

Chapter 5

The Origins of HBO's *Conspiracy* and its Unproduced Sequel, *Complicity*, 1995–1997

1 Beginnings

Frank Pierson was angry. The director and screenwriter, best known for authoring the Academy Award-winning screenplay for *Dog Day Afternoon* (1975), as well as for writing *Cool Hand Luke* (1967), had just finished watching *The Wannsee Conference* on videotape and was incensed by how its characters spoke so casually about genocide. His friend and longtime collaborator Peter Zinner, a prolific editor who won an Academy Award for *The Deer Hunter* (1978) and also worked on other classic films like *The Godfather* (1972) and *In Cold Blood* (1967), had introduced Pierson to the *The Wannsee Conference*, and the pair decided to pitch a new film about Wannsee for HBO.¹ Zinner had also, notably, been an editor on ABC's *War and Remembrance* miniseries. He and Pierson had worked together on the HBO historical dramas *Truman* (1995), and *Citizen Cohn* (1992), a biopic focusing on Joseph McCarthy's underling and Donald Trump's attorney, Roy Cohn. Loring Mandel had also worked with Pierson on *Citizen Cohn's* script but remained uncredited.² Peter Zinner's history as a Viennese Jewish exile was an early parallel with the production history of *The Wannsee Conference*: he and Manfred Korytowski shared similar pasts and both provided their respective film projects with their initial drive. Their personal histories as persecuted Jews, as well as their loss of family members in the Holocaust, provided both works with a gravitas that complicates our understanding of the two films as simply "German" or "American" productions.³

A combative figure who was protective of his artistic vision, Frank Pierson was no stranger to controversy, having penned an infamous *New York Magazine* article on his experiences creating *A Star is Born* (1976) in which he savaged his

1 Alexander Tang. "A Conversation with Loring Mandel." *The Harvard Crimson*, November 12, 2013, <http://www.thecrimson.com/article/2013/11/12/interview-loringmandel/> (accessed November 12, 2019)

2 Frank Pierson, "Visual History with Frank Pierson," February 10, 2009, Directors Guild of America, <https://www.dga.org/Craft/VisualHistory/Interviews/Frank-Pierson.aspx>. Chapter 7, Clip 11, 17:21.

3 Peter Zinner's story was featured in the 2009 PBS documentary *Cinema's Exiles: From Hitler to Hollywood*. See "Cinema's Exiles | PBS," *Cinema's Exiles*, accessed February 4, 2021, <https://www.pbs.org/wnet/cinemasexiles/>.

star, Barbra Streisand, and her lover Jon Peters, accusing them of derailing the widely panned film.⁴ Pierson's HBO films *Truman* and *Citizen Cohn* dealt with little-known aspects of American history and, especially in the case of *Citizen Cohn*, had a strong antiestablishment, left-leaning political bent, in keeping with HBO's branding as a home for more progressive stories which could not be told on broadcast networks: Roy Cohn, as a key figure in the McCarthy hearings, was notorious for his anticommunist stance and prosecutorial zeal. Pierson's depiction of Cohn's life as a closeted gay man who had led purges of "subversive" homosexuals from the United States government, but later died of AIDS-related complications, helped humanize his character in the film, who was played by James Woods.⁵ Pierson's work on *Truman*, starring Gary Sinise, oddly enough prefigured the later casting of Kenneth Branagh as Reinhard Heydrich. According to Pierson, then-head of HBO Pictures Bob Cooper pressured him to hire Branagh in the title role for *Truman*. Pierson resisted, arguing that an iconic Midwestern politician like Harry Truman had to be played by an American, not a classically trained and recognizable English actor. Branagh assented and the role of Truman went to Sinise.⁶

It is unclear when Pierson and Zinner first got the idea to create a new film about Wannsee. One promotional article for *Conspiracy* claims that it had been an eight-year process, which would place the origins around 1993.⁷ In 1995, Pierson, who had already directed several pictures for HBO, met with HBO executives Bob Cooper and Michael Fuchs, who agreed to produce an English-language film on the Wannsee Conference titled *Wannsee*: "after seeing [*The Wannsee Conference*], Cooper agreed that it was time to do it in English for a new generation." Fuchs, "an outspoken liberal" who "openly flashed his progressive beliefs at every opportunity," was a key, if brash, figure in HBO's early days. As Felix Gillette and John Koblin put it, his style was "[n]o holding back, no bullshit," a hyper-masculine attitude which would eventually lead to his downfall.⁸ His Canadian colleague Bob Cooper helmed HBO Pictures from Los Angeles, with a decidedly "openly liberal, pugilistic point of view," producing original films about topics

4 Frank Pierson, "My Battles with Barbra and John," *New York Magazine*, November 15, 1976.

5 In an ironic twist, the actor James Woods later became a staunch and vocal Republican activist and vehement supporter of Roy Cohn's former client, Donald Trump.

6 Pierson, "Visual History with Frank Pierson," Chapter 3, Clip 10, 13:58.

7 Christian Raymond, "CONSPIRACY Program Notes - Austin Film Society," Austin Film Society, Archived from the original on March 4, 2016, <https://web.archive.org/web/20160304085729/http://www.austinfilm.org/page.aspx?pid=3341>.

8 Felix Gillette and John Koblin, *It's Not TV: The Spectacular Rise, Revolution, and Future of HBO* (New York: Viking, 2022), 24–25.

network TV sponsors would rather avoid.⁹ HBO soon developed its brand “as a vigilantes’ den of fearless storytellers shedding light on difficult social truths.”¹⁰ After a shakeup of HBO management which resulted in Cooper and Fuchs leaving the network, Zinner and Pierson then approached Colin Callender, the head of HBO NYC Productions, with their idea for a new film about the Wannsee Conference.¹¹ Callender, “an erudite British producer who’d grown up in a Jewish family in London,” preferred producing films “that filtered real-world events through a prism of progressive righteousness,” much like Cooper and Fuchs.¹² HBO NYC Productions was one of HBO’s two in-house original movie divisions. Unlike its counterpart HBO Pictures, which was devoted to more standard fare, HBO NYC Productions was concerned with more difficult, pathbreaking dramas – that is, not your average television films. By 1999, HBO NYC Productions and HBO Pictures merged to form HBO Films under the leadership of Callender, which produced not only original television films and miniseries but also theatrical releases. HBO executive Chris Albrecht described Colin Callender’s tenure at the head of HBO Films as “the golden age.”¹³

Dana Heller has argued that the history of HBO Films “constitutes a significant chapter in the history of the ongoing merger between the film and television industries, as the very notion of film has shifted from a box office medium to a home-based medium.”¹⁴ For her, the subset of HBO’s original films which depict history “negotiate the past and interrogate cultural memory through the depiction of individual lives that are positioned at the center of national struggles, community conflicts, social movements, and scandals.”¹⁵ These films generally refrained from the stereotypical happy endings or inspiring messages so common on broadcast television. Heller notes the “broader tendencies” of HBO’s original films (which were key to its branding) during this period: “[a] focus on the under-represented figures of history; their use of multiple-perspective, which allows for

9 Gillette and Koblin, *It’s Not TV*, 60.

10 Gillette and Koblin, *It’s Not TV*, 61.

11 Frank Pierson. Letter to Stanley Sheinbaum, September 30, 1998, Box 11, Folder 4, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin. 1. For more on the departure of Fuchs, see Gillette and Koblin, *It’s Not TV*, 72–73.

12 Gillette and Koblin, *It’s Not TV*, 61–62.

13 James Andrew Miller, *Tinderbox: HBO’s Ruthless Pursuit of New Frontiers* (New York: Henry Holt & Company, 2021), 375. Miller erroneously refers to HBO Films as “HBO Pictures” in this section.

14 Dana Heller, “Films,” in *The Essential HBO Reader*, ed. Gary R. Edgerton and Jeffery P. Jones (Lexington: University Press of Kentucky, 2008), 44.

15 Heller, “Films,” 46.

the narrative portrayal of collective rather than individual heroism; their experimentations with the conventions of cinematic realism, such as anachronism; and their unabashedly progressive vision of the lessons generated by the past.”¹⁶ Other authors note that HBO films became “darker” and that “HBO’s choice of historic figures grew more violent and misanthropic.”¹⁷

In contrast with HBO series like *Oz*, *Sex in the City*, *The Sopranos*, *Deadwood*, or *The Wire*, HBO’s films have received comparatively little scholarly and critical attention. Countless academic and critical publications focus on shows like *The Sopranos* and *The Wire* which, similar to *Conspiracy*, place viewers in unfamiliar worlds and refrain from holding the audience’s hand – a key feature of HBO programming in the late 1990s and early 2000s.¹⁸ Lastly, *Conspiracy* was part of a wider trend of programming focusing on the Holocaust and the Second World War in light of that conflict’s fiftieth anniversary. The Steven Spielberg and Tom Hanks-helmed war miniseries *Band of Brothers*, released in 2001, was also a joint HBO/BBC production, and was partially filmed at the Shepperton Studios near London, like *Conspiracy*. This HBO/BBC partnership ensured financial support from the BBC, as well as filming locations, crew, and cast members from the United Kingdom. This public-private partnership earned the BBC and Prime Minister Tony Blair scorn from the British press, particularly from conservative publications which saw *Band of Brothers* as a typically American attempt to glorify US soldiers while ignoring the sacrifices of British soldiers during World War II – much like some parts of the British press had reacted to Spielberg’s *Saving Private Ryan* (1998).¹⁹

¹⁶ Heller, “Films,” 50.

¹⁷ Gillette and Koblin, *It’s Not TV*, 58.

¹⁸ Several valuable recent works on HBO original series include: Sepinwall, *The Revolution Was Televised*; Jonathan Abrams, *All the Pieces Matter: The Inside Story of The Wire* (New York: Crown Archetype, 2018); DeFino, *The HBO Effect*; Twomey, *Examining The Wire*; Bernie Cook, *Flood of Images: Media, Memory, and Hurricane Katrina* (Austin: University of Texas Press, 2015); Jaimey Fisher, *Treme*, (Detroit: Wayne State University Press, 2019). A valuable counterpoint to the “Golden Age of Television” narrative espoused by critics like Alan Sepinwall is Paoletta’s “Party Monsters.”

¹⁹ For more on the controversy surrounding the BBC and *Band of Brothers*, see: Simone Knox, “Bringing the Battle to Britain: Band of Brothers and Television Runaway Production in the UK,” *Journal of British Cinema and Television* 17, no. 3 (June 3, 2020): 313–333; Jason Deans and Lisa O’Carroll, “BBC Dumps Spielberg Special,” *The Guardian*, August 14, 2001, <http://www.theguardian.com/media/2001/aug/14/bbc.broadcasting>; Andrew Billen, “The True Drama of War,” *New Statesman*, October 8, 2001, <https://web.archive.org/web/20090531132154/https://www.newstatesman.com/200110080038>.

