benign neglect with regard to the film industry in the province.

Years of Inaction: 1935–1960

Following the enforced resignation of Major Boylen, Omri J. Silverthorne was appointed to the Board of Censors in 1934 by Premier Hepburn. He joined a reduced Board of two men and one woman. Soon elevated to chairman, Silverthorne was made personally responsible to the premier, who also served as the provincial treasurer. Hepburn actively participated in appeals to his new Board, including passing films that the Board rejected. On one occasion, he ordered his censors to ban "Canada At War" (part of *The March Of Time* newsreel series) from Ontario theatres in retaliation for a negative article about him in *Time* magazine. He called it "nothing more but pure political propaganda for the Mackenzie King government."

Hepburn had a strong personal dislike of the Liberal prime minister, accusing him of dragging his feet on the conscription issue, thereby imperilling the British war effort. He was equally upset with the National Film Board, which the King government had established in 1939. (The CGMPB was folded into the NFB in 1941). He charged that"public funds were being used to produce pictures of purely political character, that would tend to favour the government in office, contrary to the agreed policy of impartiality in screen treatment of all parties." He suspended the showing of the Film Board's *Inside Fighting Canada* in Ontario for what he saw as inaccuracies and political distortions in the commentary. The federal government took the issue to the Supreme Court of Canada, where the Ontario Board of Censors argued that the National Film Board had "acted in decidedly bad taste" in releasing so inaccurate a feature. Despite Hepburn's efforts, the film was released in Ontario without eliminations in 1943. Eventually, Hepburn had to resign his post as premier amid charges of corruption and questionable behaviour; he continued in the Liberal cabinet as provincial treasurer.

With Hepburn's disgrace, Silverthorne became his own master at the Board of Censors. He abandoned the 1921 "official standards"; instead, he believed that each film should be judged on its merits. For example, in 1933 the Board rejected 24 films; in 1936 only eight were rejected; by 1940, for the first time in Ontario, no films were deemed beyond redemption. In a major change in Board policy, Silverthorne moved to classify films in 1946. The Board's annual report that year explained that classification would make it "easy for anyone to access (films) from a moral standpoint" prior to purchasing a ticket. Up until then, films had been judged by the maxim that they would be suitable to all patrons, although two certificates were issued—one for "Universal" exhibition and the second "Suitable for Adult Audiences." These were proving to be unworkable and Ontario introduced a more stringent "Adult Entertainment" classification, requiring that classification signs be prominently displayed at the theatre and all related advertising.

In May 1953, a revised Theatres Act was passed at Queen's Park, replacing the Theatres and Cinematographers Act of 1911. Drafted by Silverthorne, with input from distributor and exhibitor representatives, the new Act brought the Ontario Board of Censors in line with "present day practices in the motion picture industry." In a press release Silverthorne said: "the passing of The Theatres Act, 1953, by the Ontario Legislature is one of the most significant moves in the modern history of the motion picture." The age at which children could attend theatres unaccompanied by an adult was lowered from 16 to 14 years of age, and the Board experimented briefly with an "X" rating between 1953 and 1955. Finally, it settled on a "Restricted" classification for people 18 years and older. Ontario was the first jurisdiction in North America to introduce the classification of films.

Lobby card for the 1956 Stratford Film Festival, the first in North America.

Above: The filming of Sterling Campbell's *Bush Pilot* in the Muskoka district of central Ontario, one of only a handful of features made in the province in the 1940s.

N.L. Nathanson left Famous Players Canadian Corp. in 1941 for a second time and joined Odeon Theatres, a rival exhibition chain nominally operated by his son, Paul. After losing an intense bidding war for the Canadian exhibition rights for MGM films, Odeon Theatres remained second to Famous Players in the Canadian theatrical marketplace. N.L. Nathanson died in June 1943 and Paul retired at the age of 31 for health reasons. He sold his interest to the J. Arthur Rank Organisation of Great Britain in 1946. However, despite their size and influence, the two major theatrical chains did not control the entire provincial distribution/exhibition pie. Smaller slices were left for independent companies who were represented by various lobbying groups. First there had been the Toronto Moving Picture Exhibitors Protective Association, followed by the Independent Theatres Association, formed in 1935. Then in 1942, the Independent Motion Picture Exhibitors' Association was formed, soon to become the National Council of Independent Exhibitors of Canada in an effort to lobby the federal government. Also in 1942, a second group of exhibitors revived the Independent Theatres Association. It called itself the Motion Pictures Theatres Association of Ontario, with Nat Taylor as chairman. Taylor, owner of 20th Century Theatres, the third–largest provincial chain of theatres, was also the publisher of the *Canadian Film Weekly* . Taylor used his trade weekly as a personal forum for his ideas on the Canadian film industry. In May 1956, he proudly announced: "Canada returned more money for film rentals to Hollywood producers in 1955 than any other country in the world and for the first time took sole possession of the top spot."

