

September 2, 2016

The Honourable Mélanie Joly
Minister of Canadian Heritage
House of Commons
Ottawa Canada

Dear Minister,

I write in response to your request for information from the arts community about “issues of importance surrounding the creation, discovery and export of Canadian content in a digital world”.¹

Thank you for this opportunity. I’ve been in the cultural trade for 39 years. I started out pounding a manual typewriter for my university newspaper and now I work in virtual reality, among other forms, for a global audience.² In my time there have been several government inquiries into mass media, but I don’t recall a minister soliciting opinions from individual creators. We appreciate it.

I’m no policy analyst, so I can’t say how you might restructure the environment of institutions, subsidies and regulations within which Canada’s screen culture lives. What I can tell you, and hope will be useful, is what it feels like for a creator to try to achieve the goals you’ve set for Canadian culture within that environment today.

I put it that way because, if I understand what you and Prime Minister Trudeau have said, your goal is content that brings Canadians together, “fosters informed citizens and democratic values” and showcases our unique worldview abroad, all in the context of the digital revolution. I happen to be in a creative community that explicitly shares those goals – and has had success, in the past, achieving them -- so you may find the details of our recent experience instructive, if distressing.

My community is Canada’s documentary makers. I mostly work in English Canada, though sometimes with colleagues from Quebec and various First Nations. We are not your biggest or most powerful constituency, but our art form is one of the most uniquely Canadian.

As I’m sure you know, documentary was invented in Canada. The first real feature doc, *Nanook of the North*, was filmed in Inukjuak, Quebec and edited in Toronto.³ The film is contentious for lots of reasons, but still valuable, as docs

always are, as a window on to vanished lives. The term 'documentary' was coined by John Grierson, a Scot who, at Prime Minister Mackenzie King's invitation, established the National Film Board of Canada in 1939. The NFB is the only purpose-built, government-supported documentary institution in the world. Its legacy is that virtually every documentary technique, technology and aesthetic school was born in Canada.⁴

Documentary's DNA was woven by Grierson himself. He called it the "creative treatment of actuality", but considered it less a form of art than a type of public service. In the early years, he wrote, it was "the sense of a public cause to be served which kept its own people together" and earned the support of government, newspapers and "people of goodwill everywhere". Grierson believed that a "progressive social intention" is inherent in the form; by looking at the world as it is, documentary prompts us to imagine what it could be. Documentary was popular in Canada during the tough years after World War Two and Grierson thought that was because "in a decade of spiritual weariness it reached out, almost alone among the media, towards the future." In those days, documentaries were made on 35mm film, which "happened to be the most convenient and most exciting" medium available. But Grierson believed that the documentary idea itself transcended technology. And so it has. Today's doc makers work with gear he could not have imagined. But our ethos is unchanged.

Documentarians are true idealists. We have an unshakeable belief that telling the stories of our fellow citizens – funny or sad, lovely or ugly – helps us all understand each other and that makes everyone's life better. We believe clear reason, honest emotions and a comprehensive assemblage of facts are essential to democratic discourse. We see ourselves as people who stand with the weak, challenge the imperious and try, where we can, to bridge warring factions. Of course, we don't go around, like goody two-shoes, saying all that. Rather, it's a worldview we try to seduce you into sharing. Because we like to think that we are artists too.

I know documentary filmmakers all over the world and I've never met one who was in it for the money. Nor do we do it for the glory, which comes rarely and never sits easily; a doc maker on a red carpet has all the inherent fabulousness of a Grade 8 boy on graduation day. Our motivation is the social adventure. Documentary gives us access to places and events we would never otherwise witness. We meet an incredible array of people at an astoundingly intimate level. My guess is that only politicians spend as much time as we do sitting in kitchens, listening. Physically it's an adventure too, though often a harsh one. The excitement of strange landscapes and exotic cultures can be tempered by corrupt officials, mysterious illnesses and unsafe aircraft.

Our journalistic cousins share these risks and rewards, but on very different terms. They don't have our luxury of extensive field work or long formats. We don't have their income security, company-issued flak jackets or corporate legal

protection. When we fall into a pile of trouble, we extricate ourselves. Nonetheless, I know many documentarians -- tiny women and nerdy men -- who somehow muster the guts to go it alone into war zones or hostile ghettos or the lairs of vicious chieftains.

The reward is our connection with audiences. Documentary is a tool for building community; it is both a megaphone and a gathering place. Most people see our work on TV or online. But the real thrill for us comes in a theatre, or church hall, when we can represent for people the experiences of their community or the invisible forces shaping their lives.⁵ It's immensely satisfying to experience the gratitude of a community – especially a marginalized one – that feels it has been genuinely seen and truthfully depicted. To have the skills to do that for people who, for whatever reasons, can't do it for themselves, makes you feel like a real hero. If only for a day.

As a tribe of creators, the documentary community is as egalitarian as can be. Because we have no need for sound studios or truckloads of equipment, documentary artists can live anywhere in the country, plying their trade with a few colleagues, a little gear and money for gas. Though individually small in scale, their collective work has had a huge impact on our national struggles for equality. Quebecois doc makers helped their community identify and speak out against English domination.⁶ Our legendary indigenous doc directors – and their non-native allies⁷ – have, for decades, fought the general indifference to shine a light on Canada's First Nations. Women's issues have had a voice through documentary that is unequalled in mass media: women comprise 60 per cent of the Documentary Organization of Canada's membership and hold eight of the ten positions on its board.

We also welcome beginners and new immigrants. Just yesterday I met with a young Afghan filmmaker, six weeks landed, who is now being mentored by a Columbian, who also arrived here friendless a few years ago and is now a member of the doc 'establishment' (such as it is!). Embracing the creative outsider is one of the more uniquely Canadian aspects of our documentary culture. Every year, at least half the films in the "Canadian Spectrum" at Hot Docs are shot in distant lands by hyphenated Canadians. In the 21st century, every arts community is multicultural, but ours has the exploration of other cultures baked into its genetics.⁸

I'm sure Grierson would be well satisfied with the civic achievements of his offspring. But we've also had a level of commercial success that he would not have anticipated. When I joined the community in the 1980s, documentary was still a fringe sub-genre of television and art cinema. Our only measure of accomplishment was social: a taboo broken, a law changed, a civil right accepted. Over the decades, diligence and luck turned docs into a mass market cultural force. In 2006 – our high water mark – there was \$460 million worth of documentary production in Canada, mostly by independent creators. Our projects

brought in \$31 million of foreign investment, comprised 20% of Canadian television shows, employed 10,000 people directly and another 6,000 in spin-off jobs. Canada's documentary creators, that year, averaged a princely salary of \$36,000. But, like I said, we're not in it for the cash.

The most striking number from that year is: 50,000. That's how many people attended Hot Docs in Toronto. Just eight years earlier, that audience had been only 4,000. Hot Docs was created in 1993 by Toronto's documentary makers, as a dedicated space to share our films amongst ourselves. The city already had strong documentary exhibition at the Toronto International Film Festival, which featured docs long before other major film festivals did. It was TIFF that launched the career of the great American doc maker Michael Moore. The start of Hot Docs showed the enormity of the city's love of non-fiction: it grew continuously and in 2016, the 11-day event drew more than 210,000 people to 232 films. It's now the biggest documentary festival in North America, arguably the world's most influential, and one of Toronto's signature cultural events. Doxa, in Vancouver, and Rencontres internationales du documentaire de Montreal, are smaller, but they've had similar growth.

These festivals welcome thousands of international documentarians, highlighting Canada's leading role in world documentary. This year, Hot Docs hosted official delegations from 14 countries, including Nigeria and Georgia. That milieu, and the quality of our work, has made Canada a favored partner for documentary coproduction. Many doc makers have strong ties that enable the import of investment and the export of expertise. Toronto's Blue Ice Group sponsors and mentors documentary makers all over Africa. Interactive documentary pioneer Kat Cizek gives workshops at MIT and collaborates with the New York Times. I've recently worked on two enormous productions which were initiated and principally funded by broadcasters from Germany and Japan. Both sought out Canadians to lead their projects because we are experts in their subject – climate change – and because we're adept at work that's logistically tough, creatively complex and tailored for multiple platforms. Forgive me if this all sounds unCanadian in its boastfulness, but I'm proud of the fact that, a century after documentary was invented here, Canadians are recognized for excellence in it everywhere.

The cherry on top of our success is the Hot Docs Ted Rogers Cinema. The Art Deco theatre in downtown Toronto – beautifully restored by Blue Ice and the Hot Docs community – is the only cinema in the world devoted to the art of non-fiction. Every night, it shows two or three feature docs. It's always at least half full with one community or another, drawn by their particular interests or aesthetics. I work near there and, some nights, I take the long way home, just to pass the cinema, see folks lining up and marvel at how far we've come.

Of course, Minister, our success has only been possible because of the cultural support system that your predecessors – and their colleagues throughout the

Western world – built over the last century. In Canada, that system, as you know, is now collapsing into sterility, dysfunction and corruption. The blame is usually put on the shocks of technological and economic change, but that's only part of the story. What's more significant is that the relationships among the system's players -- and between us and our audiences -- have fallen wildly out of balance. The result for the Canadian documentary community is that we are now gripped by a crisis that threatens to destroy our art form in this country. And that, as I hope to show you, is not hyperbole.

