

Chapter 6

Writing and Filming *Conspiracy*, 1998–2000

I think it's a story that has to be told over and over and over again. – Stanley Tucci¹

1 Further Script Development

During 1997, when Mandel wrote his initial drafts of *Complicity*, he also revised the *Conspiracy* screenplay as part of “assembly drafts” or “combined scripts” which brought the two stories together (see Figure 6.1). By 1998, Mandel’s initial drafts of *Conspiracy* and *Complicity* went through several rounds of discussion and editing. In these combined scripts, *Conspiracy* remains identical to earlier drafts except for refinements to the beginning and end of the film in order to help the story connect better with *Complicity*. One of the early combined scripts ends the *Conspiracy* half with Heydrich flying in his plane back to Prague after the meeting, and the *Complicity* half immediately begins with Heydrich just before his assassination.² For the remainder of 1997 and 1998, all script drafts conceived of the films as one larger story; development of the *Conspiracy* script slowed as Mandel and the production team devoted most of their energy to refining and refocusing *Complicity*.

The historian Michael Berenbaum, perhaps best known for his early tenure at the United States Holocaust Memorial Museum (USHMM) in Washington, D.C. as director of its research institute, served as a historical consultant for the production. When he first joined the team, he was the President and CEO of Steven Spielberg’s Survivors of the Shoah Foundation, which he would leave by 1999.³ Berenbaum stated that HBO brought him on board because of his work on the 1995 documentary *One Survivor Remembers: The Gerda Weissmann Klein Story*. Berenbaum was

1 Transcript of Interview with Stanley Tucci, *Charlie Rose*, April 19, 2001, Box 15, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 6.

2 See Loring Mandel, “Mid-revision unformatted,” a combined script of *Conspiracy: The Meeting at Wannsee*, and *Complicity* Second Draft 7/20/97,” Box 3, Folder 8, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 117–118.

3 See “Dr. Michael Berenbaum to Join Survivors of the Shoah Visual History Foundation,” November 25, 1996, USC Shoah Foundation, accessed April 17, 2021, <https://sfi.usc.edu/news/1996/11/10333-dr-michael-berenbaum-join-survivors-shoah-visual-history-foundation>; Tom Tugend, “Stepping Down,” *Jewish Journal*, June 3, 1999, https://jewishjournal.com/old_stories/1762/.

frequently present at production meetings and provided comments on the script throughout the production process.⁴ In February 1998, while he was still working for the Survivors of the Shoah Foundation, Berenbaum delivered his initial comments on the *Conspiracy* and *Complicity* scripts in a seven-page fax to executive producer Frank Doelger, opening by telling Doelger that the project was “a most important topic, an exceedingly powerful story,” but arguing “the [*Conspiracy*] script doesn’t make it.” Berenbaum continued his criticism, noting that “The Wannsee Conference is inherently undramatic, important and decisive, perhaps the most ‘evil’ meeting in history, but undramatic nevertheless. I don’t believe that the script has added drama to the meeting, whose importance cannot be overstated.”⁵ He praised *Complicity* but noted that “[t]here may be too many characters and too little context.”⁶ Most importantly, Berenbaum identified one of the central weaknesses of the combined project at that stage of writing: “the linkage between the two parts of the script is historically flawed. The Allies did not know of the Wannsee Conference. It was not known even at Nuremberg and certainly not by Riegner, whose famous telegram of August 1942 speaks of a ‘plan under consideration and the Fuhrer’s[sic] headquarters’ and not an operational decision.”⁷ Berenbaum then reviewed the scripts page by page. For example, he noted that this draft’s reference to Heydrich’s supposed Jewish ancestry “was used to politically weaken and demean him and this must be conveyed in the context of the script,” noting that this rumor was most likely false.⁸ Berenbaum also drew attention to a characteristic of the Wannsee Conference attendees that would prove central to *Conspiracy*:

The age of the characters is important. They are relatively young and high ranking. There is little room for them to go up the ladder unless others but a year or two older descend . . . Seven of 15 have advanced higher education. Lawyers, they are called ‘doctor’ in status [conscious] Germany. They are ‘the best and brightest’ and not the monstrous men as depicted in film and some accounts of Nazi Germany. It is their status and education that in part accounts for their demonic deeds.⁹

Berenbaum’s initial comments on the *Conspiracy* script were mostly concerned with details, errors like inconsistent ranks, language that participants would not have used, erroneous figures, and the like. He also provides context and motiva-

⁴ Interview with Michael Berenbaum, April 13, 2021, 0:53–01:19.

⁵ Michael Berenbaum. Letter to Frank Doelger, February 5, 1998, 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.

⁶ Berenbaum, Letter to Frank Doelger, February 5, 1998, 1.

⁷ Berenbaum, Letter to Frank Doelger, February 5, 1998, 1.