In the early years, the National Film Board had neither the personnel nor the equipment to meet all of the government's film requirements. Founder John Grierson's solution to the problem was to assign productions to private companies such as Associated Screen News of Montreal and others, including Crawley Films of Ottawa. Frank Radford "Budge" Crawley and his wife Judith had made their first film (*Ile d'Orleans*) on their honeymoon, which won an award for best amateur film in 1939 at a New York festival. Crawley went to work on the Film Board's *Canada Carries On* series, as well as army training films. By the end of the war, he had moved into sponsored films for the private sector, opening his own studios in a church hall in Ottawa. He eventually would become Canada's most successful independent film producer. His major breakthrough came in 1948 with *The Loon's Necklace*, the tale of an Indian legend, which won many awards, including the Film of the Year Award at the first Canadian Film Awards. A few features were also shot in Ontario between the end of the Second World War and 1960. These included: *Bush Pilot* (1947) directed by Sterling Campbell; *Oedipus Rex* (1956), directed by Tyrone Guthrie (a film of

Tyrone Guthrie's *Oedipus Rex*, from his Stratford production, shot in 1956.

Guthrie's production at the Stratford Festival); *A Dangerous Age* (1958) and *A Cool Sound From Hell* (1958) by Sidney J. Furie; and *Now That April's Here* (1959) and *Ivy League Killers* (1959) by William Davidson.

In addition to film production, there were other film–related institutions in the province during this period. Four years after Stratford's Shakespeare Festival began in 1952, Toronto film critic Gerald Pratley was asked to run a modest film festival in Stratford for two weeks in a rented theatre. This was the first film festival in North America, predating those in New York and Chicago. However, the festival was suspended by artistic director Michael Langham in 1961, "until such a time as the film showings can match the standard set by the drama." It was revived in 1971 and ran successfully until 1975, when festival director Robin Phillips suspended it for a second time.

During this period, the Ontario Board of Censors was known to be the most liberal of all the provincial boards, and O.J. Silverthorne was the most respected film censor in Canada. However, his board came increasingly under fire from lobby groups who challenged its right to exist in law. In 1952, the U.S. Supreme Court ruled that movies, like speech, were entitled to all the privileges of the First Amendment, which effectively meant that prior censorship of movies was unconstitutional in the United States. As the subject matter became racier and more realistic, Silverthorne found himself very busy during the 1950s cutting a greater number of American films. He was aware of this shifting ground as he spoke to a national convention of censors, held in Saint John, New Brunswick, in 1960: "The rigid inflexibility, the inability to adapt to the changing outlook of the Canadian people, the conflicting decisions and inconsistencies have succeeded in making censorship look ridiculous in the eyes of the people we seek to serve."

The 1950s was a period of extraordinary economic growth in Ontario. The province was prosperous and changing rapidly. This change would manifest itself in a flowering of all types of filmmaking in Ontario during the next decade.

New Beginnings: 1961–1985

The groundwork for the explosion of the arts in Ontario in the 1960s lay in important federal initiatives in the 1940s and '50s. The Canada Council was established in 1957, after several years of delay in finding the necessary funds. It was modelled on the Arts Council of Great Britain, the first independent national arts council. Its funding was established by an annual grant from Parliament, as well as by the return on investment from its original endowment of $50 million. Its autonomy from Parliament, the so–called "arms–length" jury system of awarding grants, was of paramount importance. In this way, the artist could produce work in relative freedom from political interference and it provided the politicians with a safety buffer from decisions made by a jury of peers.