The reason our particular crisis may matter to you – beyond general ministerial compassion -- is that it is specifically linked to your cultural goals of social cohesion, democratic reinforcement and the building of brand Canada abroad. I believe the system that produces screen content in Canada has come to loathe those virtues, which you – and most Canadians – believe in and for which documentary traditionally stands. And that makes us the canaries in your coal mine.

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When I left my daily newspaper job in 1985, wanting to make documentaries, I dreamt of a sinecure at the NFB or the CBC. It wasn't a lame ambition. In those days, the institutions cooperated (as they rarely have since), they had staff directors and they did great, ambitious documentary work.<sup>9</sup> To learn the trade, I had to move to England, because there was very little film training here. When I came home, two years later, the dream of having my very own NFB cardigan had been dashed. The Western world had entered a new economic era – call it neo-liberalism, neo-conservatism or hyper-capitalism. There's many names for it because it's only now, thanks to journalism and documentary, that we have come to understand that it was an organized movement, working behind a curtain. Those we now call The One Per Cent were pushing governments to dump civil servants and privatize public services. The days of government jobs in Canadian culture were over. My generation was the first to spend our adult lives as freelance creators within a constantly shifting matrix of public and private funding schemes. We were artists but, to survive, we had to learn business. So we put on our pointed boots and studied the ways of commerce.

Hundreds of production companies were born in those days and thousands of people whose formal schooling was in writing, filming or design retrained themselves in the myriad proficiencies required to navigate a maze of government agencies, broadcasters, multinational corporations and international distributors. Our community is now rich in producer/creators with expertise in negotiation, budgeting, accounting, purchasing, management, multiple types of law (labour, tax, libel, copyright, international treaty, etc.) as well as in researching, story evaluation, sourcing, planning, remote logistics, pitching and all the other human, management and technical skills documentary makers must have (before we even get to the arty stuff, like writing and directing). We had to

learn, too, the coping skills to deal with the growing crowd of apex predators fighting to dominate the government waterholes. By comparison, we were mere shrews. But we learned to dart lively and it ultimately did us good: three decades on, Canada's documentary makers are a tough enough bunch.

For a long while, we had luck on our side. The late 20<sup>th</sup> century cable TV proliferation was an unprecedented boon for documentary: all those cable companies signing up families by the millions, all those specialty channels – with different, competing owners -- needing 24/7 content – the cheaper, the better – and all overseen by federal regulation that kept subject matters narrow, which, to keep audiences interested, required great originality. It was a formula that, over about 20 years, sparked an explosion of astoundingly good Canadian non-fiction: feature documentaries, doc series and lots of the delightfully inventive factual programming that, then, was the bulk of cable TV. Future media historians will be astonished at the quality of writing and imagery in thousands of factual hours about Canadian history, technology, society, nature and science. Cable TV developed so quickly, and so voraciously consumed shows, that most of this work blossomed briefly and disappeared, like flowers in the desert.

Despite our pointy boots, Canada's doc makers never lost our sense of public purpose. Documentaries virtually never make a profit, anywhere in the world. They are green spaces for minds otherwise entirely assailed by marketing. That's understood in the media world and it's why every democratic country – even the USA -- supports documentary as a public good, like parks in cities. Though we did our best, against long odds, to “recoup investment” – as the public-private system required – we assumed, and we insisted, that our public mandate remain unchanged.

Meanwhile, in budget after budget, every federal government, following the orthodoxy of the era, kept squeezing cash out of the public institutions – the NFB and especially the CBC -- and giving it to the “independent sector”. As the big private media corps became engorged with cable profits, and started swallowing smaller rivals, the government milked them too, demanding “community benefit funds” that gave creators more funding spigots. We didn't worry, as documentary makers, about the provenance of any of this money. Nor did we cry for the CBC. As it became increasingly commercial, independent doc makers were spreading the public service mission across the channel spectrum. We saw ourselves – and still see ourselves – as, essentially, freelance civil servants.<sup>10</sup>

Now, I don't know how lobbyists or influence peddlers manage to have government policies broken or bent. (I'd love to do a doc on that – but I'd never get the access!) As creators, we only see the effects when the rules get changed and the diktats published. Over the years, as the public-private system grew, we saw the private slowly but inexorably get the better of the public. In television, for example, Telefilm, a real public agency, gave way to the Canadian Media Fund, a public-private agency, which handed all gatekeeping functions to broadcasters

and distributors. The CMF calls this “market validation”, implying reliance on accurate ratings and sharp demographic analysis. The reality is not so scientific.

The “market” to whom producers sell is just a gatekeeper -- a regular gal or guy whose taste, mood or departmental directives determine what ends up on TV, cinemas or online (not on YouTube, necessarily, but on the heavily-marketed and coveted Video On Demand services, like Netflix). A show’s success – on any platform – depends on publicity, weather, the day’s news and the moment’s zeitgeist. Anybody who studies film history knows the cinematic truism: “nobody knows nothing”. The purely public media ethos approaches the audience with the assumption that artistic excellence, expressing a true heart, will ultimately succeed. The purely capitalist media ethos approaches the audience knowing one can always raise a crowd with spun sugar, a car crash or porn. And then there is everything in between. But there’s no such thing as validating before the fact. There’s only acting on your assumptions, entering the ring and receiving the judgment of fate. Nevertheless – and despite all the public money poured into the system -- the broadcast gatekeepers’ decisions ultimately became the only measure of what is valid.

We creators felt the consequences of always privileging the private over the public in our experience of business conduct, long before it became obvious on TV screens. Almost annually, the federal government issues policies intended to balance the field on which ginormous media corps and small creative companies must play together. But inevitably, as soon as the regulators look away, those policies get quietly bumped off. Take, for example, the tax credit system. The federal government intended production tax credits to be rebates that would enable small creative shops to capitalize and mature. They would free us from the panic of living from show to show, allowing for thoughtful development, production efficiencies, proper marketing and a broad increase in excellence. It was a great plan, for, like, five minutes. Immediately, broadcasters began insisting that producers include tax credits in production budgets. Now, consider how tax credits work: they are earned by small producers, who move mountains of paper to satisfy the persnickety Canada Revenue Agency; the money does not arrive until a year after productions finish (at best); and the resulting interest debt has to be carried by producers, most of whom are too small to have the backing of a bank. So the hundreds of millions of tax dollars that have gone into the credit system have actually further impoverished creators while giving a public subsidy to large media corporations, making it cheaper for them to meet the national content commitments that Canada – like every Western country except America - - mandates. And that, in a nutshell, is how it always goes.

The story of Terms of Trade is similar. They, as I’m sure you know, Minister, were a set of fair contract practices that were policed by the Canadian Radio-television and Telecommunications Commission. They were respected only grudgingly and, now, they have been lobbied out of existence, allowing broadcasters to demand terms that would make a Mafia enforcer blush. Program

license periods that used to be five, or maybe seven, reasonable years, now measure in decades, effectively giving the media corps control of creators' copyright. Where once payments were logically spread over the life of a project, beginning when work did, now creators may not be paid until a year -- even two years! -- after their program is broadcast. The way we are now shaken down for ancillary rights is almost comical in its greed: typically, we must give them not only home viewing and streaming rights, not only retransmission rights, but sometimes even the rights to our original footage, to be sold off as stock. What's actually worse is that broadcasters now routinely suck up all these rights -- presumably to inflate their company's value -- but often do not exploit them. So creators lose money and potential audiences for no good reason at all.

Canada's documentary makers, as I've made clear, are not about the bucks. But it's hard not to get angry when every move you make to stretch your resources is met with a sucker punch. Our embrace of digital technology is yet another example. Following in a proud tradition, Canada's doc makers are always first in line to try new gadgets: digital video, desktop editing and digital effects, tiny-format chip cameras, drones, and now, 360 video rigs and virtual reality composition. We heartily embraced the machinery, built a lot of the ancillary technology and invented much of the visual grammar that is shaping the future of interactive art.<sup>11</sup> It's easy for us to lean into innovative technology because experimentation is part of the documentary routine. But embracing digital technology was also a key economic strategy for us.

With digital tech we could work faster and cheaper. Parts of our work previously done in big labs -- like image processing and sound mixing -- could be done in our editing rooms. That was no hardship to the labs -- they live on commercials and big drama -- but it really stretched our meager budgets. And we could use the new tools to get much more out of the footage we gathered. We've always had to produce multiple versions of projects, to satisfy different funders. Digital tools helped us push our material further, reshaping it to create, for example, a feature film, TV series and interactive experience, each with its own unique style.<sup>12</sup> We also gained the freedom to independently market our work, which we could never afford before. This is important because Canadian broadcasters usually spend their promotion dollars pushing American shows they have bought rather than Canadian shows they have commissioned. Many of us had websites before big media companies knew what they were. We were shilling on social media from the get-go, which worked well until the whole world learned to bang a drum for its product, service or cat.

We hoped our techno-nerdiness would give us the potential to make better work and a better living. But, it turns out, *again*, that we were amusingly naïve. When broadcasters saw we could do more with less, they went Walmart on us, slashing our budgets and pocketing the resulting profits themselves. The budget considered acceptable for a documentary in 1995 was at least double what it is today. In many ways, we were prototypes for today's young digital creators, who

are culturally savvy, technically brilliant, economically powerless and endlessly ripped-off in the online world.

Even working twice as hard won't help creators get a break. Though media companies are all about profit, the public agencies treat profit by creators as a sin. The public-private system expects us to be both shrewd little shrews and virginal vessels of culture. So, for example, there is a small and rigid percentage cap on how much we can earn from a production budget, regardless of its size. Even a documentary maker with a tiny project, who can do 100% of the work, can only be paid for a small part of it.