Frank Doelger, executive producer of *Conspiracy* and later known for series like *John Adams* and *Game of Thrones*, also recounted the pitch:

Peter [Zinner] had seen the Austrian-German film, had brought it to Frank Pierson, who brought it to Loring Mandel, who brought it to me. I thought it was a great idea, and I went to Colin Callender, who was the head of the division for which I was working for at the time at HBO . . . it was incredibly difficult to sell, because we had to basically convince everybody that we could recreate in 90 minutes a 90-minute meeting, which is essentially men in a room talking. At that point we argued very strongly for no score at all, just the straightforward recreation of the conference.²⁰

Loring Mandel recounted his initial involvement with the project as follows:

I was asked to do it by Frank Pierson, after consulting with Peter [Zinner] the story editor. Peter Zinner, who was from Austria and who had long known about the Wannsee thing . . . I had never heard of it before. Frank [Pierson] had never heard of it before. Peter told Frank, Frank and Peter went to HBO. Colin [Callender] thought that it was a good project and Frank turned to me, I believe turned to me first, I think, to do it. He sent me material and after looking at the material, I said that I thought I would like to try and that's how it started. It was not a long and difficult thing, really the negotiations happened later. First was a commitment, then they worked out the deal.²¹

It is unclear when Mandel exactly became involved in the production process. A 1998 letter from Pierson to the liberal lawyer and activist Stanley Sheinbaum indicates that Mandel was already on board by the time he and Zinner pitched the project to HBO.²² Frank Doelger recalls Mandel bringing him the idea – the two had wanted to work together on a project for a while, and *Wannsee* seemed like a good opportunity for collaboration.²³ It is likely that Mandel was brought on board after the initial meeting with Bob Cooper and Michael Fuchs, but before Pierson made his pitch to Colin Callender. Doelger describes Callender as “a fantastic executive . . . a great intellectual reader. With great dramatic instincts, [he] fought very hard, and gave us a lot of support”²⁴ In contrast, Frank Pierson describes Callender as more of a nitpicker, in keeping with Pierson’s protective attitude towards his projects:

²⁰ Interview with Frank Doelger, April 2, 2020, 07:11–10:32.

²¹ Interview with Loring Mandel, Somers, NY, April 5, 2018, 46:15–53:21

²² Pierson, Letter to Stanley Sheinbaum, 1.

²³ Interview with Frank Doelger, 07:11–10:32.

²⁴ Interview with Frank Doelger, 46:56-end.

The other kind of thing is, oh my god, the guy who was just running HBO [Home Box Office]. You know. [INT: Colin [Colin Callender]? Not Colin, but –] Colin, yeah. Colin was running HBO on *CONSPIRACY*, and his way of working in the editing, and so on, is you get these voluminous notes that say – and he'll give a scene number and frame number. "So and so," you know, and "Three frames plus," and so on. "Take out three scenes – three feet and move it to –" and he tells you where to go, and all the rest of it, and so on, with no explanation of why. And my way of dealing with that was, I came back to him and I said, "Colin. Tell me what's wrong. Don't tell me what to do because—I don't know. I can't understand this. It doesn't make any sense to me at all. But is the problem because, you know, it seems slow to you? Or it's confusing to you? Or it's misleading to you? Or it just, you know, seems like a bad performance? Tell me that. And then I will go and see what I can do to make that work for you. If I agree." And in most cases, I do, 'cause he's very good. But that way of working, you know, it's just impossible. [INT: Was he able to understand and therefore –] He accepted it. Not with grace and grace, but he did. [INT: Got it. Interesting.] Well he's a very smart guy. [INT: Oh yeah.] So some of his bigger ideas, and so on, were very, very good.²⁵

Callender recalls accepting the pitch because of Pierson's artistic daring:

[Frank Pierson] wanted to shoot it all in one room in long takes. And he wanted the camera to be the height of the table, so that the camera would actually be at eye-line height, as though it were a character sitting at the table. And the idea of doing a film entirely in real time, from the beginning of the meeting through the end, basically with no time jumps, was equally provocative.²⁶

Callender's feedback on the script drafts, historical research, and aims of the project would prove essential. His shepherding of the project, however, also led the production team to take on another project that was never produced: *Complicity*. Before Pierson, Zinner, and Mandel formally became part of Callender's other project, Mandel began work on his screenplay for what was then still called *The Meeting at Wannsee*.

Loring Mandel had a long career in television and stage writing before Pierson and Zinner approached him about their *Wannsee* project. He had also written historical pieces throughout his career. Born in 1928 in Chicago, he began his writing career by writing radio dramas while attending Nicholas Senn High School and during his studies at the University of Wisconsin-Madison. He credited his early interest in dramatic writing to his childhood experiences as a "radio boy" helping broadcast educational programming from the Chicago Radio Council into Chicago's public schools.²⁷ For him, this formative experience sparked his interest

²⁵ Pierson, "Visual History with Frank Pierson," Chapter 4, clip 10, 13:48.

²⁶ Miller, *Tinderbox*, 377.

²⁷ See Jerry Field, "A History of Educational Radio in Chicago with Emphasis on WBEZ-FM, 1920–1960" (Chicago, Loyola University Chicago, 1991), https://ecommons.luc.edu/luc_diss/2273.

in drama and writing: “By the time I was in high school, I had auditioned as an actor for the Chicago Radio Council and often I would get out of school a day – a whole day to go into the Loop to the Builders Building, where the Board of Education was, and be a part of the Chicago Radio Council and act on their shows that were being beamed to the schools.”²⁸ His time working in radio helped provide him with an ear for dialogue which he would later demonstrate in his television career:

[R]adio was very important to me. I used to hear the soap operas and I used to be offended by the dialogue because of – the people didn’t speak the way I knew people spoke . . . you were missing certain senses, you didn’t have the visual sense, you have the ears, but you didn’t have the eyes, and you didn’t have the environment, you just had the sound coming out of the radio. So, radio writers would insist on having characters continually speak to one another by their – by giving their names so that you can identify them. That was one of the characteristics of what I considered to be unreal dialogue.²⁹

Mandel counted the playwright S.N. Behrman, the novelist John Dos Passos, and the various writers behind the Marx Brothers among his early influences, the latter “because of the playfulness with which they took words and used their alternate meanings to get comedy.”³⁰

As the middle child of a non-practicing Jewish family, Mandel experienced antisemitism on Chicago’s streets:

I knew that if I wanted to go to the movies, I had to walk past a Catholic school and if I did it at the wrong time of day, when their school was letting out or something, I might have to fight. But that’s what I knew growing up in Chicago . . . when the subway was finally done in Chicago – built in Chicago, I was teenager. I remember the day before the subway became operative, they let everybody just walk through the tunnels and I did that. Once it was operative, I began to see things written on the wall like “kill the Jews.” Then when I moved to New York and went on the subway there and saw [graffiti that] said “kill most Jews,” I figured hey, New York is a really far more civilized place than Chicago.³¹

During the 1930s and 1940s, Chicago was a hotbed of American Nazi activity (primarily through the German American Bund), particularly on its North Side, where Mandel grew up. Bundists often clashed with members of Chicago’s Jewish, Polish, and Czech communities throughout the late 1930s.³² Mandel later de-

28 Interview with Loring Mandel, Somers, NY, April 5, 2018, 00:31–10:13.

29 Interview with Loring Mandel, Somers, NY, April 5, 2018, 00:31–10:13.

30 Interview with Loring Mandel, Somers, NY, April 5, 2018, 00:31–10:13.

31 Interview with Loring Mandel, Somers, NY, April 5, 2018, 53:34–57:55.

32 Dominic A. Pacyga, *Chicago: A Biography*, (Chicago: University of Chicago Press, 2009), 265–267.

scribed his experiences with American antisemitism as “just a fact of normal life” and that they were not limited to schoolyard bullying or graffiti, but were also present in the family home.³³ His father, a doctor from Cincinnati and son of German immigrants, was a “self-hating Jew” who ran from his background: “he would read the newspaper and he would see something that bothered [him] . . . or someone who did something bad who had a Jewish name, my father would get angry and say, ‘Another Heb. Another Jew.’”³⁴ This formative experience with antisemitism and the refugee question helped shape his later personal motivations for writing *Conspiracy* and *Complicity*:

I was a Jew in Chicago. I knew that my father had relatives in Germany that he had heard from, but he did not answer. I felt – I knew my father was a self-hating Jew. It lasted his whole life. We knew about the Holocaust. I knew that my father did not help people that had reached out to him from Germany. He was born in Cincinnati, but his mother and father were from Germany. I really didn’t know those people. [There was] a period in my father’s young life where he and his mother moved from Cincinnati to Chicago and left the rest of the family – there were ten children – left them all in Cincinnati. They showed up a couple years later, and I knew most of them, but not well. I knew that my father had – was the one son in the family that did not receive a bar mitzvah and there was an anger about his Jewishness that lasted his whole life.³⁵

Mandel’s experiences here clearly informed his later work on *Conspiracy* and *Complicity* and help situate these films within a more specific American-Jewish response to the Holocaust. He did note that his father’s refusal to respond to the requests of relatives trapped in Europe to help them get the required affidavits for a US Immigration Visa was symptomatic of his father’s fears about his background: “he was always fearful that being Jewish would ultimately turn people against him, and taking some positive step re: German relatives he didn’t even know was too scary for him. He just did nothing in response to the telegram, and I don’t know that a second one ever came.”³⁶ Mandel’s strained relationship with his father eventually made its way into the *Conspiracy* script.

Throughout his career, Mandel had worked on historical pieces. Some of his earlier historical dramas included the television programs *Lincoln*, *The Lives of Benjamin Franklin* (1974–1975), and a *The Seven Lively Arts* episode on the 1947 coal mine disaster in *Blast at Centralia No. 5* (1958). Although better known for his stage adaptation of *Advise and Consent*, Mandel had been a prolific early television writer; he was best known for his work on television plays such as *Do Not*

³³ Interview with Loring Mandel, March 2, 2019, 16:50–20:47.

³⁴ Interview with Loring Mandel, March 2, 2019, 10:39–13:55

³⁵ Interview with Loring Mandel, Somers, NY, April 5, 2018, 53:34–57:55.

³⁶ Loring Mandel, E-Mail to Author, 6, July 2018.

Go Gentle Into that Good Night (1967), which he had written for *CBS Playhouse*.³⁷ Television plays were an early form of television programming which consisted of plays being performed live on television.³⁸

Mandel also became known as something of an expert on the docudrama, a genre he recognized the limits of, referring to it as a “bastard form. I mean, it was successful, but it is a bastard form. I would really [have] preferred to be able to either say ‘this is true’ or ‘this is made up,’ but it’s just too much that you can’t justify.”³⁹ In 1979, Mandel attended and spoke at the Academy of Television Arts & Sciences’ Docudrama Symposium in Ojai, California. A number of television executives, screenwriters, and even the Reconstruction historian Eric Foner attended this symposium.⁴⁰ In a set of index cards containing summaries of arguments about docudramas, Mandel’s handwritten notes and marginalia indicate some of his earlier thoughts on docudramas, history, and television during a time when he was frustrated by broadcast networks’ standards and practices departments, which he viewed as conservative entities that inevitably hamstrung creative freedom with their concerns about offending audiences and advertisers. One of his notes reads “is it art[?] it is neither. Artistic impulse replaced [by] corp [orate] authority structure of network defeats purpose.” He also criticized a statement about the “purpose of television” being “not only educative but civilizing”: “Docu[drama] by itself does neither.”⁴¹ During the actual symposium, Mandel expressed his frustration with networks who rejected or modified scripts that strayed from the standard “happy ending” format, something he would later praise HBO for refraining from when it came to *Conspiracy*: “I have had the circumstance on a number of occasions of finding that when the script reaches program practices that there is an urge to balance the point of view so that it is somehow blander, and is balanced by something more positive if it’s a negative point of view.”⁴² Throughout the writing process of *Conspiracy* (and its unproduced sequel, *Complicity*), Frank Pierson, and to a much lesser extent, Mandel, would

37 Loring Mandel, *Advise and Consent: Drama in Three Acts* (New York: Samuel French, Inc., 1961).

38 For a lively discussion of television plays, see David Thomson, *Television: A Biography* (London: Thames & Hudson, 2017), Chapter 10, “Play, for Today?”

39 Interview with Loring Mandel, Somers, NY, April 5, 2018, 39:23–46:06.

40 Advanced Copy of Edited Transcript of Ojai Docudrama Symposium, “Academy of Television Arts & Sciences’ Docudrama Symposium,” edited by Lee Margulies, *Emmy Magazine*, Summer 1979, in Box 19, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

41 Index Cards in Box 19, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

42 Advanced Copy of Edited Transcript of Ojai Docudrama Symposium, D-29.

grapple with their fears that HBO and other members of the production team were trying to compromise their creative vision. These fears were the result of working in network television and negative experiences with the corporate side of film and television production for decades. Fortunately, in the case of *Conspiracy*, these fears were mostly overblown – but not necessarily so in the case of *Complicity*.