Following the establishment of the Canada Council, the ruling Ontario Conservatives under Premier John Robarts followed suit with the Ontario Arts Council in 1963. Prior to 1963, small grants for the professional arts had come from the Ministry of Education. Robarts, who had been minister of education under Leslie Frost, was a forceful supporter of a provincial council, which was modelled closely on the Canada Council. The Ontario Arts Council primarily funded films of an experimental nature, those that could be shot on a very low budget: it was recognized that if Ontario filmmakers were to produce films at all, they would need provincial assistance.

In 1964, the federal cabinet approved, in principle, the establishment of a loan fund to foster and promote the development of a feature–film industry. Specific proposals were made by O.J. Firestone in his Report of Film Distribution: Practices, Problems and Prospects in 1965. He recommended making the existing federal tax incentives for film production, commonly known as Capital Cost Allowance (CCA), more generous for producers, joint international film agreements and called for the establishment of a film development corporation. Eventually, most of Firestone's recommendations were adopted in one form or another, but never as a comprehensive package. In June 1966, legislation to create the Canadian Film Development Corp. (CFDC) was introduced in Parliament and the corporation was brought into being in February 1968, making a significant change in federal government policy and providing much needed support for an underdeveloped private sector.

English Canada found its cinematic voice in the 1960s. From Ontario came Don Owen's *Nobody Waved Good–bye* (1964), David Secter's *Winter Kept Us Warm* (1965), Allan King's *Warrendale* (1967), Don Shebib's *Goin' Down The Road* (1970), David Cronenberg's *Crimes of the Future* (1970) and William Fruet's *Wedding In White* (1972). However, Canadian producers could not get distribution in their own market. These early features were perceived to be box–office poison, much the same as the earlier British films had been received by the American distributors who controlled the Canadian market. It soon became apparent that the CFDC, with its limited budget, was proving inadequate to the challenge of creating a feature–film industry. It was evident that without directly addressing the central problem—the grip of the American distribution/exhibition cartel had on the film business—Canadian filmmakers would remain marginal in their own country.

This thinking ran counter to the prevailing wisdom—articulated by Nat Taylor and others—that cooperation with the American interests and producing Hollywood–style films for the export market was best for business. In response to this situation, the Toronto–based Council of Canadian Filmmakers (the CCFM, representing a number of different unions and guilds including ACTRA, the Directors Guild, IATSE locals, NABET and the Toronto Filmmakers Co–op) was formed in Toronto in 1972. Its mandate, published in *Cinema Canada* July 1973, stated: "(the Council) was brought into existence because the English–Canadian feature film industry is on the brink of collapse…the CCFM (will) meet this emergency with radical and creative solutions." The CCFM wanted screen quotas for Canadian films back on the national agenda. The federal government was not insensitive to this issue, as Gérard Pelletier

Don Shebib's *Goin' Down the Road*

Don Owen's *Nobody Waved Goodby*

indicated in his First Phase of a Federal Film Policy, issued in 1972: "We are aware of the problem and we have begun studying closely the system of distribution in Canada and abroad. I can only say that we are...looking into quota systems...and the problem of foreign ownership of our distribution companies and film theatres."

In response to the rapid growth of a private production sector in the province, the Ministry of Industry and Tourism commissioned film producer John Bassett to write a report on the industry in Ontario, which was completed in 1973. His report called for an end to provincial censorship and the establishment of an Ontario Film Office, "with the overall responsibility for the industry and its administrations, encouragement, classifications, and directions." An Ontario Film Office was established within the Ministry of Industry and Tourism in 1974 with a mandate to encourage film production, upgrade services in the province for local and foreign producers, and sell Ontario–made films offshore. This was not the comprehensive department Bassett had in mind when he made his recommendations, and amounted to really no more than a promotional office with minimal funding. What it did do, instead, was to bring another level of bureaucracy into the jurisdiction of film activities in the province. Bassett's recommendations, however, were supported enthusiastically by the CCFM, which called for action at the provincial level: "If the Ontario Government moves strongly into the lead with a film development agency supported by quotas and levy, they will look progressive and capable of responding to the changing needs of the Province. Other provinces which are now waiting will follow the lead."