The final way to get ahead in this trade is to "work your back end", as they like to say in Hollywood, by selling finished productions to TV and VOD abroad. Canada's documentary community has many global connections but, practically, dealing with the world's dozens of markets requires a specialized international distributor. Typically, the small creator giving a film to a distributor is akin to a poor farmer loaning a child laborer to a wandering tinker on the vague promise of a better life. Maybe that distributor wants to work your film or, maybe, like broadcasters that scoop rights they will never use, he's just padding his stable, intending to sell the lot at a fire sale price. Maybe your film gets pitched, maybe it doesn't. Either way, given their commissions and expenses, you're not likely to see the kid again and should not expect checks in the mail. Oh, and if you do get any money, it's not yours anyway. It's recoupable by the public-private funds from whence it came. So the only way for a creator to keep cash flowing is to start the next show before the last is finished.

The upshot, Minister, is that, despite the genuine efforts of your policy-writing department, creators remain mere playthings in the talons of Canada's big media corps. Secondly, taken as a whole, our current system incentivizes making shows, but not actually showing them. That may be the saddest part of working in Canada's screen culture. So many truly wonderful films, TV shows and online experiences are toiled over for years and years, only to be released with all the forethought and potential of a helium balloon escaping a birthday party.

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In 2006, most of these challenges already existed, but our community was strong and had the volume to cope with them. Then there was a change of government. That brought in new policies and procedures but also profoundly altered the media business atmosphere – the zeitgeist; the sense of what was reasonable -- which rippled outward, transforming our screen culture.

As the smallest players, documentary makers were especially whacked by each policy change: abolishing Terms of Trade, removing broadcast license conditions, allowing corporations to own both the distribution and content and, of

course, allowing the mergers which shrunk the broadcast field from many players to a few glass-eyed behemoths.

At its height, around the turn of the century, Canadian broadcasting employed hundreds of people with the authority to invest in programs. Gatekeepers, we call them. I hope, Minister, you do not find the term derogatory; it's merely short-hand. Gatekeepers can be managers of public funds, NFB producers, executives of agencies like CMF, distribution company buyers, broadcast commissioning editors, or regulatory bureaucrats, like those at CRA, who have nothing to do with creation, but control money, and therefore, content. Generically, to creators, they're all gatekeepers, guarding the vaults that hold the cash we need to do our job. Specifically, they may be our mentors or partners, saviors, therapists, bullies or tormentors. It all depends on the person and their mission.

Gatekeepers are key figures in the cultural system, yet their role is rarely considered. Their impact on the excellence, originality and profile of what we see on our screens can't be over-estimated. The truly great gatekeepers combine an impresario's eye for a strong concept, a patron's confidence in talent, a shark's ability to manipulate corporate machinery, a banker's knack for husbanding cash and a mom's penchant for keeping impulsive genius coloring between the lines. A truly awful gatekeeper will have the inverse of those traits and will always turn a golden chariot into a broken pumpkin, regardless of its creator's talent.

Gatekeepers are constrained by their own talent, of course, but more so by who they believe they serve. Some serve art itself; some the general public; some a tiny slice of audience thought to appeal to advertisers (or, at least, their proxies: the media buyers); some serve their company and some just serve themselves. None, by the way, are expected to serve creators by providing us with work. We all know that's not their job. Their role, rather, is to make good work happen, when possible, within the confines of their remit.

In my experience, gatekeepers in truly public institutions really do strive to serve the general audience's interest by backing work innovative enough to capture attention and important enough to reward it. That's why the NFB has so many Oscars. That said, the go-go cable years produced quite a few private broadcast gatekeepers who had the wisdom and taste of Medici's. They still had the freedom, in those days, to commission real documentaries and a competitive incentive to demand originality.¹³ The post-2006 mergers, and lifting of license terms, shrunk the army of gatekeepers down to a small club and restricted what they were allowed to commission. Behemoths don't take chances. With many channels in few hands, the smart bottom-line strategy is universal blandness: every can looks different, but they all contain sugared water.

Many critics have noted that the Golden Age of Television drama has mostly passed Canada by. Given the depth of our screen talent, the lost opportunity is shameful. Less noticed is that an era in Canadian documentary that was at least

Bronze, maybe even Silver, has been battered nearly to death. If you look at non-fiction on the English Canadian broadcast schedule over the past decade, you see that documentary features disappear, then documentary series disappear and finally factual television – that innocuous, family-friendly staple – disappears too. All of them are replaced by Reality TV. It is now the only non-fiction work that most Canadian broadcasters commission. This is a tragic turn for creators, audiences and also for many fine gatekeepers. Once free to be Medici's, they have been reduced to bouncers at a Trump casino.

Reality, of course, is the American genre that capitalizes the word to distinguish its content from actual reality. The form has many sub-genres and I won't bore you with describing them, because I'm sure you know the categories: the fake adventure shows, the rats-in-a-hotbox shows, the phony social experiment shows, the dating shows, the rich-and-nasty-ladies shows, the celebrity-at-home shows, the fake renovation shows, the freak-family shows and so on. Aesthetically, structurally and morally, they are all the same show. Whatever their particular MacGuffin, all are designed to push ordinary people into conflict. Theirs is worldview in which the few 'winners' are lauded and the many 'losers' are laughed off the set. Broadcasters refer to them as "character-driven" – because the 'Reality' label is tainted – and they mean that as in: "that guy sure is one heck of a *character*". They also call them "unscripted" which is, for practical purposes, an outright lie.

I have no words appropriate to a letter such as this to express how soul-crushing it is for documentarians to see American-style Reality replace our national art form on Canadian screens. The least of it is the loss of investment, though that has been huge: millions of dollars that previously supported documentaries have been diverted and thousands of creators have gone broke or quit.¹⁴ Worse, from a national viewpoint, is the perversion of a craft and subversion of a mission to which thousands of people have dedicated their lives and to which the nation has given hundreds of millions of dollars.

Reality uses documentary methods – the interviews, the hand-held camera, the situational observation – to do the exact opposite of what authentic documentary does. Where we try to get true actuality, Reality fakes situations and portrays them as true. Where we – knowing the Heisenberg Effect¹⁵ -- try not to interfere with subjects, Reality turns real human lives into flamboyant schticks. Where we portray even the wicked with dignity, Reality mocks everybody. For documentarians, it's like having your identity and reputation stolen and used to defraud unsuspecting folks. Reality takes all our knowledge, tools and techniques and uses them for evil.

I don't use that word lightly. One of the awful aspects of this is that many talented creators have been forced out of documentary and into Reality by the need to feed their families. Universally, in private, they say they hate what they must do. Consider, for example, the Canadian Reality show (based on a foreign format)

called *Border Security*. Civil libertarians complained for years about it humiliating the vulnerable as they cowered before authority. The complaints meant nothing, because Reality TV thrives on that sort of thing. The show was only cancelled when the Canada Border Services Agency recently rescinded cooperation. Reality production companies are full of stories about crews pressuring subjects into dangerous, embarrassing or quarrelsome situations to satisfy an executive's insistence on "drama". No real doc maker does such things, because no real doc maker thinks that way. I'm not saying Reality crew members are evil, but nothing good can come of such manipulations.

Most Reality subjects are terribly poor, absurdly rich or remarkably stupid. A few, like the cleverest freaks of the 19th century, have the smarts and nerve to use their notoriety to generate long-term gain. Kat von D parlayed the neon squalor of her tattoo parlor into a make-up line. The hirsute profiles of the fundamentalist jackasses in *Duck Dynasty* adorn many outdoor products. But Reality's brief history holds more stories of people emotionally ruined by the shows and even a few who were killed. The very first Reality show resulted in its very first star doing four years in jail. ¹⁶

I must note that there are actually rules to prevent Reality from qualifying for most Canadian public-private funding. But, as you know, there are always work-arounds. Again, what constrains gatekeepers is not just the rules, but also their sense of who they serve and what is within the bounds of acceptable taste. Until very recently, the mainstream political atmosphere validated unrestrained profit, the promotion of generalized fear and the mocking of losers. For TV execs, Reality is profitably in tune with the times. Gatekeepers now routinely dismiss documentary as "earnest and boring" whereas Reality is "just entertainment!"

Reality is popular, in a car-crash way, largely because audiences don't know what they're seeing. They think it's real, which makes sense. People who've never manipulated camera angles, sound effects or computer graphics can no more perceive their artifice than those who've never done a card trick can guess how an Ace got behind their ear. I won't insult your intelligence, Minister, by spending much time on the "just entertainment" argument. Jugglers are "just entertainment". We have a century's worth of cultural, political and psychological study to prove that all electric media shape the sentiments of viewers and the ideology of the era. ¹⁷ Reality TV is a product of neo-conservative times. Its specific role is to soothe the terrors of the sliding middle class, assuring us that however scared we are of losing a job or getting blown up, we're still superior to 'white trash' imbeciles and the monstrous rich.

Reality is now reaching its bizarre logical conclusion by dragging real life into what pundits are calling a "post-factual" era, in which the distinction between fiction and fact is irrelevant and all discourse is "just entertainment." It's as if nihilistic gun-toting cartoon clowns have leapt out of the screen to attack flesh and blood humans. See Donald Trump. As journalists have pointed out, many

supporters of his presidential campaign view it as just another anarchic entertainment. Whatever economic or political context aids Mr. Trump, two facts are undeniable: his fame comes from 14 seasons of his Reality show – *The Apprentice* – and his hateful, fact-free, bombast personifies the genre’s toxins.