It is impossible to tell a more complete story about *Conspiracy*'s production history without discussing *Complicity*, alternately referred to as a companion film, the second half of a double feature, or its sequel – during its production history, *Complicity* was all of the above at various points. Early in the writing stage, Colin Callender approached Mandel regarding another project he was producing on the Holocaust. Frank Pierson was already on board the *Complicity* project and had offered comments on a script earlier in 1996.⁴³ This drama was to be about Allied indifference to the Holocaust and would focus on Gerhart Riegner, a German-Jewish refugee living in Switzerland and secretary of the World Jewish Congress. Riegner is best known for his 1942 attempts to notify the American and British governments about the Holocaust after receiving word about the Germans using gas to murder Jews by the thousands. Callender already had a script by this time but was unsatisfied. He would quickly turn the script over to Mandel and the project would evolve into a double feature or three-hour epic: “[Callender] felt that this was big enough that he could do the two scripts in consecutive Saturday nights on HBO.”⁴⁴ Before Mandel would be brought on board, he first had to deliver the first draft of what would become *Conspiracy*.

2 The First Draft of *Conspiracy: The Meeting at Wannsee*

In early November 1996, Loring Mandel completed the first draft of a screenplay titled *Conspiracy: The Meeting at Wannsee*.⁴⁵ During the writing process, Mandel was in contact with Frank Pierson about the screenplay, consulting him about the historical sources he was using or about certain scenes. Pierson would provide

⁴³ Frank Pierson, Online Summary of *Complicity* Script, August 31, 1996, in Box 2, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

⁴⁴ Interview with Loring Mandel, March 2, 2019, 50:00–55:24.

⁴⁵ Sources from the Loring Mandel Papers, held at the Wisconsin Center for Film and Theater Research in Madison, are a mix of printed-out digital files (mainly script drafts and emails), faxes, scripts with handwritten emendations, or photocopied material. It is often unclear whether a document is original, a photocopy, or a printed-out file.

feedback and the two often collaborated intimately on scripts before Mandel would deliver them to HBO. For example, one fax indicates that Mandel sought advice about individual scenes – in this case, whether Luther’s dog (later cut from the script) should bite a cook or not. This subplot involving Luther’s dog remained in early drafts of the script as a kind of misplaced comic relief; Heydrich is constantly irritated by its barking during the meeting.⁴⁶ Luther dotes on the dog – a German shepherd, of course, named Lilli – throughout the script.⁴⁷ Mandel described his creative relationship with Pierson at this stage as being similar to Neil Simon, who, when writing, “imagined Walter Kerr standing behind him, looking over his shoulder and nudging him when Simon allowed himself to write something he hoped he might get away with.”⁴⁸ In an email to Mandel, Pierson praised the initial draft and identified some of the difficulties they would have convincing their colleagues:

I think it works! I think it works! It’s extremely dense, and needs close attention to reading in order to understand what’s going on – the sub textual relationships of the characters are as important as the text, and that’s going to be the biggest stumbling block to everyone understanding what an audience is really going to be reacting to, aside from the growing horror what it is that they are doing. It’s amazing what you’ve done . . .⁴⁹

In an interview, Mandel described his research process at length. He mentioned spending “several days in the archives” of the United States Holocaust Memorial Museum in Washington, D. C., visiting the Leo Baeck and YIVO Institutes in New York, and contacting the Simon Wiesenthal Center.⁵⁰ Much as Mommertz had done with *The Wannsee Conference*, Mandel relied heavily on Raul Hilberg’s *The Destruction of the European Jews* for his screenplay. Of the 47 endnotes contained within his screenplay, 18 reference Hilberg.⁵¹ In contrast with Mommertz – and likely due to the language barrier and the fact that historiography paid more attention to Wannsee in the years since Mommertz’s film – Mandel relied much

46 Loring Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, November 14, 1996, in Box 2, Folder 4, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 30.

47 Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 33.

48 Loring Mandel, Fax to Frank Pierson, November 13, 1996, in Box 11, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

49 Frank Pierson, Email to Loring Mandel, November 9, 1996, in Box 15, Folder 4, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

50 Interview with Loring Mandel, Somers, NY, April 5, 2018, 14:02–18:51.

51 Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, Appendix 1–5.

more on secondary sources in the beginning (outside of primary sources contained in published source collections, like the protocol). More in-depth research would come later thanks to the hard work of Andrea Axelrod. Other sources in his initial bibliography – some accessed at the United States Holocaust Memorial Museum in Washington – included Hannah Arendt's *Eichmann in Jerusalem*, Leni Yahil's survey *The Holocaust*, as well as *Das deutsche Führerlexikon*, *The Encyclopedia of the Holocaust*, and *Who's Who in Nazi Germany*.⁵² In a 1996 letter to Pierson, Mandel outlined some of his ideas about Wannsee. He quoted from *The Encyclopedia of the Holocaust* and Hilberg's account of the conference from *Destruction of the European Jews* in order to justify his depiction of the conference's shift in atmosphere from one of formality to informality – bolstered by alcohol. He also notes making photocopies of the Eichmann trial transcripts found at the United States Holocaust Memorial Museum's library and includes quotes from Eichmann about the meeting's purpose, one describing it as “a struggle for power” another emphasizing Heydrich's need to assert dominance over the rest of the agencies present at the meeting. The letter concludes with Mandel noting that he has chosen “the working title ‘Conspiracy’ with the subtitle ‘The Meeting at Wannsee.’ I think it's close to what the piece is about and it makes a nice pairing with ‘Complicity.’”⁵³ This letter proves that from Mandel's very first draft, *Conspiracy* was thought to be a companion film to *Complicity*. It is only through this original context that its title fully makes sense. It was not simply about a conspiratorial atmosphere or the criminal nature of the meeting, a literal conspiracy to commit mass murder. It was also meant to allude to another, unproduced film about Allied indifference and even Allied culpability.

The Dutch filmmaker Willy Lindwer's 1992 documentary *The Wannsee Conference: 11 Million Sentenced to Death* was also an early source Mandel consulted.⁵⁴ The documentary, distributed in the US by the Christian video publisher

52 Loring Mandel, *Conspiracy: The Meeting at Wannsee*, Draft 2, 12/18/96, December 12, 1996, in Box 2, Folder 5, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 6; Arendt, *Eichmann in Jerusalem*; Raul Hilberg, *The Destruction of the European Jews* (Chicago: Quadrangle Books, 1961); Robert S. Wistrich, *Who's Who in Nazi Germany*. Who's Who Series (London: Routledge, 1995); Leni Yahil, *The Holocaust: The Fate of European Jewry, 1932–1945* (Oxford: Oxford University Press, 1990); *Das deutsche Führerlexikon 1934/1935*, (Berlin: Otto Stollberg G.m.b.H., 1934).

53 Loring Mandel, Letter to Frank Pierson, 1996, in Box 11, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

54 Order form for Willy Lindwer's film *Wannsee Conference*, undated, in Box 11, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison.

Gateway Films/Vision Video, is largely based on interviews with the Holocaust historians Yehuda Bauer and Eberhard Jäckel, as well as those by the prosecutor and witnesses at the Eichmann Trial. The film interprets the conference as representing the “pinnacle” of Heydrich’s power and depicts his desire to gain the consent of both civilian ministries in Berlin as well as Hans Frank, head of the General Government in occupied Poland. The documentary also draws attention to the protocol’s deceitful language and uses clips of Eichmann’s trial in order to show that the participants talked openly about killing methods. Eberhard Jäckel also notes that it was unusual to have a luncheon accompanying these types of conferences, meaning that it must have been very important to Heydrich, it was something to celebrate. Shlomo Aronson is listed in the film’s acknowledgments.⁵⁵ The documentary is a good introduction to the conference from the standpoint of early 1990s historiography but suffers by including sinister shots of the empty Wannsee villa set to cheap-sounding horror film music.

The first draft of *Conspiracy*, at first glance, seems very similar to later drafts of the screenplay and the shooting script. It differs in the nuances of dialogue and historical details – such as ranks, opinions, and specifics of chronology – that would be (mostly) corrected in later drafts. It begins with an introductory page, a preface, character list, and seating chart. The script’s introductory page describes a beginning and end to the film very different from what would actually be filmed:

The producers want to add a short first and third act. The first would be an introduction of Heydrich as the governor of Prague, violently prosecuting the execution of Jews in that city, and – unknown to him – threatened by an assassination plot involving the parachuting of Czechoslovakian freedom fighters from a night-flying British plane. Thus the enclosed script would be the second act of the picture.⁵⁶

This depiction of the prelude to Heydrich’s assassination eventually made its way into later drafts of the script and were key to the filmmakers’ ambitious plan to combine *Conspiracy* and *Complicity* into one film. The producers envisioned *Conspiracy*’s third act as:

. . . enact[ing] the assassination, planned to take advantage of Heydrich’s known penchant for daring danger (he always rode in an open car without bodyguards). The assassination becomes a bloody farce, failing by virtue of unpredictable, incalculable circumstances and Heydrich’s own bravery. But Heydrich, injured by the initial bomb blast, dies of infection two weeks later. Eichmann receives the news while bowling with chums. He takes the news

⁵⁵ Willy Lindwer, *Wannsee Conference: 11 Million Sentenced to Death* (Worcester, PA: Distributed by Vision Video, 1992).

⁵⁶ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, unnumbered cover page.

calmly, only remarking that it shows that history is more than personality, that the work would be done. And became the relentless soul of the Holocaust.⁵⁷

The film industry has long been fascinated with the story of Heydrich's assassination (Operation Anthropoid) and HBO was no exception. Wartime films such as Fritz Lang and Bertolt Brecht's *Hangmen also Die* (1943) and *Hitler's Madman* (1943) depicted Heydrich's brutal reign in Czechoslovakia; the Lidice Massacre, which was a reprisal meted out upon an entire Czech village and celebrated in Nazi propaganda, quickly became shorthand for Nazi brutality: Thomas Mann devoted one of his *Deutsche Hörer!* broadcasts to Lidice; Lidice's destruction became central to Allied anti-Nazi propaganda.⁵⁸ Recent films *Anthropoid* (2016) and *The Man with the Iron Heart* (2017) each dramatized the assassination, with the former film focusing on the assassins Jan Kubiš and Jozef Gabčík more than the latter, which spends half of its running time focusing on Heydrich's biography – including Wannsee. Mandel also possessed a copy of an unproduced script on the assassination.⁵⁹ Operation Anthropoid became central to the *Conspiracy/Complicity* project and its mention here reveals that the filmmakers were already thinking about combining the two projects as early as 1996.

This introductory passage's depiction of Eichmann also reveals some of Mandel and Pierson's views of his place in the history of the Holocaust. Here, Eichmann acts as Heydrich's successor – but not because he was uniquely qualified to follow in his master's footsteps, but rather because “history is more than personality,” i.e., that because Eichmann was a “desk murderer” according to Arendt, his status as a bureaucratic cog made the machinery of the Holocaust continue without Heydrich's leadership. This depiction also roughly corresponds with David Cesarani's later biographic depiction of Eichmann, which argues that Eichmann was “a middle-ranking player, a subordinate, operating in an arena of conflicting power élites and policymakers, rather than the executor of a centrally determined and inexorable policy” and that after Wannsee, Eichmann “became the managing director of the greatest single genocide in history.”⁶⁰ Curiously, this passage at the beginning of the script also contradicts assertions Pierson made in a 2009 interview, in which he claimed that the idea to end the film with Eichmann in a bowling alley came to him during filming and had to be written on the spot:

57 Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, unnumbered cover page.