The CCFM won a small victory in 1975. Secretary of State Hugh Faulkner negotiated a voluntary quota agreement with Famous Players and Odeon Theatres. The chains were to guarantee a minimum four weeks per theatre per year to Canadian films and invest a minimum of $1.7 million in their production. This policy initiative was accompanied by an announcement of new income tax regulations which would allow investors to deduct, in one year, 100 per cent of their investment in certified Canadian feature films. It was a classic example of the federal government's compromise on arts policy. In response to the cultural nationalists, the Secretary of State introduced a watered–down system of voluntary agreements, which proved to be unenforceable; meanwhile, the minister of finance, John Turner, increased the tax subsidies (the Capital Cost Allowance), which led to the creation of an overheated branch–plant industry, producing films for the "international" (i.e., American) market.

During the following tax–shelter "boom" years (1977 to 1981), Ontario experienced a dramatic upsurge in feature–film activity. It was Garth Drabinsky's production of Daryl Duke's *The Silent Partner*, shot in Toronto in 1977 and released in 1978, which set the style of these new "producers" and their vision of Ontario as "Hollywood North." *The Silent Partner*, with its clever casting of a major Canadian star (Christopher Plummer), with an American (Elliott Gould) and a British star (Susannah York), was that special blend of success peculiar to very few Canadian films up until then—both critical and commercial. However, the final spark that ignited the "boom" was a modest production shot in an Ontario summer camp. Ivan Reitman's low–budget production of *Meatballs* (1979), shot in Haliburton, just north of Toronto, was a huge box–office hit in the U.S. *Meatballs* demonstrated that investment in Canadian films was viable and lucrative and the rush was on to make films in and around Toronto. The quality and intent of these films was questionable, but they did contribute substantially to the growth of the industry in the province.

Famous Players' only serious rival in the Canadian theatrical market, the British–owned Odeon Theatres, was sold to Michael Zahorachak of the Canadian Theatres Group in 1977. (At the time Odeon's chain consisted of 160 theatres.) It was again sold in 1984 to producer Garth Drabinsky. In 1979, Drabinsky, in partnership with Nat Taylor, had opened his first 18–theatre Cineplex complex located in the newly constructed Eaton's Centre in Toronto. Shortly thereafter, Drabinsky filed an application with the federal Restrictive Trade Practices Commission, alleging that the distributors were operating in violation of Canadian law by refusing to supply his chain with first–run features. His detailed brief claimed that the distributors had "long–standing arrangements" with the two largest chains "to the exclusion of Cineplex and others." Days before the commission was to commence its hearing in 1983, six of the major film distributors—Columbia, Paramount, MGM/Universal, Warner Bros., Twentieth Century–Fox and United Artists—issued a joint statement to the press saying that they would change their practices and "ensure significant competition in the distribution and exhibition of motion pictures in Canada." Effective July 1, 1983, Canadian independent exhibitors had the opportunity to compete for first–run movies on a picture–by–picture basis.

This was a huge victory for Drabinsky who had become a major "player" in the industry and succeeded where the CCFM and others had failed. The CCFM, despite its best efforts and good intentions, was essentially an ad hoc group of industry outsiders; Drabinsky was an insider with superior lobbying and legal skills. After his success at breaking the unwritten rules,

William Fruet's *Wedding in White*

Daryl Duke's *The Silent Partner*

Drabinsky was able to attract substantial corporate financing to his theatre chain. This influx of capital made it possible for him to buy the Odeon Theatres chain in 1984. Two years later, he sold 49 per cent of Cineplex Odeon to MCA, effectively putting it under American control. The hope of a wholly owned Canadian exhibition chain that would challenge Famous Players' dominant position died in the process.

During the 1960s, and up until the 1974 recession, the Ontario government invested a considerable amount of money in the creation of a "first class" post–secondary educational system. Film was finally being recognized as a legitimate academic discipline and production courses multiplied during the 1970s. Filmmakers such as David Cronenberg and Ivan Reitman were university graduates and proved that they could make successful, low–budget feature films without the assistance of the CBC or NFB. (In 1966, the NFB had established a regional office in Toronto, but due to budget cutbacks the office was closed in 1968. It reopened in 1974.)