The Apprentice was marketed as a TV ‘format’ – which is a kind of TV show recipe, bought offshore, by imagination-challenged execs. Every country that bought the *The Apprentice* format substituted a local obnoxious mogul in the Trump role. Except English Canada. Here, the Trump version has been a heavily-promoted staple on Global Television for years. But even more revealing about the state of English Canadian TV is that it was CBC which created the Trump mini-me Kevin O’Leary – who is also a hateful, bombastic, fact-averse, hyper capitalist and, apparently, potential Conservative leader. What could say more about the dominance of American Reality TV on Canadian screens?

By obvious and traditional criteria, CBC -- TV and online -- should be the home of documentary in Canada. When I tell Canadians I make docs they reflexively ask: ‘Oh, for the CBC?’ Actually, no. In my case, actually, almost never. Over several decades I’ve made major documentary features and series on many iconic Canadian subjects but none of them for English CBC.¹⁸ I don’t know if their gatekeepers don’t like my ideas or don’t like my face, but I haven’t gotten a gig there since the last Millennium. So please take the following with a grain of salt. I’m either too bitter to be trusted on this subject or free enough to be honest.

English CBC TV has never had a warm relationship with the independent documentary community. That’s understandable, for the historic reasons already mentioned. If my boss took away part of my salary and used it to fund freelancers – as successive governments did to CBC -- I’d hate them too. CBC gatekeepers treat independent doc makers like naughty children. The doc community, in turn, has a list of complaints that include the network’s political timidity, editorial interference, homogenized aesthetics and rejection of certain voices, such as documentaries in indigenous languages. But the biggest grievance is that CBC TV simply does not commission enough. The main network buys less than 20 hours of documentary per year which, by the standards of international public broadcasting, is nothing. CBC owns two other networks entirely devoted to non-fiction and they do no better.¹⁹

However, the network did, previously, support documentaries by its own staff, the greatest example being the vast *Canada: A People’s History*, broadcast 16 years ago. The English network has attempted nothing so visionary since. Its non-fiction focus, rather, has shifted to Reality format shows. The *coup de grâce* came two years ago when the corporation killed its documentary department altogether, an act that aroused even Peter Mansbridge to publicly protest. But the move makes sense for a network that has now spent many years and untold millions building its non-fiction brand around an imported Reality show format,

called *Dragon's Den*, about desperate peons groveling at the feet of multi-millionaires.

So, the platforms available to authentic documentary in English Canada are now very few. In recent years our strongest commercial supporter has been Superchannel – the scrappy Canadian challenger to HBO – which commissioned dozens of interesting feature documentaries. Alas, Superchannel has a habit of slipping into receivership. It recently did so for the second time, creating an unprecedented crisis in our community. Dozens of independent doc makers have suddenly been stuck with hundreds of thousands of dollars in debt. In some cases their films are unfinished. In others, owing to Superchannel's outrageous payment terms, completed shows have already aired and producers have not been paid. Many are facing bankruptcy. I suppose I don't need to add that the owners of Superchannel are apparently secured against the liability. So it is the small creators who are getting screwed. As is normal.

Then there is Vice, which, being a Montreal creation has, I know, a special place in your heart, Minister. There's a lot to like about Vice. Most of its programming is not really documentary but is edgy documentary-ish, factual-ish journalism that covers the tough subjects – the environment, civil rights, youth culture and inequality – that most other channels won't touch with a ten foot cable. On the other hand, Vice is now owned by giant media corporations and, let's just say, it operates in the same way they do. Its programming is controlled from New York. Its interweaving of editorial and advertising interests would be considered unacceptable by any professional journalist. Its working conditions are such that its employees are already unionizing. And its contracts with independents are more rapacious than most, demanding 100% copyright. So, while it makes some super fun shows, Vice offers no real hope for the future of Canadian documentary.

What may be most instructive about Vice for you, Minister, is what it says about platforms in the digital age. Vice went from a radical zine to a rebel website to a TV channel. That trajectory was deliberate. TV execs want the sort of scrappy content found online because it seems edgy enough to draw the young. Online content companies crave nothing so much as being on TV, because that's still where the money is. Despite both the consumer convenience of internet VOD and the wild diversity of online content, the fact is that big media companies still control screen culture – its creation and promotion -- through the mass bullhorn that is television.

In English Canada, TV and conventional distribution gatekeepers still control the content system. There are public funds that support independent television documentary – the Ontario Media Development Corporation being the most prominent -- and private ones -- the Rogers Group of Funds being the most generous – and others that support online work – the best known being the Bell Fund. But all require the prerequisite “market validation” by a TV gatekeeper. And

since most of those will not commission documentary, well, it's a chicken and egg thing which leaves real documentary makers hungry all the time. Starving, in fact.

In English Canada today, documentary has three real champions: the provincial public broadcasters -- TVO in Ontario and Knowledge Network in British Columbia -- and the NFB. TVO and Knowledge are models of what public media should be. They are dedicated in equal measure to entertainment and education, they provide programming for the whole population, they program across digital platforms (and, in TVO's case, directly into schools), and they commission, among other genres, real factual programming and documentaries. Sadly, both are also poor as church mice. If they didn't have dedicated supporters mailing in \$25 checks, they would die. And since both TVO and Knowledge are not considered "national" broadcasters, they cannot access many supporting funds. Their imaginative ambitions are limited only by their circumstances, whereas most of their competition has ample circumstances but teeny-tiny imaginative ambitions.

I've co produced a few films with the NFB and, in my experience, the producers there instinctively embody and consciously uphold the ideals of creative excellence and public service that John Grierson insisted upon. That's true despite some perplexing paradoxes in the place. Administratively the NFB has the agility of a brontosaurus yet, creatively and technically, it's addicted to risk and infused with a faith in intuitive virtuosity. In recent years, some of its negative quirks have been overcome, like its old tendency to make brilliantly provocative films and then refuse to let anyone see them. And from Grierson's day to ours, no other player in the Canadian screen trade has matched the NFB's record of artistic achievement. One of the delicious ironies in our business is that none of the English Canadian players who worship American success and disdain public funding could dare to dream of having 73 Oscar nominations and 12 wins. Yet, somehow they don't deduce the lesson that acclaim comes only to those brave enough to be true to themselves.

At any of these three institutions -- TVO, Knowledge or the NFB -- a documentary creator can make an honest pitch. In their offices, you may speak about your project's artistic goals, national significance, civic importance, aesthetic beauty, intellectual provocation, democratic value and entertainment potential for the curious viewer. There was a time when you could use those selling points in any English Canadian gatekeeper's office. Try them today, in most, and you will find yourself talking to the hand.

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Buying American has always been a smart economic strategy for English Canadian TV. Not only is it easier and cheaper than producing at home, it comes with the free benefit of relentless American promotion. The Globe and Mail critic John Doyle has written that the two great skills of Canadian media executives are negotiating profitable purchases of American products and lying about that to the

CRTC. If they could, they would be as ‘Buy American!’ as any Detroit steelworker. Where they cannot buy directly, they commission shows that feel as American as possible, under the circumstances (of skimpy budgets).

Since you announced your review of Canadian content policies, the nation’s conservative “think tanks” have been arguing for its practical elimination.<sup>20</sup> I can’t prove their authors are proxies for broadcast owners, but their interests are congruent. There are two parts to their argument, a public one and a not-for-public one. In public they argue that, in a world where anyone can choose to watch anything, Canadian content regulations are pointless. In private, they also make the case that regulations and subsidy are just job creation schemes that produce mediocre content. They echo the DJs of the 1970s who resented being forced to play Canadian music and dismissed it all as “the beaver bin”. No DJ today would have the nerve to say that to Drake or Robert Charlebois or Gord Downie or Régine Chassagne or even to her husband and band-mate, the American immigrant Win Butler.<sup>21</sup> But Canada’s screen culture is not yet as mature as our music, literature or theatre scenes.

So, where to begin with these anti-Canadian content arguments? Firstly, cultural subsidies, as is clear by now, don’t produce jobs, they produce gigs. No sane person would respond to a want-ad for a job promising no security, no pension, no benefits, lots of unpaid work on nights, weekends and holidays and a crappy salary which disappears for months or years at a time. Nonetheless, documentary makers do cherish our unprofitable work for all the reasons I’ve stated. So I admit that we do promote Canadian content regulation and subsidy partly out of self-interest.

The quality argument is another sort of fish. It takes sophistication to refute but one rarely gets the chance, because it’s spread by trolls, invisibly corrosive, like a political whisper campaign. It is particularly dispiriting to our colleagues in drama, because it proceeds from comparisons to Hollywood which are unfair for many reasons. One is that creating make-believe worlds, staffing them with commodified stars and promoting them on soda cans is fantastically expensive. Another is that Hollywood’s cinematic grammar is a local language that’s been forced on its conquered cultural colonies – like when the Soviets forced the Poles to speak Russian. Its success is such that its grammar now seems “natural” while every original, national cinematic vision seems “weird” to an audience force-fed Disney from birth. Notwithstanding their many achievements, I sometimes wonder how our drama creators have the courage to face the day.<sup>22</sup>

Canadian documentary makers have no such problem. We cannot be made to feel inferior to those from anywhere else. Our confidence in the depth of our tradition, command of our language and sufficiency of our resources – when we have any at all -- is bullet proof. We know that our art form is Canadian by virtue of both its history and its nature, shaped by the country’s emotional and political constitution. Every nation produces great art. There is no other nation whose

history has taught its creators to honor diversity, egalitarian values and critical thinking above all else. That's why Canada disproportionately produces great documentarians, journalists, diplomats and comics.