58 Gerwarth, *Hitler's Hangman*, 283–284.

59 Steve Garvin, *The Butcher of Prague*, August 1993, in Box 15, Folder 11, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

60 Cesarani, *Eichmann*, 116–117.

I invented a whole new ending which Loring [Loring Mandel] wrote, because it was a fascinating thing that had happened in the real situation. And that had to do with the day that Eichmann [Adolf Eichmann], who was off bowling with some friends of his and getting drunk, heard that Heydrich [Reinhard Heydrich] had died. And they brought him the news that Heydrich was dead, and he knew now that he was in charge of the Holocaust. And we thought, “You know something? That’s an interesting scene for this.” So we got it written, and HBO [Home Box Office] approved the budget, and so on. Another \$60,000 bucks. We flew back to East Germany, found a bowling alley of that era, and one thing and another. Staged the scene, which I totally fucking botched, by the way. I put the camera in the wrong place. It was, you know, I shot it from – I shot it from the pinball’s point of view, and so on, and I should have been off there in the other room with the Actors. Christ almighty, you know, it just drives me crazy. But in any case, no matter – even if it had worked, suddenly realized, “No. This movie is finished. You don’t want to go back there.” So we threw it all away⁶¹

The script’s preface reveals early motivations and ideas about the film’s depiction of Wannsee – some clearly informed by functionalism, likely informed by Raul Hilberg’s work. First, it mentions group dynamics: “When you put a group of diverse individuals in a confined situation, there are always pressures of some kind. And the one inevitable pressure is competition. In this case, the competitiveness is obvious; it existed beforehand and was an underlying cause for Heydrich to convene the Conference.”⁶² Mandel argues that during the meeting, “these men were not always at their best and not always on the point. There are moments of lightness, moments of hostility, plenty of defensiveness, a few moments when the subtext is utterly revealed, and much self-protective gameplaying. I want, too, to show how, in any individual, cruelty and sociopathology can coexist with the sappiest sentimentality.”⁶³ This section notes the dramatic aspects of the screenplay – that is, invented conflicts between individuals which Mandel could only speculate about – but also highlights the infighting and interinstitutional rivalries stressed by the historiography he had been reading in preparation for this script. Later in the preface, he outlines the film’s primary historiographic argument. Rather than claim that the decision to murder all European Jews was made at Wannsee (often erroneously repeated in the media or in promotional material for *Conspiracy*), here he says that “Heydrich called this meeting primarily for the purpose of consolidating his own power as the sole commander of the *Final Solution*. The various ministries of the *Reich* in Berlin had been doing things in various ways at various speeds . . . Heydrich assumed command, dealt with almost all of the technicalities and put

⁶¹ Pierson, “Visual History with Frank Pierson,” Chapter 7, Clip 6, 07:49.

⁶² Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, i.

⁶³ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, i.

the *Final Solution* on a fast track.”⁶⁴ This passage also sums up the motivations of the other groups present at the conference: the representatives of the General Government wanting a quicker solution in order to ease the burden of overfilled ghettos, and Berlin-based civilians wanting to defer mass extermination until war's end. The preface also further develops Mandel's view of Eichmann expressed earlier: “Heydrich's use of Eichmann as a glorified flunky gave Eichmann the opportunity to involve himself in every detail of the program, and left him in a perfect position to become the prime mover once Heydrich was assassinated.”⁶⁵ As the film moved closer to production, and especially after Stanley Tucci's involvement, the Eichmann character became more nuanced and adhered less to Arendt's description of him as a rigid, unthinking bureaucrat – though traces would remain. Earlier drafts, especially those that connected with *Complicity*, tended to combine Arendt's depiction of Eichmann as the quintessential banal bureaucrat with a characterization reminiscent of the origin story of an archetypal comic book supervillain.

The section in the early script describing the conference participants contains some of the more historically questionable aspects of the first draft. For example, Mandel states that he's “given [SS Major Rudolf Lange] some heart” and claims that Heydrich was “son of a possibly Jewish Music Teacher.” Eichmann is “the archetypal bureaucrat” while Stuckart – in contrast with later critical comments – is “a malignant anti-Semite.” Strangely, the first draft of the script makes a big deal about Staatssekretär Martin Luther of the Foreign Ministry receiving his invitation later than the other participants.⁶⁶ Frank Doelger and Colin Callender would later attack these characterizations, stating that “The Descriptions of Participants needs to be more factual. Statements such as ‘I've made him a generally cheerful Social Anti-Semite . . .’ or ‘I've given him some heart’ suggest a degree of invention that undermines the factual basis of the script.”⁶⁷

The first draft's front matter concludes with a seating chart. The seating plan, similar to that included in Mommertz's script, shows initial planning for the visual depiction of the conference. In contrast with the Mommertz script, this is an oval instead of rectangular table. The members of the SS and the RSHA largely sit to Heydrich's right, with Eichmann in a corner with access to the (male) stenotypist. Stuckart sits directly across from Heydrich and Kritzinger sits on his extreme left as they both had in *The Wannsee Conference*. The civilian *Staatssekretäre* –

⁶⁴ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, i.

⁶⁵ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, i.

⁶⁶ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, ii-iii.

⁶⁷ Frank Doelger, “Notes Conspiracy – Complicity,” June 28, 1997, in Box 10, Folder 9, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

with the exceptions of Neumann and Freisler – all occupy the part of the table to Heydrich's left. Frank Pierson would later modify this seating arrangement during filming, most notably by placing Eichmann directly to Heydrich's right, so the two could whisper to one another.⁶⁸

The first draft of *Conspiracy: The Meeting at Wannsee* is unusual because it contains endnotes, usually to explain character motivations and opinions not found in the Wannsee protocol. These references are absent from the shooting scripts, but are present in earlier drafts, before the production team had more or less finalized its historical research. Mandel referred to his use of other, peripheral sources to justify character statements and behavior as “informed speculation,” which Simone Gigliotti has discussed at length and referred to as “not entirely dissimilar from historians investigating Wannsee.”⁶⁹ Mandel described this process at length:

Informed speculation is what I call trying to write dialogue based on everything that I knew about that character, what his life, was like, what his personality was like, what other actions were in his life. I – from a lot of research, you know. A lot of research. I wasn't just making things out of the air, I was creating words that seemed to me, as far as I could tell, that represented the attitude of the character in almost every case . . .

I write elliptical dialogue, but I try to indicate in parentheses for the actor what lies beneath it said or what the conclusion of an interrupted line is and so on. It's just been a part of my process. I think I've talked about informed speculation.⁷⁰ I think I gave to – how you create these characters. Characters are – once again are created out of what I have absorbed about them, what I think I have come to understand about them, from what I've read, and then in the end, you have to make that imaginative leap to become – at the moment that you're writing the line – you have to become the character, as much as you can intuit about – and imaginatively intuit what that character is like, and what he would say in that situation. I hear it and I put it down. There are times when I then have to edit what they say, but it usually comes from wherever the hell that comes from. And what I become at the moment that I'm writing dialogue, I become a stenographer for what I'm hearing from those characters in my head.⁷¹

In her study on HBO's historical series, Rebecca Weeks engages with a similar idea, noting that “[i]nvention is difficult for many historians to come to terms with, because on the surface it upends the traditional empirical approach to his-

⁶⁸ Pierson, “Visual History with Frank Pierson,” Chapter 4, Clip 9, 12:06.

⁶⁹ Gigliotti. “Commissioning Mass Murder,” 125–127.

⁷⁰ For more on Mandel's term “informed speculation,” see Johnson, ““A Classroom History Lesson Is Not Going to Work,”” 186.

⁷¹ Interview with Loring Mandel, Somers, NY, April 5, 2018, 31:55–36:20; 1:09:03–1:12:09

tory.”⁷² For Weeks, “[i]nventions do not render history on-screen *unhistorical* or invalid; instead, they are precisely what make history on-screen possible;” for her, “invention in history on TV is more effective at conveying historical truths than is ‘fact.’”⁷³ But she does not advocate *carte blanche* for screenwriters, instead, she argues along the same lines as Mandel: “What is crucial in crafting all types of inventions is that they are based on knowledge rather than ignorance.”⁷⁴

The first draft roughly retains the structure of the final screenplay. There is no opening sequence of the maid, butlers, and kitchen staff preparing for the day's meal. Heydrich is immediately introduced, “smiling” in the cockpit as he flies over Wannsee.⁷⁵ Eichmann is a stiffer bureaucrat than in later drafts, even saying “preparation is everything.”⁷⁶ Minor errors abound; for instance, Lange, a major in the character list discussed above, is alternately a lieutenant colonel and captain in this draft. He also inexplicably discusses experience in Ukraine instead of Latvia, where he was actually present – and Mandel knew this, his character list and later scenes get this right.⁷⁷ Luther “tries to control his sense of outrage” about his late invitation and does not yet know Eichmann – this bit of invented conflict is absent from the final film, which depicts a more cordial relationship between Luther and Eichmann.⁷⁸ Mandel's past as a comedic writer is more apparent here, for instance, he makes fun of the constant “heiling” and notes that as the men begin to drink, “[a] party spirit is augmenting their Party spirit.”⁷⁹ The first draft makes power relations and the meeting's purpose more blatantly obvious than the released film. For example, Schöngarth, Lange, and Hofmann discuss Heydrich's aims:

HOFMANN

What's predictable with the man? I have no idea what he plans here.

SCHÖNGARTH

It's all about power.

(pointing up)

His.

(pointing down)

Ours.

⁷² Weeks, *History by HBO*, 20.

⁷³ Weeks, *History by HBO*, 20–21.

⁷⁴ Weeks, *History by HBO*, 185.

⁷⁵ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 1.

⁷⁶ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 3.

⁷⁷ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 3–4.

⁷⁸ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 5, 7.

⁷⁹ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 6.

Schöngarth turns to Lange for support. Lange just stares at him as if he were a creature from another planet.⁸⁰

A brief scene, later cut from the screenplay, references *The Wannsee Conference*. Here, Eichmann discusses his rank with a female switchboard operator and expresses frustration because she incorrectly refers to him as a colonel instead of lieutenant colonel.⁸¹ The first draft also repeats the erroneous claim that the Wannsee villa had previously belonged to a Jew, as in *The Wannsee Conference*.⁸² Later drafts and the film's final cut would modify this claim. Mandel's initial version also highlights Heydrich's reputation for womanizing, with Gerhard Klopfer – already portrayed as a piggish individual – crudely commenting on Heydrich having numerous affairs right before a scene where Heydrich flirts with a telephone operator.⁸³ Later biographies of Heydrich do mention his playboy lifestyle, but emphasize it much less than earlier, more lurid depictions of the *Reichsprotektor*.⁸⁴ A later scene goes even further. After the initial part of the conference, where Heydrich has given a presentation on the Jewish Problem largely following the protocol, Klopfer confronts the same telephone operator, teasing her about Heydrich and asking her if he was “the kind of attractive man you'd want to get together – go off with?” The script describes this as a “poor woman” frightened by Klopfer, who tells her that Heydrich could order her into bed with him and that it would be “a German woman's duty.”⁸⁵ Later versions of the script, including the shooting script, include this conversation, but it is with the maid featured in the first and last shots of the Wannsee villa in the completed film – this scene was likely filmed but not included in the final cut of the film.⁸⁶

In contrast with the final film, Kritzinger's role is more restrained, he is described as “dour and detached . . . [h]e feels like a professional among amateurs,” in keeping with earlier depictions of him as a Prussian bureaucrat in the old style.⁸⁷ For example, Kritzinger's story about a man and his abusive father, which

80 Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 9.

81 Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 11–12.

82 Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 16.

83 Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 26.

84 Gerwarth, *Hitler's Hangman*, 112–113.

85 Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 51–52.