The Ontario Film Institute (OFI) was established in Toronto in 1969. Gerald Pratley was responsible for laying the groundwork. He strongly felt that Ontario should have its own cinematheque (the Cinémathèque Québécoise, initially called the Connaissance du cinéma, was founded in Montreal in 1962), and he was not happy with the limited role played by the Canadian Film Institute in Ottawa. At the same time, James Auld, the minister in charge of the Department of Tourism and Information, was exploring the idea of disbanding the Board of Censors, which had come under his department. The idea of disbanding the Board proved to be unacceptable to the Conservative cabinet, but the idea of a film institute appealed to Auld. His ministry began negotiations with Famous Players for the elegant but rundown Elgin Theatre on Yonge Street, a two–tiered example of old–style movie palaces which contained the historic Winter Garden Theatre. While the province negotiated with Famous Players, Auld suggested a temporary (suburban) home for the institute at the Ontario Science Centre, a provincial centennial project. The existing auditorium was equipped with a state–of–the–art projection booth and when the Science Centre opened in the autumn of 1969, the first Ontario Film Theatre program was screened.

The OFI coordinated film–study programs, published film literature, planned to develop a film archive and, in addition to the Film Theatre, there was a plan to expand the programming activities across the province. Pratley did revitalize the Stratford International Film Festival, which ran from 1971 to 1975, but government cutbacks in 1983 and 1984 slashed the OFI's operating budget by half. Only Pratley's stubborn resolve kept it operating until the OFI was merged with the Festival of Festivals in 1990, to become known as The Film Reference Library and Cinematheque Ontario.

While Ontario, and Toronto in particular, became the centre of English–Canadian film production activity, the Board of Censors found itself, for the first time in its long history, seriously at odds with movie audiences in the province. Silverthorne remained the most respected and powerful censor in the Canada; yet, a gulf was beginning to widen between the censor board and the film community in Toronto. In 1965, a highly regarded, erotic Japanese film, *The Woman Of The Dunes*, had been playing for 27 weeks in Montreal without cuts or public outcry. When it arrived in Ontario, it became publicly known that Silverthorne was considering eliminations. This brought a sharp rebuke from an independent Toronto theatre owner, Bennet Fode, who threatened to take the Board to court if eliminations were made. Silverthorne eventually passed the film uncut, but the public criticism of the secretive nature of the Board's traditional operating methods was a prelude of things to come. It was official Board policy never to comment on eliminations made to a film. In the absence of formal policy guidelines about what should or should not get cut, the Board's decisions appeared to be personal and arbitrary.

Following *The Woman Of The Dunes*, came the film adaptation of James Joyce's *Ulysses*, with Molly Bloom's famous erotic monologue. "I was so worried about that damn Ulysses that I called down the Crown Attorney," Silverthorne recalled in a *Toronto Star* interview. "We discussed the film and what parts of it could be shown. But in the end, he would only say, 'Go ahead. Show it. But that doesn't say I won't charge you.'" Silverthorne passed the film uncut but when it opened in Toronto, he insisted that the manager of the theatre issue a sign, in his name, on billboards outside the theatre and in newspaper ads warning that some members of the public might be offended by the film. Silverthorne's dilemma was made difficult because of Section 152 of the Canadian Criminal Code, which forbids immoral, indecent or obscene performances; therefore, it was possible that he could have been charged under the federal statutes if he passed a film that was judged to be obscene. Silverthorne told a conference of Canadian censors in 1971: "I would like to see censorship as it is presently being practised abolished in Canada within the next two years."

Donald Sims, aged 60, replaced Silverthorne in 1974 as chairman of the Board of Censors. His crackdown on the growing 8mm and video pornography industry was widely applauded, but his outright banning of Louis Malle's *Pretty Baby* in 1978 brought widespread condemnation. Set in the red–light district

of New Orleans, circa 1917, the film showed a scene where a young girl is auctioned off to the highest bidder. Calling the "whole theme of the picture unacceptable," Sims was adamant that the film would not be allowed to be shown in Ontario even if deletions were made. This marked the first time in recent memory that a film had been actually banned outright and pointed to the inherent weakness in the Board's decision–making process. The same year Martin Scorsese's *Taxi Driver*, a much more violent film dealing with child prostitution, was passed by the Board without deletions.