Doing our work also teaches us that it is needed. For one thing, we travel often to the edges of this country. We talk to a lot of people who live far from the centers of power. We see the Canada that most Canadians cannot, because this land is so big and so costly to traverse. A recent poll asked Canadians what made the country unique and just one per cent chose the North.<sup>23</sup> Since only Russia compares to us in this regard, almost nothing makes Canada more unique. But so few Canadians see the Arctic, it's not top-of-mind. That's true of most of rural Canada, which comprises most of Canada. Since media executives share the general urban bias, doc makers have to really fight to tell rural stories. So we know that a lot of what is incredible, distinctive and important about Canada lies perpetually in the dark.

Even more important is what we learn about Canada from travelling abroad. There's no part of this planet -- however physically remote, politically-closed or conflict-ridden -- that is not known to some of my colleagues. And everywhere we go we see that it is culturally acceptable to hate some Other; there is an inherent homogeneity and/or factionalism that breeds hostility toward some group or many. In the poll mentioned above, the majority of Canadians said that what makes our nation unique is multiculturalism. That is absolutely true and it's why those of us who spend a lot of time on the ground elsewhere understand, at a visceral level, that the world really does need more Canada.

That is more true, not less, in a world where "anyone can watch anything anytime". Cyberspace (a term coined by our William Gibson for a reality defined by our Marshall McLuhan) is an ephemeral reflection of real physical space and real economic, political and military power. Its like a mirage -- a real object refracted by light that floats above the desert. The elements of cyberspace emanate from a specific place and then blend with the global currents of the system. It's the cultural equivalent of weather. Hot spots can throw the whole system out of whack, just as calm voices can cool and refresh. Canada, with its deep embrace of diversity, can be that calming, cooling voice. The argument of those who disdain Canadian content creation is that weak, little Canada cannot substantially contribute to the emerging global discourse. To them, I say: 'Grow up!' Canada's documentary creators know we have much to offer our fellow passengers on Spaceship Earth. I'm sure other Canadian artists feel exactly the same way. Right now the marketing heft and the algorithms of giant corporations direct much of the flow of online chatter. But we've only just begun. Nobody can say where the strongest voices in 21<sup>st</sup> century cyberspace will originate. Why should they not be Canadian?

What I find curious in all this -- and what I suspect that you, Minister, coming from Quebec, must find incomprehensible -- is the instinctive lack of support for

Canadian culture among so much of the English Canadian elite. Of course, they will all be wearing maple leaf ties and baking birthday cakes next year, just as they were all swooning over The Tragically Hip this summer. But, deep in their hearts, they ceaselessly long for American approval. The economic arguments we can understand. But the admiration of Canadian media executives for American products runs deeper than that. How many Reality shows, made here, are titled *Blah Blah Canada*, to lightly distinguish them from the original, American *Blah Blah*? If we are going to make tawdry crap appealing to base instincts, one would think we could at least invent our own, original tawdry crap.

I don't get it. Maybe, if you aspire to be a powerful media executive, nothing less than Hollywood validation has meaning. Maybe, if you're stuck in pokey and chilly Toronto, it hurts your self-esteem. And maybe, therefore, you just automatically validate any junk that comes from America and reflexively denigrate everything Canadian, however great. But that must seem suicidal to a Quebeçois or Haida or Inuit or gay or black or orthodox Muslim or anybody else who has had to fight for their cultural freedom. The English Canadian elite have it but they don't want it. They suffer from a self-imposed Stockholm Syndrome.

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So, Minister, when Canadian documentary makers look at “issues of importance surrounding the creation, discovery and export” of our work in a digital world, we see a paradox. After decades of effort, and hundreds of millions of dollars in government support, our community has reached a moment of great strength and acute danger.

On the plus side, documentaries have never had a more enthusiastic audience, especially among the young. As Reality has taken over television, documentary has gotten hotter in movie theatres and online. The mainstream embrace of a fraudulent worldview only makes the authentic complexity of documentary sexy. As I write, there are seven documentaries playing in Toronto commercial movie theatres, and all have higher audience ratings than most competing dramas. Online, the streaming services prominently include feature documentaries and social media is filled with all sorts and sizes of docs. As Virtual Reality explodes, only gamers are embracing it with the same gusto as doc makers. For many of us, VR is a dream come true because we have long tried to push our form beyond linear narrative, toward immersive environmental experiences. For our young audiences, it's natural to experience documentaries through mobile screens or VR headsets. They take documentary as it is offered: as a liquid digital window on to the world.

When I made my first feature documentary, 26 years ago, I labeled it a “non-fiction movie” to dodge the dowdy reputation documentaries used to have. How happily amazed I am to see this day! Back then, film studies programs were few and none specialized in documentary. Now there are dozens of dedicated college

and university programs, with thousands of graduates annually. I have them knocking on my door every week, looking for a way into our craft. What's truly gratifying to me is their genuine interest in the form. It used to be that young cineastes looked at docs as a stepping stone on the journey to making "real movies". Today, perhaps owing to the world in which they were raised, many young people yearn to bear witness and to do it in true Griersonian spirit. Their motivation is public service through whatever media are exciting and handy. But what, Minister, am I to tell them when they come knocking? I can't lie. But neither do I want to discourage them with the truth. So our discussions turn less on grand ambitions, more on survival strategies.

Experienced creators, like me and my aging colleagues, can, ironically, go abroad for support. We are veterans of international film festivals and markets, thanks to years of aid from provincial and federal trade programs. That investment has given us relationships with foreign broadcasters who seriously support documentaries. Dismissed at home, we are hailed as masters abroad. Isn't it always the way? We've learned how to take an offshore license fee, get Canadian TV to buy in for the price of a coffee, and flow the paper through the system to magically create what looks like a genuine co-production. Ridiculously, that's how we get the support these days to tell Canadian stories. It's sort of reverse-gaming the system; tricking it into doing good despite its cynical inclinations.

This is how, for example, my colleagues and I were able to provide TVO and Knowledge with the first long-form documentary series on English Canadian television, a project they could not have otherwise afforded. Called *The Polar Sea*, it used a story of amateur sailors crossing the Northwest Passage to explore climate change, showcase Inuit artists and grasp the ramifications of industrial colonization of the north. The project included a 10 hour television series, an interactive web experience, four 360 video apps for smart phones and the world's first full Virtual Reality documentary. For this thoroughly Canadian subject, created by two Canadian production companies and staffed with 100% Canadian labour, 90% of the budget came from Germany and France (where the project was heavily promoted and drew an audience of more than 2 million people).²⁴ There's lots of stories like that. My last project was a feature documentary financed by Germany and Japan, with a pittance tossed in by Canadians. My work over the next three years will mostly be funded from Europe and Asia and will be filmed all over the world. I have colleagues with similar funding connections in Australia, Scandinavia, England, Latin America, South America and the Middle East. But gaining trust abroad and managing the legal and financial complexities of these productions is not for greenhorns.

So the young people flowing out film schools favor a home-made, digital strategy: crowd-funding. Like most web-based financial strategies, it's a pyramid scheme that works brilliantly for the first person, pretty good for the next few, okay for the bunch after that and so on, downward. At its best it is staggeringly inefficient. And

that's saying something in the arts, which is the model sector for wasted potential, since we all spend 80% of our time raising the resources we need to do our actual jobs. Crowd-funding requires multiple layers of marketing materials, constant social media promotion and lots of money and time for souvenir fulfillment. It ups the standard inefficiencies of artistic financing exponentially. If you are very clever and very lucky you can get the crowd to give you money, but the effort costs a significant part of what is raised.

The other funding sources drawing young Canadian doc makers are American charitable foundations. Foundation funding is not really a thing here, but American arts foundations are important documentary funders. Now they are being joined by advocacy groups willing to pump astonishing sums into the production, promotion and distribution of documentaries that promote their point of view. In recent years, Canadian filmmakers have made several docs this way. That requires another kind of good-gaming of the system: to pass IRS muster, the money has to flow through an American charity, which will take a cut for its trouble.

The bigger problem with crowd and advocacy funding is that they require appeals to crowds and advocates. The most successful vow to save something, fight somebody or otherwise promote a cause. Both encourage "activist" films. The relationship between documentary and activism is a complex subject, worthy of much consideration itself, but for our purposes it's enough to say that creators can only serve their subjects properly and their audiences honestly if they are free. The pressure to skew a story is the same whether it comes from a saint or a sinner. One can make Reality or propaganda under such conditions, but not documentary.

But the young have few choices. The only other money available to them are the scraps broadcasters throw into little contests, online challenges and other phishing expeditions that earn civic brownie points for pennies on the dollar. The young always buy in, of course, because they aren't motivated by money. They believe, passionately, in the truth and will do whatever is required to get at it. I recently came across a heated forum discussion in which a young filmmaker was mocking an older one for complaining about funding levels. "It's a privilege" to be able to make films at all, said the callow youth. The exchange sent me back 30 years.