86 Loring Mandel, *Conspiracy, The Meeting at Wannsee*, Screenplay by Loring Mandel, Director: Frank Pierson, Salmon Revisions. Dated 14–11–2000, Yellow Revisions. Dated 30–10–2000, Green Revisions. Dated 25–10–2000, Blue Revisions. Dated 24–10–2000, Pink Revisions. Dated 23–10–2000, Shooting Draft October 20, 2000, in Box 9, Folder 3, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 58–69.

87 Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 34.

he tells Heydrich and plays a key role in the film's climax, is something Stuckart tells him in this draft.⁸⁸ Instead of Kritzinger wandering the villa's grounds, in shock at what is being discussed, this draft has Luther wandering the grounds in search of his dog.⁸⁹ The later expansion of Kritzinger's role may have been due to the hiring of Colin Firth – which meant David Threlfall lost the Stuckart role and was instead offered Kritzinger. Frank Pierson spoke about this process at length in an interview.⁹⁰ This draft is also missing the confrontation between Kritzinger and Heydrich, which in the shot film ends with a chilling sequence as Heydrich stares Kritzinger down, assuring him that Hitler will continue to deny all knowledge of the Holocaust.

The first draft ends with Eichmann driving off from the Wannsee villa, much like in the final film, but without the masterful sequence depicting the orderlies and maids cleaning up the villa after the meeting or the end titles detailing the fates of the participants. Here, Eichmann simply drives off and “WE MOVE BACK AND UP until the Wannsee Mansion is no bigger than a toy mansion in its lovely, snowy landscaping. WE HEAR only the rustle of the wind.”⁹¹ Mandel's first draft is, in its structure and dialogue, quite similar to the final version of the script. It retains the structure of the meeting interspersed with scenes between smaller groups of participants during breaks in the main storyline. Much of the dialogue is the same as that in the aired film, but sometimes different characters speak it. This draft also contains more instances of stereotyping and more cartoon-like behavior than the final film; this is most notable in the depictions of Eichmann, Klopfer, and Luther. Even considering its flaws, this early draft shows Mandel' was a master at writing dialogue – particularly small, intimate conversations between people. Whereas *The Wannsee Conference* is characterized by speed, *Conspiracy* gives the audience more breathing room and time to process what is happening. Much more is said through looks and expressions – the visual language of cinema is much more present in this script than in Mommertz's. The most obvious differences between this draft and later drafts, besides historical details, are the depictions of Kritzinger (he has a much smaller role here) and the beginning and end sequences, which would change multiple times over the course of the film's production history. Now that Mandel had delivered his first draft to HBO, it was time for the production team to comment on it and suggest changes.

⁸⁸ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 77.

⁸⁹ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 47.

⁹⁰ Pierson, “Visual History with Frank Pierson,” Chapter 4, Clip 7, 08:02.

⁹¹ Mandel, *Conspiracy: The Meeting at Wannsee*, 1st Draft 11/14/96, 105.

3 HBO's Feedback and Mandel's Second Draft

HBO's initial feedback was overwhelmingly positive. As a result of this script, which would mostly remain unchanged until 2000, HBO gave Mandel the task of rewriting the script for *Complicity*, which had been penned by the British playwright David Edgar. Colin Callender's initial comments stated that the script "works extremely well, and is going to be a very strong piece." He noted that Mandel had "given great variety and drive to what is essentially a roomful of men talking."⁹² Referencing earlier conversations, likely during a meeting, Callender discussed the central narrative and the difficulties it posed the production team:

The two narrative lines that inform the events being presented are the consolidation of power by Heydrich, and the ascension of Eichman [sic]. Both stories are there, but need to be dramatized more clearly. My thoughts on how to achieve this, besides the pruning I know you intend, are to clarify in the beginning that the treatment of Jews In [sic] Germany at the time of the conference was not centralized: that each agency, each individual throughout Germany and the controlled territories was operating somewhat differently, and, it would seem, with differing degrees of independence.⁹³

Callender's feedback continued, alternately speculating about Heydrich's plans for Eichmann (again emphasizing the mistaken idea of Eichmann as a kind of supervillain) but at the end emphasizing that the "decision" at Wannsee had already been made before the meeting:

. . . we also have to decide (I'm assuming there's no way to actually know) if Heydrich knew before the conference that he was planning to elevate Eichman [sic], or did he decide during the conference itself? This may seem academic, but I don't think it is . . . Right now, it's not clear, which I think undermines the narrative line. I think either scenario could work, although I think it is more likely, and perhaps more manageable for the scope of the drama, if the fix is in in the beginning . . .⁹⁴

Callender also advocated trimming the discussion of the question of mixed marriages, arguing that "there is too much time spent of the question of who is and who isn't a Jew, it's wonderful material, but we should thin it a bit" but that "[a]nything we can do to punch up the insanity of this idea – that laws, which are created to protect the rights of the individual and promote a code of behavior that makes civilization possible, are here used to promote this monstrously bar-

⁹² Colin Callender, "Notes/Wannsee" December 6, 1996, in Box 10, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

⁹³ Callender, "Notes/Wannsee," 1.

⁹⁴ Callender, "Notes/Wannsee," 1.

baric plan – would be great.”⁹⁵ This emphasis on the law, lawyers, and its instrumentalization for genocide remained key themes of the film and are explored even further in its final version. The producer Steven Haft, who had produced Peter Weir's *Dead Poets Society* (1989), also provided feedback. Haft's comments, though he praised Mandel's work, were limited to those about the script's dramatic flaws. For example, he wondered if it took too long for the meeting to get started and complained that “Eichmann continues to be a functionary in the meeting, not a villain. Was his role this limited? Feels flat, not conclusory enough. Not a strong moment, even of a banal meeting.”⁹⁶ Haft would continue to provide comments on the *Complicity* script until the end of the millennium, but played a minor role (he is absent from the film's credits). Armed with this initial feedback, Mandel would quickly deliver a second draft before year's end.

The second draft of *Conspiracy* differed only slightly from the first draft apart from its beginning, which included a new introductory sequence. This introduction began with an animated plane flying over a map of Europe intercut with stock footage of anti-Jewish persecution as well as the course of the war, such as the 1940 Dunkirk evacuation. It was accompanied by a narration outlining each step towards war and of Germany's radicalizing anti-Jewish policy as the map showed the Nazi march through Europe. This stock footage was also to be intercut with shots of Eichmann beginning to work as “an expert on the ‘Jewish Question’” in Vienna.⁹⁷ This script contains the first depiction of the combined *Conspiracy/Complicity* project, which sets out to tell the story of the Holocaust with Eichmann as its primary antagonist and Gerhart Riegner as its protagonist. The new introduction, after showing shots of Eichmann going about his work, cuts to Gerhart Riegner in Geneva: “The office is crowded with Jews seeking visas. These are mostly well-dressed men and women. Gerhart RIEGNER, 28, is furiously writing and talking at the same time as applicants shout and wave for his attention.”⁹⁸ The stock footage and map animations continue into June 1941, introducing Anthony Eden and Winston Churchill as the narrator states that “[s]ecret German dispatches describing the massacres were known at once to the British as a result

⁹⁵ Callender, “Notes/Wannsee,” 1.

⁹⁶ Steven Haft, Fax to Frank Pierson, “Re: Conspiracy,” December 4, 1996, in Box 11, Folder 1, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

⁹⁷ Loring Mandel, “Conspiracy: The Meeting at Wannsee, written by Loring Mandel, Second Draft, 12/18/96,” December 18, 1996, in Box 2, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1–3.

⁹⁸ Mandel, *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 3.

of the ingenuity of their cryptographers, who had broken the German codes. All that summer, the Prime Minister had access to the Nazis' own reports of the Jews, Russians and Poles they murdered."⁹⁹ John Pehle, U.S. Treasury Department lawyer and later director of the War Refugee Board, also appears in this section. The script describes him as someone who "routinely arranged licenses to permit American citizens to spend dollars in friendly or foreign countries," then shows stock footage of the Pearl Harbor attack and notes that this process continued even after the Axis declaration of war. Finally, the new introduction mentions German defeats on the Eastern Front, then transitions seamlessly into the early *Conspiracy* script discussed above.¹⁰⁰ The introduction, in comparison with the remainder of the script, appears conventional due to its inclusion of stock footage and its omniscient narrator, who leads the audience around the world and introduces key characters. It is maximalist whereas earlier drafts (and the final version) of *Conspiracy* were minimalist.

A commented version of the second draft of *Conspiracy* also exists, with red emendations typed by Frank Pierson.¹⁰¹ These comments provide valuable information on the evolution of the script and also illustrates other later-abandoned avenues. One such avenue, which according to Mandel was only abandoned during filming, is the use of an older style of filmic English. As Pierson noted: "I think we're going to cast American and British actors with a 'mid-Atlantic' accent, so the speech patterns are consistent. You could then indicate a suggestion of class or country of origin flavor in the individual speech patterns."¹⁰² Mandel also recounted his inclusion of German idioms in the script:

I made an effort so that – when there were idioms spoken in the language – that I could justify the idioms by finding a German counterpart for that idiom. There was – I remember – there was a note that I got from Colin Callender – the producer – complaining about Heydrich using the reference to summer camp in his opening address to the other participants. I was able to show him that this was a standard event in their lives . . . the summer camps were a big thing, and so it was not an American idea, it was a German idea and some

⁹⁹ Mandel, *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 4–5.

¹⁰⁰ Mandel, *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 4–5.

¹⁰¹ This is not immediately apparent. Due to the comments on camera angles at this early stage in production, as well as the fact that the commenter discusses the use of Schubert at the end of the film, it can only be Pierson, who later claimed credit for including Schubert – but also claimed he had chosen the piece used. That was Andrea Axelrod, who chose the Adagio from Schubert's String Quartet in C Major, D.956.

¹⁰² Frank Pierson and Loring Mandel, Commented Version of *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, December 18, 1996, in Box 2, Folder 9, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 2.

of the idioms that I had Heydrich and others use were actually translations of German idioms that I found.¹⁰³

Forcing the actors into a type of English reminiscent of the Transatlantic Accent made famous by classic films of the 1930s and 1940s would likely have made the whole enterprise seem even more ridiculous than fake German accents. While the most historically faithful choice would have been to shoot the film in German with German and Austrian actors, subtitled programming was not yet mainstream in American television during the 1990s. It would take until the decades after *Conspiracy's* airing for subtitled, non-English television to become widespread in the United States.¹⁰⁴ Stefanie Rauch has rightly referred to this use of recognizable British actors (with the exception of Stanley Tucci) speaking their normal accents in *Conspiracy* as contributing to the film's "peculiar Britishness."¹⁰⁵

Other comments on the second draft include one about Eichmann's later-cut proclamation to the stenotypist that "preparation is everything": "This seems general and self referent, neither of which are Eichmann's characteristics. Suggest instead of 'Preparation . . .' he congratulate[sic] the Steno[grapher] on having plenty on hand or reprimand him for having too much; something that has in it the quality of judgmental attitude and bureaucratic exactitude. Nothing is ever right for this guy."¹⁰⁶ The comments continue and chiefly focus on the script's characterization of Eichmann, noting "I think he should seem to us to be a sly subservient sort at this point to build the ground for his emerging at the end as the man de facto in charge. Heydrich may be the architect, but Eichmann as the carpenter and plasterer is the man who will do it." It also notes that "we need more of this – the sense that these men have their business and their personal lives outside this room – that keep intruding."¹⁰⁷ The commenter – again, likely Pierson – criticizes Mandel's characterization of Klopfer as a pig, arguing that "We have to watch out for overkill; the most interesting thing about the whole conference is the dispassionate rationality of it all."¹⁰⁸ Peter Zinner also offered comments: "Zinner raises an important point here: in German society especially

¹⁰³ Interview with Loring Mandel, Somers, NY, April 5, 2018, 10:25–13:49.