⁸ Berenbaum, Letter to Frank Doelger, February 5, 1998, 2.

⁹ Berenbaum, Letter to Frank Doelger, February 5, 1998, 2.

tions for some of the groups represented at the table like the Nazi Party and Government Ministries. His comments are not without flaws; he erroneously claimed that the villa had previously had a Jewish owner.¹⁰ But for the most part, the production team took these comments seriously, as most of these errors are absent from later screenplay drafts. For the *Complicity* script, Berenbaum's comments ran along a similar line. He noted that Eichmann "would not have spoken so openly and scornfully of Heydrich," one of the most puzzling aspects of these earlier script drafts.¹¹ He also pointed out that the *Complicity* script "greatly exaggerated" Eichmann's importance in the Holocaust and that "the story loses credibility because of it."¹² Berenbaum ended this fax by expressing his wishes to meet with Loring Mandel and the production team, praising their efforts but firmly stating that the screenplays needed improvement in certain areas: "The topic is fascinating. The program should be proximate to the Event it narrates."¹³ The writer David Edgar, who had penned the first version of *Complicity*, also commented on the scripts that February. He praised *Conspiracy*, devoting most of his comments to improving its opening narration. Edgar did not limit himself to commenting on dramatic issues but instead also corrected various minor factual errors.¹⁴

After Edgar and Berenbaum commented on the scripts, Mandel delivered a fourth draft at the end of March 1998. In this stage of pre-production, *Conspiracy: The Meeting at Wannsee* was written to begin with Gerhart Riegner introducing the audience to the events about to unfold at Wannsee.¹⁵ *Complicity* was now titled *Complicity: The Meeting at Bermuda* and was more tightly focused than earlier drafts, which leaned more heavily on David Edgar's script and covered a much wider range of events and locations.¹⁶ A list of *Complicity* scenes for a proposed May 2000 shoot, dated July 6, 1998, shows that the team had already vastly trimmed down the project's ambitious scale. It includes a list of deleted scenes such as Heydrich's assassination, which was still included in script drafts

10 Berenbaum, Letter to Frank Doelger, February 5, 1998, 2–4.

11 Berenbaum, Letter to Frank Doelger, February 5, 1998, 4.

12 Berenbaum, Letter to Frank Doelger, February 5, 1998, 5.

13 Berenbaum, Letter to Frank Doelger, February 5, 1998, 7.

14 David Edgar, "Conspiracy\Complicity Notes," February 22, 1998, Box 10, Folder 10, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

15 Loring Mandel, "Conspiracy (The Meeting at Wannsee)" (first page) "Complicity (The Meeting at Bermuda)" (page 121): combined script, "Rev Fourth Draft 4/27/98," Box 6, Folder 4, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1–4.

16 Mandel, "Conspiracy (The Meeting at Wannsee)" (first page) "Complicity (The Meeting at Bermuda)" (page 121): combined script, "Rev Fourth Draft 4/27/98."

as late as the spring of that year. Curiously, this script erroneously has Heydrich's assassination taking place in Lidice instead of Prague.¹⁷



Figure 6.1: Script Title Page with proposed *Conspiracy/Complicity* logo, April 1998.¹⁸ Image courtesy Alan and Josh Mandel; Wisconsin Center for Film and Theater Research.

In a script preface from April 28, 1998, Frank Pierson outlined his vision for the two films. This vision was more refined and clearer than Pierson's earlier film "thesis statements" and was clearly informed after the now several years of input from HBO officials, as well as the recent addition of Michael Berenbaum to the production team. For *Conspiracy*, Pierson discussed the Wannsee Conference at length, noting early on the film's strong points, particularly when it came to revealing the truth behind the subtext:

At Wannsee, near Berlin, the plan [coordinating the so-called Final Solution] was outlined and Germany's ruling bureaucrats were given their instructions. The meeting's atmosphere was like a corporate board meeting. In "*Conspiracy*," the meeting at Wannsee – a beautiful lakeside mansion confiscated from a Jewish family – is dramatically recreated from the actual minutes of the meeting, written and edited by the then obscure Lt Col Adolf Eichmann and General Heydrich, himself. The meeting lasted approximately an hour and a half. Certainly, in that period, these men were not always at their best and always on the point. There are moments of lightness, moments of hostility, plenty of defensiveness, a few mo-

¹⁷ HBO NYC Productions, *Complicity*, one-line schedules for a proposed May 2000 shoot, July, 1998, Box 6, Folder 9, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1–10.