I was at the Grierson Seminar, the precursor to Hot Docs. I was not yet 30. Someone made a comment about inadequate documentary funding and I rose to dismiss it as bourgeois whining. I got schooled that day by the great feminist documentarian Laura Sky. She was around 40 then, famous for pioneering documentaries about working women, and a true believer in the social responsibility of art. She said, in so many words: 'we serve the public with our work, which has no less validity than that of any teacher or nurse; but we have no salaries, no dental plan, no pension'. She was only slightly admonishing in her

tone. I, an arrogant little jerk, shrugged, while smirking. Only old folks needed pensions and I was not planning to get old. My interlocutor eventually dropped out of the TV scene.²⁵ She went on to create a charity that makes documentaries with communities, helping them tell their stories. I see her on the streets of Toronto occasionally, still lovely and fiery, but aging, as one does, and walking with some difficulty. Seeing her makes me properly ashamed of my younger self. And it makes me mad to work in a system specifically designed to exploit youthful enthusiasm in order to make middle men and shareholders rich, while discarding creators like old husks.

Now, having raised a family and approaching old age myself, I understand what it means to go through an entire adult working life with no security and no support. I look at the young, eager to give their all for art, and know the ways it's going to cost them, about which they have no clue. You know, Minister, its one thing for a nation to create the conditions to produce flashes of brilliant art. It's quite another – much more challenging and worthwhile -- to create a culture of creativity that sustains a mature artistic sector robust enough to promote the wider goals of strengthening enlightened democracy, inspiring innovative solutions to our dilemmas and infusing the national economy with the pioneering spirit required for Canada to thrive in a world where survival, if we achieve it, will depend not on endless dumb exploitation but on brilliant invention and clever recirculation.

Among the many resources Canada has at its disposal in the 21st century is an infrastructure for capturing actuality that is second to none, globally; that bristles with talent, technology, social dedication and organizational skill. It's the collective creation of thousands of people who make documentaries -- researchers, writers, directors, cinematographers, editors, designers – as well those who back them -- the gatekeepers, producers, coordinators, lawyers, accountants and publicists – and those who support the whole enterprise – the curators, programmers, teachers, librarians, film festival volunteers, critics and, ultimately, audiences. We have spent our lives building this infrastructure. But we understand that it exists only because of I can't guess how many millions of dollars, invested on behalf of taxpayers, by provincial and federal governments. Together, we have erected a mansion Grierson could never have imagined. It is, I believe, a structure of great facility and beauty that has enormous potential to do good in Canada and for the wider world. But, of course, if we are careless, something built by many generations can be demolished overnight.

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As you reimagine our screen ecosystem, your range of options is wide, but the voices that would constrain them are powerful. We all know there are many lobbyists preparing briefs to argue the opposite of what I've said. They will portray big media companies as patriotic populists and even victims of foreign companies and rabid technologies. Those foreign companies will ignore your process altogether, serene in that hypocritical Silicon Valley smugness that

proclaims itself above the law, yet good for society. And both old and new media will feign to forget that a nation's airwaves -- its cyberspace -- is, by law and tradition, public property, like crown land, theoretically reserved to benefit the national interest.

Every big media corp that does talk to you will, I wager, boast of their generosity to the Canadian cultural community while suggesting that creators are "entitled". They love that word. It implies that creators expect corporations to provide something for nothing when, in the digital world, the case is exactly the opposite.

Creators don't feel "entitled" to do their work, they feel compelled. The very nature of being an artist -- whatever your medium -- is that you have no choice. It's an urge as powerful as that for food or sex and it can only be denied by destroying part of your self. The cliché of the starving or suffering artist are two aspects of the same thing. It is not genius that makes one suffer -- there's lots of jolly Nobel scientists. Rather, it's the compulsion to follow an artistic road that's often blocked by censors, thieves, loved ones and poverty. Creators will struggle down that road, whatever it takes, because they are placed on it by something larger than themselves. That sounds crazily romantic to the rational mind, but it's true. I know documentary makers so driven by responsibility to their subjects that they will work second jobs or mortgage their homes to pay their crews and get films made. You can imagine, Minister, how easy it is to take advantage of people under such circumstances.

The power imbalance in cultural production surely dates back to when the first Athenian promoter pressured the original tragedian to include more sex scenes and then stole his cut of the gate. Broadcasters selling out our cultural heritage or ISPs profiting off creators' work for free are differences of technology and scale, not of kind. There's only so much you can do, Minister, about such ancient habits. My prediction is that, regardless of your best efforts, the game will not really change because the nature of the players will not. It's a Frog and Scorpion thing.<sup>26</sup> But if you could just put your thumb on the scales, even a little, we might all be surprised at the beneficial results.

In my opinion, the weight of that thumb will not come from money. There's lots of public money in the system. What is needed is a vision of Canadian screen culture that looks beyond money as the reason for producing culture. My hope is that as you sift the arguments laid at your door in the coming months, you evaluate all of them by asking, first: why should government have any role in creating culture?

For the four decades I've worked in Canadian culture, the clumsy answer has always been that government initiatives have "a dual mandate": to make jobs and make art. It's easy to argue that, as motivations, those are opposites. Nevertheless, every arts advocate learned long ago to appeal for public support by highlighting the spin-off benefits of each subsidy or donation. It's not just about

us, they say, its about the lady who rents cars to the production or the guy who sells hot dogs outside the theatre. Canadian creators have gamely argued that our industry is just as worthy of government subsidy as the makers of jet planes or crude oil, because we all fabricate jobs. It's an argument born of the neo-conservative era, when everything was measured in dollars. I don't fault creators for making it. I used numbers myself earlier, to demonstrate the doc community's commercial prowess. We do this because we feel we must. But it's a rhetorical trap.

The economic argument sees profit as the ultimate validation for creation. That's sensible in Hollywood, which makes money by nature and art by accident. Everywhere else in the Western world where that argument is used, I suspect that it's fallacious. I doubt Western governments have reaped tax dollars commensurate with what they have poured into cultural creation. I can't prove that and wouldn't bother to try because it's not what's important. What really matters is that justifying cultural subsidy – or content regulation – as economic development ignores the much more important spiritual, intellectual, emotional, political, social and civic functions of art. I've argued that creators need help in making a living, which is true. But it does us no good to seek that by lying about our true motivation or the real measure of our success.

What's sort of ironic is that the architects of the neo-conservative era did just the opposite, using culture to achieve their economic goals. It's now widely understood that the "culture wars" of the past few decades, with their vicious stoking of the flames of fear and hatred between communities, have mainly been an attention-deflection tactic. It is by these means that The One Per Cent have puppet-mastered the discourse and turned so many people, who have so much less, against their own self-interest.

Our screen industries, and especially Reality culture, were eager to fan the discord, as long as the resulting fears remained improbable – terrorism, exotic disease and Others of all stripes – rather than likely -- debt, climate change, war, social polarization or any other real consequence of the era. Once, as I was being tossed from her office for pitching some "earnest" documentary, a senior commissioning editor smiled sympathetically and said: "Our viewers want scary, but not *real* scary." To understand the truth of that, substitute *viewers* with *bosses*. Or, perhaps, *advertisers* (or *media buyers*) It's no wonder, as journalists often remind us, that fear of crime in North America rises while actual crime drops. No wonder, either, why a key cultural trope for the young is zombies.

The nadir of this era in Western culture, hopefully, is upon us, with Brexit, the candidacy of Donald Trump, fascists stirring in Europe and all the other flowerings of intolerance. Maybe we've hit bottom. In Canada it feels like we've crossed that dark finish line and begun something new, as shown by the outpouring of optimism attending your government's election. And that came, I

can't help note, by changing the script, and offering not promises of wild financial prosperity, but of civic and cultural renewal.

There has never been a time in human history when it has been so obvious that our survival is a matter of conscious choice. The greatest challenges we face – from climate change to tribal and resource wars – are technically complex but their only lasting solutions are cultural. “We shape our tools,” McLuhan liked to say, “and thereafter they shape us.” Many of our problems are the result of technologies gone awry – the wrong kind of engines, the wrong use of guns – and most can be solved by technology we already have. What blocks those solutions are ignorance, bad attitudes, misguided beliefs and their impacts on economics and politics. That's what's hard about changing our course. But it's also what's so incredibly encouraging. It's like John Lennon said: the war is over if we want it. The culture we shape dictates the world we can imagine and the world we imagine is what we will create.

The people who established Canada's cultural regulatory and subsidy system did not argue in terms of job creation. They argued in terms of preserving Canada's identity in the face of British and American hegemony. And they argued in terms of public service. Again, I quote Grierson, speaking about documentary: “[This] was a new idea for public education: its underlying concept that the world was in a phase of drastic change affecting every manner of thought and practice, and the public comprehension of the nature of that change vital... Our job specifically was to wake the heart and the will.”

It seems to me that the ambition behind that sentiment is very close to the goals you have set for Canadian culture. If documentary makers, so steeped in Canadian tradition, so blatant in our civic mission, and requiring so relatively few resources, can no longer do our job of waking the public heart and will, I wonder who can.

So I, for one, hope that, when you ask yourself why government should be involved in culture, your unequivocal answer will be: ‘to serve the public good’. All the disputes will be about the details, but my experience tells me that the minutiae of what you are doing is less important than a clear declaration of *why* you are doing it.