¹⁰⁴ See Naveen Kumar, "TV without Borders," *Vox*, August 13, 2019, <https://www.vox.com/the-highlight/2019/8/13/20803186/subtitled-tv-netflix-los-espookys-made-in-heaven-sacred-games>.

¹⁰⁵ Rauch. "Understanding the Holocaust through Film," 165.

¹⁰⁶ Pierson and Mandel, Commented Version of *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 4.

¹⁰⁷ Pierson and Mandel, Commented Version of *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 6.

¹⁰⁸ Pierson and Mandel, Commented Version of *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 33–34.

at the time, nobody would stand and leave thje [sic] table without getting permission."¹⁰⁹ These early script comments also address Stuckart's (later Kritzinger's) parable about the man with an abusive father:

Maybe I'm being too simple minded, but I think this is too important to risk having our audience miss the point. If it is too much we can always cut it in editing, but I'd like to add something like the following:

MULLER [sic]

(as Eichmann obviously still doesn't get it.)

He's saying, who will we have to blame for our misfortunes when we have no Jews?¹¹⁰

Mandel responded to this comment with a handwritten note, which reads "shows a disbelief in antisemitism."¹¹¹ Here, Mandel is harkening back to earlier, erroneous historiography which argued that the high-ranking members of the SS were not necessarily antisemites, but opportunists. Later versions of the script contain this story but modify its larger significance, portraying the story as a "warning" about how after the war, Heydrich and the SS should have something else to live for rather than subsist on their hate for the Jews. Lastly, this commented version of the second draft contains the first mention of the film's score. With the exception of the final scene, there is no music in *Conspiracy* and the film eschews non-diegetic music altogether. Here, Pierson suggests the following: "The thought is that Eichmann at some point puts on the Schubert, out of curiosity about the phonograph perhaps, and we use 'Death and the Maiden,' starting as source but becoming track over the closing of the show, over Eichmann driving away, etc."¹¹²

During July 1997, after Mandel had written a draft of *Complicity*, Colin Callender and Frank Doelger delivered more detailed comments on the *Conspiracy* script. These comments go through the script at a page-by-page level. Early in this document, they mentioned their problems with Mandel's "a bit too elliptical" dialogue, arguing that it was probably too hard for the audience to follow (on this

¹⁰⁹ Pierson and Mandel, Commented Version of *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 35.

¹¹⁰ Pierson and Mandel, Commented Version of *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 108.

¹¹¹ Pierson and Mandel, Commented Version of *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 108.

¹¹² Pierson and Mandel, Commented Version of *Conspiracy: The Meeting at Wannsee*, 2nd Draft 12/18/96, 109–110.

issue, Mandel would eventually win the upper hand).¹¹³ They also advocated a technique similar to Mommertz's script for *The Wannsee Conference*, stating that "[w]hen the characters introduce themselves to one another, it would be extremely helpful if they can get in as much information as possible."¹¹⁴ Callender and Doelger asked for clarifying language to help make Heydrich's initial presentation easier for the audience to follow, including defining the Nuremberg Laws and emphasizing that Heydrich is "rewriting the law and the way things are done."¹¹⁵ They also asked questions about which references they could reasonably expect an audience to understand (like IG Farben, Kritzinger's role, etc.). They also noted when they thought language was too contemporary – usually lines that either used profanity or sexual references.¹¹⁶ Some of these concerns would be readdressed later in the film's production history, with Mandel eventually winning out on questions of elliptical dialogue or retaining instances of language perceived as too graphic or vulgar.

4 *Complicity*: Origins

Back in late 1996, after delivering his draft of *Conspiracy*, HBO NYC Productions asked Mandel to rewrite David Edgar's script for *Complicity*. For most of its production history, *Conspiracy* was the first half of the story told in *Complicity* – the majority of pre-production documents from this period address both films. This would only change in the year before filming began. In some cases, the scripts contain both stories. For the next two years, the production team would grapple over how to best depict the Allied response to the Holocaust – until the project's cancellation and subsequent revival. When a film project is canceled, the only way for historians to investigate it is through the written record. Because we are left with scripts, meeting minutes, and sources, we essentially only have fragments of an unfinished film. No complete work survives. Some scholars refer to these fragments as "shadow cinema;" *Complicity* is an example of "shadow quality TV."¹¹⁷

113 Frank Doelger, "Notes Conspiracy – Complicity," June 28, 1997, in Box 10, Folder 9, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

114 Doelger, "Notes Conspiracy – Complicity," 2.

115 Doelger, "Notes Conspiracy – Complicity," 2.

116 Doelger, "Notes Conspiracy – Complicity," 3–4.

117 See Fenwick, Foster, and Eldridge, *Shadow Cinema*. Some of my passages on *Complicity* and its unmaking have been previously published in a special issue edited by Sue Vice, James Fen-

When Colin Callender turned over the *Complicity* script to Mandel, the playwright David Edgar had already delivered two drafts of his screenplay to HBO. Frank Pierson had by then provided extensive comments on this screenplay. Edgar, a left-wing journalist from the UK, had built his reputation on his plays about right-wing ideology, such as *Destiny* (1979), a drama about the rise of the National Front in Britain, or *Maydays* (1983). His most famous work was the Charles Dickens adaptation *The Life and Death of Nicholas Nickleby* (1980). Compared to *Conspiracy*, which tightly focuses on a single historical event and location, Edgar's *Complicity* script is much broader in scope. It tells the story of Gerhart Riegner's efforts to inform the Allies about the Holocaust, Eichmann's activities between Wannsee and the war's end, the 1943 Bermuda Conference, infighting within the Roosevelt administration, tensions within the American Jewish community between radical Zionism and caution, a Jewish woman hiding in France, and the decision not to bomb Auschwitz. The meandering script contains scenes which take place in each of the following countries: Switzerland, Germany, France, Poland, Czechoslovakia, the United States, Great Britain, Hungary, Italy, Romania, and Turkey.¹¹⁸

David Edgar's script also covers a wide range of events.¹¹⁹ Beginning with Jewish refugees fleeing into Switzerland, the script quickly moves through events such as Heydrich's assassination and Riegner's efforts to inform the Allies. Other key events in Holocaust history are present, such as the Vrba Report and Eichmann's efforts to exterminate Hungarian Jews. Eichmann is the film's antagonist, Riegner is its protagonist. The heart of the script is concerned with Riegner's efforts to get word out and the reactions of the British and American governments. A scene with Eichmann learning about Heydrich's assassination while bowling is present.¹²⁰ This scene stems from Eichmann's statements at his trial in Jerusalem.¹²¹ The script inventively portrays how Riegner's telegram about the Holocaust made its way through Allied bureaucratic channels.¹²² The core of Mandel's

wick, and Kieran Foster. See Nicholas K. Johnson, "Shadow Quality TV: HBO's *Complicity* and the Failure to Portray Allied Indifference to the Holocaust, 1995–2003," *Journal of War & Culture Studies* 17, no. 3 (July 2, 2024): 269–291. For more on the term "quality TV," see Janet McCabe and Kim Akass, eds., *Quality TV: Contemporary American Television and Beyond* (London, New York: I.B. Tauris, 2007).

¹¹⁸ David Edgar, untitled script of *Complicity*, no date, in Box 1, Folder 9, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

¹¹⁹ Undated, this script was most likely written in late 1995 or early 1996.

¹²⁰ Edgar, untitled script of *Complicity*, 14–15.

¹²¹ Cesarani, *Eichmann*, 149.

¹²² Edgar, untitled script of *Complicity*, 33–35.

later efforts on *Complicity* is present, though there are some major differences. For example, there is a will-they-won't-they romance between Riegner and his secretary Myra, as well as a story about Riegner's cousin Lotte's capture in France and deportation to Auschwitz. The Bermuda Conference features, and Edgar juxtaposes it with the destruction of the Warsaw Ghetto, which occurred at the same time. Eberhard Schöngarth also makes an appearance in a scene of Eichmann visiting Auschwitz as American bombers fly overhead to attack the Monowitz synthetic rubber plant.¹²³ In its most powerful scene, Riegner, despondent about the Allied failure to rescue Jews or bomb Auschwitz – and directly after a refugee accuses him of doing nothing to help victims – destroys his US immigration visa application, resolving to remain in Geneva and continue helping refugees.¹²⁴ In this script, Riegner's story ends with him “look[ing] at the portraits of Roosevelt and Churchill. Then he goes to look out of the windows, at the mountains. His eyes are filled with tears.”¹²⁵ The script ends in April 1945, with Eichmann providing Red Cross officials with a tour of Theresienstadt. Here, he utters his infamous statement which has been reprinted countless times; that he “would gladly, myself, jump into the pit, Knowing that in the pit were five million enemies of the state.” His glance then meets that of Riegner's cousin Lotte, and the script ends.¹²⁶

David Edgar provided a summary of his script which included footnotes expanding on some of his ideas for the film. One, commenting on a scene depicting Eichmann and Luther, noted that “I am putting in every possible moment of contrasting allied prevarication with Axis action.”¹²⁷ Another footnote refers to “the dubious role Roosevelt played and the faith that the American Jews placed in him.”¹²⁸ Again and again, the filmmakers would run into problems revolving around the depiction of Roosevelt – was he hamstrung by other American officials? The realities of war? Or was he simply indifferent to Jewish suffering? Many sources were contradictory, and the production team would never reach satisfying answers.¹²⁹

Throughout 1996, HBO NYC Productions staff, as well as Frank Pierson, provided comments on Edgar's script. Pierson, clearly attached as director by then,

¹²³ Edgar, untitled script of *Complicity*, 145.

¹²⁴ Edgar, untitled script of *Complicity*, 156.

¹²⁵ Edgar, 158.

¹²⁶ Edgar, 159.

¹²⁷ David Edgar, “COMPLICITY - Revised summary of 2nd draft August 1996,” in Box 2, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 7.

¹²⁸ Edgar, “COMPLICITY - Revised summary of 2nd draft August 1996,” 8.

¹²⁹ Interview with Frank Doelger, 10:32–15:04.

sent Edgar a one-line summary, which is a document describing each scene with a single sentence. Pierson's one-line suggested edits to the script adding even more content, which included a scene of German troops razing Lidice.¹³⁰ In a lengthy document, Pierson commented on Edgar's summary of *Complicity* – a document which briefly outlined each scene. Pierson noted that the film would have a maximum running time of 130 minutes based on the number of scenes in the screenplay. Throughout this document, he suggests areas where Edgar could trim the screenplay of unnecessary dialogue or characters. He praised Edgar's "extraordinary job of organizing the mass of material," but was critical of the script's tendency towards exposition: "I think there are still too many scenes that tell their story in dialogue rather than actions."¹³¹ He notes a prologue (contained in the second draft of the script) which contained stock footage and a discussion of Hitler's "prophecy," criticizing the script for relying too much on explanation rather than depiction; on telling rather than showing: "the Hitler speech is right on the nose: we're telling the audience what the story is about instead of letting it unfold."¹³² He describes his ideas about Riegner as a character at length:

[W]e begin with a Riegner who still hopes, believes that Hitler and the Nazis are an aberration in an otherwise fine people and culture. It is through the news of the atrocities and then of the nature and scope of the holocaust[sic?], that he comes to lose that faith, and realize his identity with Germany – as a German – is denied by Germany itself; he fully realizes his lonely status as a stateless Jew. But he – the optimist, still – transfers his idealistic hopes to the Americans. And it is in the second half of the story that he is forced to realize that America does not want him or his people either; that America is also a false hope.¹³³

Pierson also discusses the characterization of Eichmann, arguing that in the scene where he learns about Heydrich's death, the filmmakers should highlight that "Eichmann goes on grimly bowling; it doesn't matter. It is only one man; wars are won and great things done by nations and cultures, not individuals."¹³⁴ Throughout the document, Pierson alternates between comments focusing on improving the script's drama and comments on improving its depiction of history; he cau-

130 Frank Pierson, Online Summary of *Complicity* Script, August 31, 1996, in Box 2, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

131 Frank Pierson, *Complicity* - FRP Notes on Edgar's August '96 2nd Draft Outline, August 1996, in Box 15, Folder 4, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

132 Frank Pierson, *Complicity* - FRP Notes on Edgar's August '96 2nd Draft Outline, 1.

133 Frank Pierson, *Complicity* - FRP Notes on Edgar's August '96 2nd Draft Outline, 1–2.

134 Frank Pierson, *Complicity* - FRP Notes on Edgar's August '96 2nd Draft Outline, 5.

tions that “we run the danger constantly of burying ourselves alive in facts.”¹³⁵ This is a key problem with the early *Complicity* scripts – they constantly pile on more information and characters, overwhelming the reader in a way that goes beyond *Conspiracy*'s strategy of immersing audiences in an unfamiliar world and letting them figure things out for themselves.