In the spring of 1980, the Ontario Board of Censors received its most critical challenge, one which would change its secretive operations forever. Sims ruled that *The Tin Drum*, a widely acclaimed film adaptation of the Günter Grass novel which had won the Academy Award for the Best Foreign–language Film, would not be shown in the province unless the distributor agreed to certain eliminations. Once again, the problem was sex and a child actor; again, province after province approved the film without cuts. Sims, who was to retire in June, left vice–chairman Mary Brown, a former administrator with the University of Toronto, to defend the Board's position. Soon charges arose from within the Board that political pressure was being unduly applied to Board members, and the film's distributors charged that a Board decision to release the film with only one small cut was suppressed. This provoked a heated debate in Queen's Park. The opposition Liberals accused Sims of acting like a "tin god," and the New Democrats called for the abolishment of censorship entirely.

Brown replaced Sims as the head of the Board and pointed to a 1979 poll of Ontario voters that showed 69 per cent approved of the current method of regulating motion pictures in the province. However, that same survey indicated that two–thirds of the people in Ontario did not go to the movies at all, or went fewer than five times in a year. Toronto columnist Colin Vaughan noted in an article for *Toronto Life* magazine: "With a broad group from a largely non–film–going selection of the public applauding tougher standards for the showing of sex and violence on the screen, the government could hardly lose. A few of the Toronto film–going intelligentsia might be offended ...(but they don't) vote Conservative." In a gesture of openness, information about eliminations was given to the public upon request after January 1981, but Brown balked at regularly publicizing this information in the Board of Censor's newsletter.

Major changes in the Board's structure would come only a few months later. Gordon Walker, minister of Consumer and Commercial Relations, announced changes to The Theatres Act in the legislature. The classification system was expanded to include "Adult Accompaniment," giving the Board a four–category system ("Family," "Parental Guidance," "Adult Accompaniment" and "Restricted"). More importantly, Walker announced a significant change in the structure of the Board and tighter controls on its method of conducting its business. In revising The Theatres Act, the Conservatives created a new procedure for certifying "art" films.

These new regulations were denounced by a group of artists who called themselves Film and Video Against Censorship (FVAC). They issued their own demands: (1) that the Board of Censors be replaced with a Classification Board which would no longer have the power to cut or ban material; and (2) that the screening of all cultural non–commercial film and video would be considered to be outside the jurisdiction of any Classification Board. In May of 1981, the Canadian Images Film Festival, held in Peterborough, Ont., was charged with violating The Theatres Act for screening a film, *A Message From Our Sponsor*, by Vancouver filmmaker Al Razutis. The programmers had refused to submit the required documentation and the Board of Censors had refused to pass the film without deletions.

The FVAC group quickly became the Ontario Film and Video Appreciation Society (OFVAS) when the federal Liberals passed the new Canadian Constitution in April 1982. As soon as Prime Minister Pierre Trudeau signed the historic document, three members of the ad hoc Society (David Poole of the Canadian Filmmakers Distribution Centre, Anna Gronau of the Funnel Experimental Film Theatre and Cyndra MacDowell of the Canadian Artists' Representation of Ontario) launched a court action contending that under Section 2(b) of the new charter Canadians were guaranteed "freedom of expression" in any medium, unless "demonstratable (sic) justification" for limiting that freedom could be shown. In a press release the Society said: "We are objecting to the arbitrary and frankly illogical procedures of the Ontario Board of Censors. We think it is unconstitutional to give the censor absolute discretion to ban films and videotapes."

The Supreme Court of Ontario ruled unanimously in March 1983 that the Board of Censors was operating in violation of the Canadian Charter of Rights and Freedoms. It found that the Board had been "vague, undefined, and totally discretionary" in using its powers under The Theatres Act and that it had no legal right to

From left: *The Tin Drum* and *Pretty Baby*: two films which brought an end to the Ontario Censor Board.

decide what the public should be prohibited from viewing. The Court left the Ontario government with the option to appeal the decision or pass regulations that would delineate "reasonable standards" for the Board to enforce. The government appealed the decision but lost again at the Ontario Court of Appeal in 1984. The Appeal Court reiterated that under the Charter of Rights and Freedoms, the province had no authority to censor films in the manner it had been doing in the past. However, the Appeal judge allowed the Board to continue to operate until its ruling was appealed to the Supreme Court of Canada.