Canada's creators have a deep understanding – shared by many around the world -- of how and of why publicly-motivated culture produces enriching, crowd-pleasing excellence.<sup>27</sup> But it's been a long time since anyone with authority in this country declared that to be our goal. If you do that, Minister, you might see mountains move. Certainly, you will find people of good will, at all levels of the system, lining up behind you. They are just waiting for permission, from the top, to declare their true love for Canada and to be able to openly admit their hidden belief in the power of art to save the world.

Thank you for taking the time to consider this.

I wish you great luck on your courageous endeavor.

Sincerely yours,

Kevin McMahon

## NOTES

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<sup>1</sup> This letter was prompted by Canadian Heritage's pre-consultation questionnaire which, while valuable, was limited in the information it could garner by the questions that it asked. My hope is to broaden the discussion about Canadian content in a digital world and the factors that limit it, particularly as they relate to my discipline of documentary. This paper is to be published as an 'open letter' online by Point of View Magazine the week of September 12, 2016

<sup>2</sup> My professional biography and contact information are as follows:

Kevin McMahon began his career as a newspaper journalist at the *St. Catharines Standard* where he received various awards, including a top prize from the Canadian Centre for Investigative Journalism and a nomination for a Governor General's Award for public service journalism. In 1985, after five years dedicated to print, he shifted his focus to documentary film, quickly gaining a reputation as one of the country's most innovative directors. Of his first feature documentary, *The Falls*, the late Jay Scott wrote: "the film intermarries the naturally sacred and the unnaturally profane with breathtaking dexterity". Over the next 25 years, the contrasting of sacred and profane, serious and comic, beautiful imagery and raw documentary became the hallmark of McMahon's non-fiction style.

McMahon's most recent feature documentary is *Spaceship Earth*, a collaboration with NHK in Japan, Arte/ZDF in Germany and Canada's Shaw Media, featured as a Special Presentation in Hot Docs 2016. McMahon previously directed more than 20 documentaries, eight of them feature films, and produced dozens of hours of non-fiction television. He recently wrote and co-directed the 10-hour *The Polar Sea*, Canada's first long-form documentary series. The project included the companion *Polar Sea 360*, one of the world's first genuine Virtual Reality documentaries. *The Toronto Star* said the massive project "instantly stands as one of the landmarks in the long and rich history of Canadian documentary filmmaking"

McMahon's feature work focuses on environmental themes, viewed explicitly – in subjects like Arctic climate change, toxins in Niagara Falls, the collapse of the cod fishery and the scourge of nuclear weapons – and obliquely – in stories about the guru Marshall McLuhan, Haida and Inuit communities, or the nature of human intelligence. He has filmed in some of the world's wildest places, including the Sahara, the deserts of Jordan and Iran, the north Atlantic, Canada's maritime coasts, the Boreal forest and the high Arctic. Known for bringing unusual

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perspectives and personalities to documentary, McMahon has collaborated with cellist Yo Yo Ma, rock musician Gord Downie, performance artist Laurie Anderson, comedian Mary Walsh and astronaut Roberta Bondar.

As a producer, McMahon has developed a collaborative production method that gives anthology series, such as the 50-episode *Things That Move*, levels of innovation and creative energy that are unusual in factual television. Some of McMahon's most unique TV work has been in programs about Canada, including *Working Over Time*, a four-hour history of the nation's manual labourers, *Canadian Made*, a 14-part series about technological inventions, *An Idea of Canada*, chronicling a Vice Royal visit to tiny aboriginal communities and *The National Parks Project*, a 26-part television, music and film series, on which McMahon co-produced and contributed the short film *Standing Wave*, featuring Shad, shot on the Nahanni River.

McMahon has written for *POV Magazine*, *The Toronto Star*, *The Ottawa Citizen*, *The Huffington Post* and CBC Radio's *Ideas*. He is the author of *Arctic Twilight*, about the impact of the Cold War on the Inuit. Most recently he wrote several articles arguing for the recognition of documentary as Canada's only non-aboriginal indigenous art form.

As a story editor, McMahon helped shape Alan Zweig's feature documentaries *A Hard Name*, *Lovable* and *I, Curmudgeon*; Jay Cheel's *Beauty Day* and *How To Build A Time Machine* and Nick de Pencier's *Four Wings and a Prayer*. McMahon is a frequent guest in film classes and works with younger filmmakers, both informally and through cultural institutions. He has been a mentor in programs run by Hot Docs, the Ontario Media Development Corporation and the Documentary Organization of Canada. Most recently McMahon worked with the Canadian Film Centre/National Film Board Documentary Program as the mentor on Sarah Polley's debut documentary, *Stories We Tell*.

Among his awards as director, writer or producer, McMahon is the recipient of several Canadian screen awards, a Webby, an Interactive award from the South by Southwest Festival, the Earth Prize from the Tokyo Film Festival, a Special Jury Prize from Hot Docs, and the designation of Canadian Eco Hero by the Planet in Focus' film festival. The Canadian Film Institute and Hot Docs have both held retrospectives of his work.

McMahon has degrees from Brock and Carleton universities and the Certificate In Radio, Television And Film from the University of Bristol in England. He is a partner in Primitive Entertainment, a Toronto production company specializing in high quality documentary film, television and interactive media.

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<sup>3</sup> Robert Flaherty's *Nanook of the North* has a complex and contentious history. The film was actually shot twice, because the original footage was destroyed during editing in Toronto. On the second shoot, Flaherty tried to correct his original filming mistakes and staged scenes for narrative and technical reasons, leading some to consider the film "faked". Moreover, other documentaries – including the filmed record of Ernest Shackleton's trip to the South Pole – have been touted as preceding *Nanook*. But none were as complete as *Nanook* and none approached the critical acclaim the film received when it was released in 1922. When, in 1989, the United States Library of Congress began listing films that are "culturally, historically or aesthetically significant" *Nanook* was its first selection. In Primitive Entertainment's 2014 television series *The Polar Sea*, Inuit singer Tanya Tagaq performs to imagery from *Nanook*. Of the film she says: "There's a couple parts of the film that I really despise. There are couple moments in the film where I just go.. you know, why did that have to happen? There is one where he is pretending to eat at the record. And it's like "Oh what's this? I'm just a silly person that think he should eat it." It's little things like that. [But] I don't really get so angry with the film because a lot of it is the land and the land is so beautiful. It's where we are."

<sup>4</sup> The list of cinematic and documentary innovations by the National Film Board is too long to adequately address here. It includes aesthetic techniques – such as the "fly on the wall" approach called "cinema verité" – technologies – like the Imax camera format and the prototype technologies for 360 cinema and computer-assisted filming – and revolutionary approaches to making and using documentaries, notably including the "Challenge for Change" film series which had many remarkable results, including the extraordinary record of life captured by the *Fogo Island Project*.

<sup>5</sup> My most profound experience in this regard was my first. In 1990, my brother, and producing partner, Michael, and I made a feature documentary – *The Falls* -- about our hometown, Niagara Falls. The subject had of course been filmed many times. However, no one had sought to capture, as we did, the interplay of nature, culture, technology and environmental impacts there, which had poisoned the Niagara River. The film was a hit at the Toronto Film Festival and was released by Cineplex, playing for some six weeks in downtown Toronto. But the most extraordinary moment we had with the film was the night it premiered in a suburban mall in Niagara Falls. Cineplex gave the tickets away through a local

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Middle-of-the-Road radio station, packing the cinema with a blue-collar crowd very different than the artsy one that had enjoyed it in Toronto. The film, a product of my youth, is, arch, ironic, musically structured and self-consciously arty. I was very nervous about the screening before an audience that had certainly never seen its like. To my amazement, the film elicited tears and a standing ovation. People said they were thrilled to finally see a documentary that showed the pollution of the natural beauty in their midst. That audience taught me that average people are able to understand and enjoy much more complex forms of art than they are given credit for by the elites of the broadcasting world. It is a truth I have seen reinforced many times since in small theatres and community halls.

<sup>6</sup> The hugely influential films of Denys Arcand are an obvious example, most notably his 1970 film *On est au coton* which was such a subtly powerful comment on the inequalities between English factory owners and French workers in Quebec that it was censored by the NFB for several years – thus becoming a legendary work in Quebecois cinema.

<sup>7</sup> Canada's great indigenous documentary makers include Gil Cardinal, a Metis, Zacharias Kunuk, an Inuit who still lives in Igloolik, and the Abenaki documentary maker Alanis Obomsawin who has made some 20 searing films about life among Canada's First Nations. Young notable indigenous doc makers include Alethea Arnaquq-Baril whose 2016 film *Angry Inuk* won the audience award at Hot Docs. There are dozens of non-native documentary makers in Canada who have worked in First Nations and made it their mission to shine a light on indigenous concerns. In English Canada, this impulse stretches across generations, from documentary elders such as myself, John Walker and Nettie Wild to newcomers such as Victoria Lean, whose beautiful film *After The Last River* looks at the impacts of diamond mining on the Ontario community of Attawapiskat. The film, which Lean spent five years making, received no support at all from Canadian broadcasters but was so remarkable that it opened the 2015 Planet in Focus film festival.

<sup>8</sup> An excellent sense of the role of women and of the international scope in Canadian documentary is found in Sarah Laing's September 1, 2013 feature for *Elle* magazine profiling a number of our documentary makers including Nisha Pahuja and Anne Shin. (<http://www.ellecanada.com/culture/travel/article/elle-world-meet-8-canadian-documentary-filmmakers-telling-stories-from-around-the-world>)

<sup>9</sup> A great example of cooperation between the NFB and CBC is the eight-hour *War* series by Newfoundland historian and journalist Gwynne Dyer. The series, which was extraordinary in its detailed examination of the techniques and mindset of soldiers, was unlike anything on television at the time. It was ultimately exported to 45 countries and one episode was nominated for an Oscar.