After HBO put Mandel in charge of writing *Complicity*, David Edgar provided him with information on the source material he had used for his script, as well as his notes which were contained on a floppy disk. Additionally, Edgar acknowledged that he had “piles of copies” from David S. Wyman's published primary source collections on America and the Holocaust, which provided the bulk of source material for his groundbreaking 1984 book *The Abandonment of the Jews*.¹³⁶ Other secondary sources listed by Edgar included Martin Gilbert's *Auschwitz and the Allies*, Heinz Höhne's *The Order of the Death's Head*, Henry L. Feingold's *The Politics of Rescue*, and Yehuda Bauer's *American Jewry & the Holocaust*.¹³⁷

David S. Wyman's *The Abandonment of the Jews: America and the Holocaust, 1941–1945* was the single most important secondary source for all versions of the *Complicity* script. Mandel would later go so far as to describe *Complicity* as an “cable adaptation” of Wyman's book.¹³⁸ Mandel's first draft, which contains sixty-three endnotes, cites Wyman a total of twenty-seven times.¹³⁹ In 1994, PBS had previously produced a documentary film partially based on *The Abandonment of the Jews* titled *America and the Holocaust: Deceit and Indifference* as part of its long-running *American Experience* docuseries. This documentary aroused protest from William vanden Heuvel, then-president of the Franklin and Eleanor Roose-

¹³⁵ Frank Pierson, *Complicity* - FRP Notes on Edgar's August '96 2nd Draft Outline, 25.

¹³⁶ David Edgar, Letter to Loring Mandel, January 14, 1997, in Box 10, Folder 10, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin; David S. Wyman, ed., *America and the Holocaust: A Thirteen-Volume Set Documenting the Editor's Book The Abandonment of the Jews*, 13 vols. (New York: Garland Pub., 1989).

¹³⁷ David Edgar, *Complicity* Booklist, July 29, 1996, in Box 10, Folder 10, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

¹³⁸ Loring Mandel, Fax to Elon Steinberg, World Jewish Congress, April 4, 1997, in Box 11, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

¹³⁹ Loring Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, June 7, 1997, in Box 3, Folder 4, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, i-iv.

velt Institute, who alleged that the film unfairly portrayed the president.¹⁴⁰ In the course of the ill-fated journey to get *Complicity* produced, vanden Heuvel would appear again. David Edgar continued to provide feedback on both of Mandel's scripts throughout the 1990s – he remained on board, it seems, until HBO canceled the project in 1998. Mandel quickly hired a researcher, Angelica LeJuge, a German journalist living on Long Island.¹⁴¹ No further trace of LeJuge appears in the archives. She was presumably replaced by Andrea Axelrod sometime in the late 1990s.

In June 1997, Mandel delivered his first iteration of the *Complicity* screenplay to HBO.¹⁴² His first draft is similar to Edgar's version – it follows the basic plotline, but some subplots, such as the one with Riegner's cousin Lotte, are abandoned in favor of a more detailed depiction of the Roosevelt administration and the Bermuda Conference. The script still follows Eichmann and dramatizes several events in the history of Auschwitz: the Vrba escape and report, the failure to bomb the camp, and the *Sonderkommando* uprising of October 7, 1944, later dramatized in the films *The Grey Zone* (2001) and *Son of Saul* (2015).¹⁴³ Although the plotlines are tightened, the script still retains Riegner as its tragic hero protagonist and Eichmann as its antagonist. In comparison with *Conspiracy*, it is quickly apparent that the early *Complicity* scripts depict enough events for several movies, let alone a single cable television drama. Perhaps a filmmaker approaching this story today would consider a miniseries format instead – although HBO was producing historical miniseries during this period, the filmmakers were clearly limited to the two-film format.

Mandel's script directly draws a thematic parallel between Wannsee and Bermuda:

140 Karen de Witt, "TV Film on Holocaust Is Criticized as Unfair to Roosevelt," *New York Times*, April 6, 1994, <https://www.nytimes.com/1994/04/06/us/tv-film-on-holocaust-is-criticized-as-unfair-to-roosevelt.html>.

141 Loring Mandel, Fax to Frank Doelger, January 15, 1997, in Box 12, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

142 Note that Mandel would consult with Pierson and most likely Zinner before delivering drafts to HBO, letting them provide feedback on "assembly drafts." See Loring Mandel, "Pt 1" (handwritten on first page): untitled script of *Complicity*, "First Assembly Draft 5/22/97", with notes, with handwritten emendations, May 22, 1997, in Box 3, Folder 1, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

143 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97.

INT. BANQUET ROOM, THE HORIZONS – MORNING

In this room, refurnished as a Conference Room, the American and British delegations sit around a highly-polished mahogany table, the Technical Experts (their briefcases and heavy research binders at hand) seated behind the major participants: Dodds, Bloom, Lucas and Reams; Law, Peake and Hall. Dodds actually has a gavel. There are pads and pencils, water pitchers and glasses, cigar and cigarette humidors. Reams has a heavy folder of papers, and will be taking notes. NOTE: The table, the room, the arrangement should all recall the Wannsee Conference as much as possible.¹⁴⁴

This juxtaposition of Wannsee with Bermuda follows Herman Wouk's depiction of the conferences in his novel *War and Remembrance*. Editor and executive producer Peter Zinner and his daughter, Katina Zinner, had edited ABC's television adaptation of Wouk's novel. One sentence in the novel, written from the perspective of the character Leslie Slote, an American diplomat working in Switzerland, reads like a pitch for the joint *Conspiracy/Complicity* project: ". . . history will say that the Jews of Europe were destroyed between the hammer of the Wannsee Conference and the anvil of the Bermuda Conference."¹⁴⁵ Later in the same chapter, the fictional US diplomat, William Tuttle, sends a memorandum to FDR entitled "The Bermuda Conference: American and British *Complicity* in the Extermination of the European Jews" [emphasis added].¹⁴⁶ Although no documentary evidence can be found in the Loring Mandel Collection proving the connection, Peter Zinner's status as both impetus behind the *Conspiracy* project and co-editor on *War and Remembrance* is a potential clue. This juxtaposition of the two conferences does not appear in any major historical works and *War and Remembrance* is the most prominent example of the comparison available.

At one point in the script, Riegner and his colleagues discuss the Wannsee Conference and who attended it – highly unlikely considering the conference remained secret until Allied investigators discovered Martin Luther's copy of the protocol. They discuss the protocol as a "plan" to exterminate all of Europe's Jews; a fictionalized turn of events similar to *War and Remembrance's* treatment of the protocol. For example, the characters speak about Müller, Kritzinger, Klopfer, and Freisler attending the meeting.¹⁴⁷ Unlike Edgar's script, Mandel's first draft of *Complicity* relies heavily on cinematic devices. The first of these is Riegner's voiceover narration, which the filmmakers would continue to insist upon until very late in the script's development. For example, Riegner's narration pops up at the beginning of the film as Heydrich leaves the Wannsee villa, stating "this

¹⁴⁴ Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 52.

¹⁴⁵ Herman Wouk, *War and Remembrance* (Glasgow: Fontana, 1980), 752.

¹⁴⁶ Wouk, *War and Remembrance*, 754.

¹⁴⁷ Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 13–14.

man here is Reinhard Heydrich. He's leaving a mansion in Wannsee, near Berlin, where he's just taken charge of Hitler's Final Solution for the Jews."¹⁴⁸ After Heydrich is attacked in Prague, Riegner's voiceover returns: "The good news: ten days later, Heydrich was dead of infection. The bad news followed."¹⁴⁹ Riegner's voiceover is present throughout the script, even breaking the fourth wall and having the modern-day (late 1990s) Riegner directly address the audience.¹⁵⁰ After the scenes depicting the Bermuda Conference, Riegner laments: "I heard the rumbling of great nations planning to hold out a hand to touch, to pull to safety how many remaining millions of Jews? But there was no hand reached out, all the imagination of these great powers seemed to be as barren as Lidice's scorched fields. As silent as Warsaw's empty ghetto."¹⁵¹ At the end of the script, the elderly Riegner addresses the audience, stating "I won't forget. (long pause) It's all . . . the saddest story ever told," then stares at the audience as the screen fades to black.¹⁵² Other cinematic devices appear misguided in retrospect. For example, Mandel included a proposal for a running onscreen counter of the number of murdered Jews, which would rise at different rates throughout the film:

And at the bottom of the screen a counter begins the fatal addition – similar to those signs that announce the acres of rain forest disappearing every minute, or deaths from cigarettes; it is running at medium fast rate now, later it will accelerate alarmingly, and towards the end of the movie when the total approaches six million, it will slow as there are fewer and fewer remaining Jews to kill. It will be more or less prominent – scene by scene – according to what is going on. Sometimes it may disappear entirely. We don't want it to become distracting, but it will have a distinctive sound, counting the dead while the bureaucrats waffle and the anti-Semites stonewall, and the well-intentioned fail to act.¹⁵³

When contrasted with *Conspiracy*, the *Complicity* script's early reliance on narration seems overwrought and stands in contrast to the minimalist aesthetic and the avoidance of exposition established in Mandel's first draft of *Conspiracy*, which are some of that film's strongest aspects. Compared to *Conspiracy*'s minimalism and wit, the dialogue here is often wooden, particularly that in action scenes or in Riegner's voiceover narration. The script's depictions of bureaucracy are striking, such as montages which depict Riegner's telegram going through different offices as it makes its way to the White House.¹⁵⁴ As for its depiction of the

148 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 1.

149 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 5.

150 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 11.

151 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 61.

152 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 120.

153 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 18 (original in all caps).

154 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 20.

American government, this draft of *Complicity* depicts Undersecretary of State Breckinridge Long as a Mussolini-admiring antisemite. Roosevelt is portrayed ignoring a group of Orthodox rabbis delivering a petition asking the government to commit to rescue, with Riegner stating in voiceover that “FDR had a light schedule, so that just before the Rabbis arrived, he left to go see some Yugoslavian pilots join the Army Air Force, passed his hand over four bombers they were going to fly, and took a five-day weekend at Hyde Park, New York. No surprise.”¹⁵⁵ The script also excels when depicting Riegner and his rescue efforts during the 1940s. In one scene depicting a conversation between Riegner and Carl J. Burckhardt, then a leading figure in the International Red Cross, Riegner asks the following question which may as well sum up the film’s message: “At what point, do you suppose, does neutrality become complicity?”¹⁵⁶ In a conversation with Secretary of the Treasury and rescue advocate Henry Morgenthau, the Treasury Department official Randolph Paul states “I don’t know how we can blame the Germans for killing them when we’re doing this [i. e., delaying efforts at rescue]. The law calls it *para-delicto*. Of equal guilt.” This is a direct quote from a conversation quoted in Wyman, which stems from Morgenthau’s diaries.¹⁵⁷ The script exudes a bitterness at America’s failure to live up to its ideals, at Roosevelt’s humanitarian image, and how inconsequential the Bermuda Conference was. It is a polemic against America’s image of itself and of its conduct during World War II.