In the meantime, Robert Elgie, then the minister responsible for The Theatres Act, said he would consider amendments to the Act. These amendments passed in the legislature at the end of 1984. The amendments changed the name of the Ontario Board of Censors to the Ontario Film Review Board and allowed for a further enlargement of the rotating members. The OFVAS felt that this new structure was still oppressive and continued to call for the Board's demise. Spokesperson David Poole noted that the new regulations gave more power to the Board. The Society had accomplished much in making the Board more open and responsive, but, in the end, the government did not abandon its right to pre–censor films shown in the province.

When the federally appointed Applebaum/Hébert Committee examined the state of Canadian culture in 1982, Ontario undertook its own study, "A Profile of the Cultural Industries in Ontario." While containing no specific recommendations with regard to the film industry, it called for "an effective, integrated policy to provide financial support for the development of the industry, giving attention both to economic and cultural objectives." It noted that both Alberta and Quebec had already adopted measures designed to strengthen film production activity within those provinces.

This study was followed by two others in 1983. One was the comprehensive Macaulay Report, commissioned by the Ministry of Citizenship and Culture, which was released in the spring of 1984. The second was a document prepared for the Film and Video Office of the Ministry of Industry and Trade by the consulting firm of Paul Audley and Associates, which had written the previous "Profile." The Macaulay Report made specific recommendations in all areas of the arts in Ontario. With regard to film, Macaulay noted the need for "a central focus for current Ontario activities affecting, or in support of, the province's motion picture industry." Macaulay called for the re–establishment of the Cultural Industries Branch with a new mandate within the Culture and Communications ministry. The Branch had been closed since 1982.

The Ontario Liberals came to power in the 1985 provincial election after 43 years of Tory rule, the result of a power–sharing agreement with the New Democratic Party. They moved quickly to implement some, but not all, of the recommendations contained in Audley's report. They consolidated the film activities of Citizenship and Culture and Industry Trade and Technology and in November 1985, announced the establishment of the Ontario Film Development Corp. (OFDC), with a budget of $20 million over three years. The investment fund was to be used to assist "Canadian–owned, Ontario–based" film producers as well as directors and writers at all stages of production.

It is difficult to speculate why the Liberals moved so quickly in this area when the Conservatives had lacked the interest or political will for so many years. Wayne Clarkson, former head of the Festival of Festivals, who was appointed chairman and chief executive officer of the OFDC, said the Liberals' attention to the industry reflected the industrial change in Ontario. "The service industries, communications, the new technology had all become important. Film, television, commercials, the broadest interpretation of the communications industry, had become big business in Ontario. It employs a great many people and it's a great way to promote yourself internationally. It's smart and good business. The timing was right for the Liberals."

Indeed, and it was about time. Finally, a coordinated Ontario film policy emerged, and it would be difficult for any future provincial government to ignore the film and television industry; however, Ontario no longer had the security blanket that the federal government was going to act with its best interests in mind. With the implementation of free trade, Ottawa is particularly vulnerable to pressures from the American film lobby groups to "downsize" what has become a healthy and competitive industry in Ontario. To date, the province remains the fourth–largest manufacturer of film and television products in North America. Considering the size and influence of the market, this is an impressive achievement.

It is true that Ontario will never enjoy a film industry that is entirely its own (we will always be part of the much larger North American market); yet, films from Ontario (*I've Heard the Mermaids Singing, Roadkill, Dead Ringers, Exotica, Crash, Thirty–two Short Films About Glenn Gould, Last Night*) have taken their place beside the best the world has to offer. It has been said that great films reveal the soul of the people who make them. The people of Ontario might still be seeking their cinematic soul, but after 100 years of searching they're closer than ever to finding it. •

Right: Ivan Reitman's *Meatballs*, the spark that lit the tax–shelter boom.