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Sadly, it was also a rarity. Though CBC has occasionally shown NFB films or co-productions – usually altered to squeeze into CBC formats – there has never since been the level of cooperation that one would assume between two Canadian government institutions that are in, essentially, the same business.

<sup>10</sup> Many examples are possible here, but perhaps most notable is *A Scattering of Seeds*, produced by Peter Raymont and the late Lindalee Tracey. The 52-part documentary series, created for History Television, tells the story of the creation of Canada through the tales of individual immigrants and their communities. In fact, much of Raymont's work is an example of the filmmaker as "civil servant": throughout his career he has maintained a focus on Canada's social and civic concerns while working with broadcasters both public and private. This history is detailed in an interview by Marc Glassman in the Winter 2006 edition of *POV Magazine*.

<sup>11</sup> Among many possible examples are the interactive work built to accompany my feature documentary *Waterlife* (<http://waterlife.nfb.ca>), the ground-breaking, world-renowned interactive work *High Rise* (<http://highrise.nfb.ca>) and the pioneering work in Virtual Reality by DEEP of Toronto (<http://deep-inc.com>) and Felix & Paul in Montreal ([www.felixandpaul.com](http://www.felixandpaul.com))

<sup>12</sup> An example of a multiplatform work is the Primitive Entertainment-filmCAN production *The National Parks Project*. (<http://www.nationalparksproject.ca>) Shot in 13 of Canada's national parks and featuring dozens of independent Canadian musicians and filmmakers, the project resulted in a 13-part television series for Discovery Channel, 13 avant garde short films, an interactive web experience, a double-album musical recording and a series of live concerts.

<sup>13</sup> A remarkable instance of a private broadcaster insisting on originality resulted in Primitive's documentary *The Face Of Victory* – which was requested and championed by then-commissioning editor at History Television Cindy Witten. The film, which chronicles the end of World War Two and the beginning of reconstruction, was created entirely from thousands of classic still photographs shot in the last six months of 1945. The film's only sound track is a symphonic score by Canadian composers Alexina Louie and Alex Pauk, performed by the Esprit Orchestra. An audience-pleasing success for History when it was broadcast in 2005, the film represents the sort of innovative work by a private broadcaster that would be utterly impossible in today's Canadian broadcast landscape.

<sup>14</sup> Precise details on the decline of the documentary industry over the last decade are documented in the series of *Getting Real* reports, commissioned every few years by the Documentary Organization of Canada. (<https://docorg.ca/en/getting-real>)

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<sup>15</sup> Sorry to be all science nerdy on you here, Minister. In case you don't know it, the Heisenberg Effect is a scientific principle that essentially says that the act of observing something changes its behavior. It comes from quantum physics but has obvious application to documentary. The most extraordinary example of it ever is probably the 12-part 1971 PBS documentary *An American Family*. Intended to be a candid look at middle class family life, it became a chronicle of discord as the family broke up, partly because of the secrets revealed under the pressure of constant observation by cameras. It was, in effect, an honest version of the sort of thing Reality television was invented to fabricate.

<sup>16</sup> American Richard Hatch was the \$1 million winner of the initial season of the Reality show *Survivor*. As a result of his behavior on the show he earned a spot on TV Guide's "nastiest villains of all time" roster. Five years later he was jailed for not paying taxes on his Reality show earnings, a sentence that he always protested was unfair.

<sup>17</sup> The phenomenon has been noticed since the early 20<sup>th</sup> century, but was perhaps best articulated by Marshall McLuhan: "What we have done in our time with our electrical technology is put our nervous system outside ourselves. When you extend, by technology your own inner central nervous system, you put your nervous system outside... and we put it around ourselves globally. We stuff our physical being inside the nervous system. This means that every private operator can own a hunk of your central nervous system as if it were a wheel or a box or a piece of land. And he can stand on your nose, your eyes, your nerves, he can exploit and move every part of your inner being by these means. No Elizabethan had any such resources. This is a totally new information environment, of which humanity has never had any experience whatever. "

<sup>18</sup> For the record, the iconic Canadian subjects which I have been able to document for private broadcasters (but not CBC) include Canada's national parks, the collapse of the cod fishery, the history of Canada's working class, the history of Canadian technological invention, the re-emergence of the Haida Nation and the biography of Marshall McLuhan. Whereas, treatments of Canadian topics I have recently had rejected by the CBC include residential schools and murdered aboriginal women, the melting of the Northwest Passage, Ontario's most egregious story of wrongful conviction, the transformation of the Arctic Ocean by climate change and a series about Canadian identity.

<sup>19</sup> Indeed, in 2006 when Corus announced that it would sell its majority stake in *The Canadian Documentary Channel* to CBC, the independent documentary community fought hard to prevent the sale, appearing before the CRTC to denounce it. The community, represented by the Documentary Organization of Canada, argued that the change would mean that the channel would commission fewer independent works for less money and would instead be populated by

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acquisitions and reruns of CBC's stable of current affairs shows. The CRTC dismissed the community's concerns and allowed the sale. But, as time has shown, the documentary community was not wrong.

<sup>20</sup> As I am sure I do not need to tell you, Minister, two documents featuring arguments along these lines were in recent "reports" from the Fraser Institute and the C.D. Howe Institute. <https://www.cdhowe.org/media-release/update-archaic-broadcasting-rules>  
<https://www.fraserinstitute.org/sites/default/files/technological-change-and-its-implications-for-regulating-canadas-tv-broadcasting-sector-exec-summary.pdf>

<sup>21</sup> Though it is impossible not to note that most Canadian reporters writing about Gord Downie's illness could not help comparing *The Tragically Hip's* incredible commercial success in Canada to its lack thereof in the US, thereby reinforcing a knee-jerk prejudice with an inane comparison that not only would be meaningless in any other nation but was clearly so to the millions of Canadians mourning the imminent disappearance of the *Hip* from their lives. This was a particularly awful example of the endemic habit among Canadian critics -- and their outlets, such as newspapers -- to genuflect before American success, downplay Canadian cultural achievements and, thereby, reinforce the anti-Canadian instincts of the English Canadian elite.

<sup>22</sup> A brief funny take on this can be found in the short film that my friend Eric Peterson and I did for the NFB to commemorate his lifetime achievement award from Canada's Governor General. Peterson, who starred in three successful English Canadian television series, as well as countless theatre productions, is still more than able to walk down a Toronto street unrecognized.  
[https://www.nfb.ca/film/canadian\\_famous/](https://www.nfb.ca/film/canadian_famous/)

<sup>23</sup> This comes from an Environics poll entitled *Canadian Public Opinions on Aboriginal Peoples* dated June 2016.  
<http://www.environicsinstitute.org/institute-projects/current-projects/public-opinion-about-aboriginal-issues-in-canada>

<sup>24</sup> *The Polar Sea* also helped to build community on an international scale. In early 2015, we were invited to Ottawa by US Ambassador to Canada Bruce Heyman to present part of the series at a University of Ottawa seminar and at a formal dinner for ambassadors from Arctic nations. The purpose of the event was to highlight Arctic issues in advance of the United States assuming the chair of the Arctic Council. <https://ca.usembassy.gov/u-s-embassy-ottawa-co-hosts-the-polar-sea-panel-discussion-and-documentary-screening/>

<sup>25</sup> Laura says now of her career: "It was conversations like that one and the slow steady co-optation of broadcast television that drove me to create and do my

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best to sustain another space for social action documentaries. Our organization, SkyWorks Charitable Foundation continued for more than 30 years, through hard times and fine times. My goal was not only to create a participatory model of community-based documentaries, but also to honor our potential for beauty and lyricism in our craft. For chunks of time we were able to pay decent salaries and benefits to our staff and we always paid our crews... the equivalent of union wages. By 2014, our financial structure became impossible to maintain. We could not sustain the infrastructure and staff necessary to keep alive the values and standards of the work we believed in. The charitable sector and the not for profit world were being fundamentally reorganized into much more entrepreneurial models, and the notions of service and community commitment were deteriorating. We have been winding down the Foundation- a long legal process.”

<sup>26</sup> I assume you know this fable, but just in case not, here it is from an online version of Aesop’s Fables: *A scorpion and a frog meet on the bank of a stream and the scorpion asks the frog to carry him across on its back. The frog asks, "How do I know you won't sting me?" The scorpion says, "Because if I do, I will die too." The frog is satisfied, and they set out, but in midstream, the scorpion stings the frog. The frog feels the onset of paralysis and starts to sink, knowing they both will drown, but has just enough time to gasp "Why?" Replies the scorpion: "Its my nature..."*

<sup>27</sup> The testament to this fact is, of course, the work of the Western world’s great public broadcasters, at their best, in addition to virtually the whole body of post-War European cinema, which is mostly publicly funded. Further and fascinating evidence of the power of public-minded media can be found in a recent report by the European Broadcasting Union that details the connection between democracy and strong public broadcasters.

<https://www.ebu.ch/news/2016/08/ebu-research-shows-strong-public-service-media-contributes-to-a-healthy-democracy>

<https://www.theguardian.com/media/2016/aug/08/public-service-media-rightwing-extremism-ebu-psbs>