Comments on Mandel’s early drafts of *Complicity* (he would deliver his second at the end of July 1997 and his third that September) took priority over work on *Conspiracy*, which largely remained the same except for sections connecting it to its companion film. The producer Steven Haft commented on the script, providing a series of questions and suggestions. One comment worried that the script did not portray the British storylines as effectively as the American ones, and that because the BBC was co-producing the film, this area required improvement. He also questioned the script’s characterization of Roosevelt. His most emphatic suggestion was about Riegner’s narration, which he felt robbed the audience of suspense: “Overall, I do believe [the script] needs more tension. It also needs to reflect the passions of the period as much as possible. I do believe the narration, as rendered, hurts us on all these counts.”¹⁵⁸ Mandel addressed Haft’s feedback in a letter to Frank Pierson, agreeing with some of it but rejecting Haft’s main suggestion about the narration,

155 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 72–73.

156 Mandel, *Complicity*, written by Loring Mandel, First Draft, 6/7/97, 26.

157 Wyman, *The Abandonment of the Jews*, 183.

158 Steven Haft, Fax to Frank Pierson, “Re: COMPLICITY Script,” June 11, 1997, in Box 11, Folder 1, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1–3.

calling it “naive” because “the reality of [the Holocaust] is too ingrained to be left in doubt; there will be no suspense on that question, no matter how the narration is framed.”¹⁵⁹ Mandel argued instead that “the suspense in *Complicity* is about [w]hether anything is done and [h]ow incredibly obtuse (or worse) the Allies were.”¹⁶⁰ Mandel also pointed out that HBO needed to secure the rights to Gerhart Riegner’s story, as Riegner was still living at the time: “I have nothing whatever to base Riegner’s dialogue and narration upon, other than the mostly factual basis of what he’s reporting. The attitudes ascribed to him have been given to him as if he were a fictional character . . . Rights to his story should be negotiated before HBO gets into an even bigger money-hole on the project.”¹⁶¹

In June of 1997, Frank Doelger and Colin Callender sent comments on both *Conspiracy* and *Complicity* to Pierson and Mandel. Their comments on *Complicity* were quite brief and limited to asking if other figures present at Wannsee are present in this script and asking if there was a way to include the American and British press in the storyline, in order to show what the public knew at the time.¹⁶² In July, Pierson sent Doelger a fax responding to feedback on *Complicity* and a production meeting they had attended. This fax includes an early mention of combining the two scripts “into one evening’s production,” with “Wannsee becom[ing] a long and strong first act.” The second act would then be Riegner’s storyline, with the third being John Pehle’s efforts at rescue and “the attempt to force Allied bureaucracy to whatever little it could be forced to do.”¹⁶³ This letter also claims that Pierson and Mandel were “reducing the Riegner voice over” and focusing more on the Bermuda Conference, as well as more strongly emphasizing the British roles in the storyline.¹⁶⁴

In August, Doelger sent another document to Pierson outlining issues with *Complicity*. In their back-and-forth over this document, the collaborative nature of historical filmmaking, as well as the tensions between drama and information become more apparent. First, Doelger criticized the new opening of *Conspiracy*,

159 Loring Mandel, Letter to Frank Pierson, June 14, 1997, in Box 11, Folder 1, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

160 Loring Mandel, Letter to Frank Pierson, June 14, 1997, 1.

161 Loring Mandel, Letter to Frank Pierson, June 14, 1997, 1.

162 Frank Doelger, “Notes Conspiracy – Complicity,” June 28, 1997, in Box 10, Folder 9, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 4.

163 Frank Pierson to Frank Doelger, July 13, 1997, Box 11, Folder 4, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

164 Pierson to Frank Doelger, July 13, 1997, 1–2.

which introduced Riegner and Pehle alongside a narration and animated map. For him, the narration “assumes too much knowledge on the part of the audience” and that it was a “mistake” to introduce Riegner and Pehle in such an early scene.¹⁶⁵ Doelger also argued that the narration should “better link” the two films. He noted that the Wannsee Conference should be used as a “mystery” for Riegner and the audience to investigate – that is “that something happened on the winter and spring of 1942 that dramatically changed the plight of the Jews. What had seemed haphazard (deportations, executions) now seemed planned. What was happening?”¹⁶⁶ He proposed that this “mystery” had to be the “organizing principle” for the first part of the film and that other scenes, like Heydrich’s assassination and the reprisal in Lidice, should go.¹⁶⁷ Pierson responded to Doelger on the same day, clarifying some of the things Doelger had asked questions about. He reframed Doelger’s proposal about the “mystery,” arguing that “what needs to be done is to read [both scripts] as a whole piece, with Wannsee being the first act in order to understand what the mystery is at any given point. For the audience, there is no mystery as to the plan; it’s a mystery to Riegner and all the other participants in *Complicity*.”¹⁶⁸ He also defended what he saw as the necessity of depicting Heydrich’s death in Prague because “the whole point is that we’ve just seen [Heydrich] outline his entire plan, get it set and put in motion and delegate the powers to carry it out to Eichmann and then bang, he dies, so the audience’s question is ‘what’s going to happen to the plan without Heydrich?’ That’s why we need to have Heydrich die right at that point.”¹⁶⁹ Pierson bristled at suggestions to provide the audience more background information, arguing instead for something that engaged in less handholding:

In sum, there’s absolutely no disagreement between Loring, you and me or anybody about the necessity for clarity in something as complex and now 50 years away from the current knowledge of the great body of our audience. But I’m concerned that in the effort to be clear we not go overboard towards a form of narration that turns it into a dry documentary. What we’re dealing with here is the issue of people getting angry and it should be emotional. The behavior is more important than the description of it. Which is why I think much of this is going to be far clearer when seen onscreen and out of the mouths of actors

165 Frank Doelger to Frank Pierson, “RE: COMPLICITY/Second Revision,” August 15, 1997, in Box 10, Folder 9, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

166 Doelger to Frank Pierson, “RE: COMPLICITY/Second Revision,” August 15, 1997, 2.

167 Doelger to Frank Pierson, “RE: COMPLICITY/Second Revision,” August 15, 1997, 2.

168 Frank Pierson to Frank Doleger, August 15, 1997, Box 11, Folder 4, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

169 Pierson to Frank Doleger, August 15, 1997, 1.

than may sometimes be apparent on the page. We are almost always up against the tendency to move the subtext into text – which is the exact opposite of drama.¹⁷⁰

Essentially, the argument between the two here is one between a producer wanting to make sure the audience would understand each story thread and a director wanting to maintain his artistic vision.

The British journalist Alasdair Palmer, whom HBO had brought on board as a consultant and researcher, also provided comments on *Complicity* towards the end of 1997. His early comments praised *Conspiracy* but identified several problems with the *Complicity* script, which would eventually prove fatal. First off, he stated that the script was “much, much, *much* too ambitious in its scope. The movie aims to outline the complete story of the Holocaust, the Nazis, and World War Two. It simply isn’t possible to tell that story, even in the barest outline, in a couple of two-hour films.”¹⁷¹ Palmer claimed that *Complicity* was “too diffuse” and meant that “we lose focus.” Roughly corresponding with Pierson’s comments, he argued that most audience members already knew the broad strokes of World War II history and did not need narration to bring them up to speed, arguing that it would make audiences “feel bored, and possibly insulted, at being told the obvious in such elementary terms.”¹⁷² The second problem Palmer identified was even more problematic from a historiographical and moral sense. For him, the film’s contrast between Riegner and Eichmann “seriously distorted and misrepresented” the history of the Holocaust, because it implied Eichmann being “more or less single-handedly responsible for the Holocaust: using him as the focus for all those scenes creates the impression that if only the allies had decided to assassinate *him*, they would have stopped it all. The effect is to create the false impression that all the bureaucratic battles and meanderings in Washington and London about plans to evacuate the Jews are really an irrelevant side-show.”¹⁷³ Palmer rightly noted that this portrayal was “a serious distortion of the truth” because it ignored that “[t]here were thousands of Germans (and Austrians) like Eichmann, all equally fanatical, and all equally willing . . . [a]ssassinating Eichmann would have had the same effect on the pace of the Holocaust as assassinating Heydrich: zero.”¹⁷⁴ He also argued that “the Holocaust was the result of a system, not a sin-

170 Pierson to Frank Doleger, August 15, 1997, 1.

171 Alasdair Palmer, “Comments on *Conspiracy/Complicity*,” November 12, 1997, in Box 11, Folder 3, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

172 Palmer, “Comments on *Conspiracy/Complicity*,” 1.

173 Palmer, “Comments on *Conspiracy/Complicity*,” 2.

174 Palmer, “Comments on *Conspiracy/Complicity*,” 2.

gle evil genius,” and that the film’s current portrayal of Eichmann portrayed him as one.¹⁷⁵

Palmer also noted that the script, which was already guilty of “distorting the reality, and over-loading the drama with a recitation of facts,” also “suggests that the movie is setting up a straight moral parallel between Eichmann and US bureaucrats . . . But there is no parallel here. Failing to stop the Germans from gassing millions of Jewish women and children is *not* the same as actually ordering it yourself.”¹⁷⁶ Instead, he suggested that the movie should refocus, noting that had Allied bureaucrats “acted on the Riegner plan, and accepted Romania’s offer to sell 70,000 Jews,” they would have acted as “a kind of inverse of Oskar Schindler.”¹⁷⁷ Palmer criticized the script because “the main stories get swamped, lost in a blizzard of facts and narration,” and that Riegner’s omniscient narration “diminishes alot [sic] of the drama” because “[Riegner’s] gradual discovery of the true nature and extent of the Holocaust, and of the failure of the allies to do anything about it, ought to be highly tense and dramatic.”¹⁷⁸ Palmer suggested improving the script by focusing tightly on Riegner’s telegram and the Allied response to it, as well as the above-mentioned proposal to ransom Romanian Jews. For him, the script would greatly improve if it devoted more time to Riegner and less to tangential events, as Riegner was “the perfect character.”¹⁷⁹ Later versions of the *Complicity* script would focus more strongly on Riegner and shorten the Eichmann storyline of earlier drafts. Palmer and Doelger would travel to Geneva to interview Riegner and Frank Pierson would also film an interview with Riegner.¹⁸⁰ However, in his first round of feedback, Alasdair Palmer identified the salient problems with *Complicity* which would plague it until Mandel decided to take a completely different tack by focusing solely on the Allied governments, using the Bermuda Conference as a centerpiece. Before Mandel made this change, the script would remain too bloated, too ambitious, too expensive, and too conventional for HBO to commit to it.

By mid-1997, Pierson, Zinner, and Mandel’s idea to produce a new film on the Wannsee Conference had grown into an effort to explore the history of the Holocaust’s origins and the Allied response to it. What had begun as an attempt to

175 Palmer, “Comments on *Conspiracy/Complicity*,” 2.

176 Palmer, “Comments on *Conspiracy/Complicity*,” 2.

177 Palmer, “Comments on *Conspiracy/Complicity*,” 3–4.

178 Palmer, “Comments on *Conspiracy/Complicity*,” 4.

179 Palmer, “Comments on *Conspiracy/Complicity*,” 4–5.

180 See discussion of the interviews in Chapter 6.

make a smaller, more intimate film about an infamous conference had become a story about the entire history of the Holocaust. Later on, their focus would shift to examining the two conferences that took place within a year and a half of each other at Wannsee and Bermuda. HBO's decision to tie *Conspiracy* in with the *Complicity* project would prove near-fatal to both projects.