¹⁸ Frank Pierson. "Preface," April 28, 1998, Box 6, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin. 1.

ments when the subtext is utterly revealed, and much self-protective game-playing. I want, too, to show how, in any individual, cruelty and sociopathology can coexist with the sappiest sentimentality.¹⁹

This preface outlines the film's key themes, most notably the seeming discrepancy between conference's subject matter with its location in an elegant suburban villa. Pierson also argued that the conference was "primarily for the purpose of consolidating [Heydrich's] power as the sole commander of the Final Solution. The various ministries of the Reich had been dealing with the 'Jewish Question' in various ad hoc ways . . ." ²⁰ This characterization of interinstitutional rivalries clearly follows a more functionalist historiography and departs from earlier, more Hitler-centric descriptions of the conference alluded to in earlier script drafts and production documents. For *Complicity*, Pierson's preface strayed more from the historical record and claimed dramatic parallels between the Wannsee Conference and the Bermuda Conference, stating that after the contents of Gerhart Riegner's telegram got out "President Roosevelt and Prime Minister Winston Churchill finally ordered that a meeting of the Allies be held – a meeting in answer to the meeting at Wannsee, if you will – to determine what the world could do to halt the holocaust [sic]."²¹ Pierson described *Complicity* as the story of the Bermuda Conference, arguing that it, too, "had been systematically planned by the men who arranged it . . . to do nothing."²² Drawing further parallels, Pierson said:

[o]n the day they ended their meeting in Bermuda it was not quite a year and four months since the Conspiracy met at Wannsee. More than two million five hundred thousand Jews had been gassed and burned in those sixteen months, vanished in smoke while their houses and businesses were taken over by Germans, their art hung in the collections of Nazi officials, their fortunes disappeared into German banks and Swiss accounts. While they had talked in Bermuda the Warsaw ghetto fell. At Auschwitz almost 50,000 had died. While they talked . . . We use the actual American and British minutes, incorporating the original language where feasible. And we cut away to other events that went into planning the meeting and in the end leading to its' failure. All told through Gerhart Riegner, our storyteller, and himself a central figure in the drama of the time . . .²³

The preface, which contains detailed descriptions of the characters in both pieces, as well as a bibliography, also includes a section titled "historical accuracy." This section emphasizes the filmmakers' use of the Wannsee Protocol and claims that

¹⁹ Pierson, "Preface," April 28, 1998, 1.

²⁰ Pierson, "Preface," April 28, 1998, 1.

²¹ Pierson, "Preface," April 28, 1998, 3–4.

²² Pierson, "Preface," April 28, 1998, 4.

²³ Pierson, "Preface," April 28, 1998, 4.

the script “is fleshed out with extensive research on the participants, their jobs and their personalities to the extent that they are in the printed record. The dialogue is invented but follows the minutes as to the substance of what they said. The fact that they drank, socialized and ate is well documented in the memoirs of the survivors, including Eichmann himself.”²⁴ *Complicity*’s screenplay, meanwhile, was based on the US and British delegation meeting minutes, but Pierson clarified that “in social situations and the dialogue of the newspaper reports we have had to invent, but in words attributed to individuals who were actually there we have them express the same positions they took on the record.”²⁵ Here, Pierson devoted more attention to Breckinridge Long, arguably the villain of *Complicity*, stating that “Long’s statements and positions in meetings . . . are taken from his writings, his memoirs, and official documents.”²⁶

Frank Pierson’s preface also illustrates something about his own attitude as a writer and director. In an interview, Frank Doelger discussed Pierson’s personality at length, which would both strongly benefit the production but also prove exceedingly difficult:

Frank started as a writer. He moved from writing into directing and I think that he came of age when – especially working for feature films, where he had a lot of creative control, a lot of creative freedom – I think when he started moving into television, I think he found it to be a difficult transition. I think that especially working for HBO, HBO was always incredibly respectful of talent, but at the same time they were very protective of the brand, particularly with historical dramas. I remember being told repeatedly that it’s fine to depart from the truth to use your creative imagination but you must do it in a very informed way. If anybody ever questions you, you have to know absolutely why you departed from the truth. You have to absolutely know what the truth is. And you have to be able to defend it. And that was expected of all of us. I think that was one thing that Frank [resisted] a little bit. Yes, he wanted the film to be truthful, but he also wanted it to be effective creatively. I think that the combination of that and Frank having less respect for researchers and executives than for the creative community – he would bristle when notes came which he felt indicated that the people that were giving them did not understand what he was trying to accomplish, what we were trying to accomplish. I was fortunate in that I was able to wear both hats. I came with the authority and the backing of HBO but at the same time he knew my own career, that I come from a creative path, from a studio path. And Loring also understood that. But it was very contentious at times. Sometimes it was definitely about the film, other times it was really more about Frank’s lifelong toiling in Hollywood, the battles he had had to fight to protect his vision. The films he wanted to make as director, as a writer.²⁷

²⁴ Pierson, “Preface,” April 28, 1998, 7–8.

²⁵ Pierson, “Preface,” April 28, 1998, 8.

²⁶ Pierson, “Preface,” April 28, 1998, 8.

²⁷ Interview with Frank Doelger, April 2, 2020, 21:52–24:52.

Two weeks after Pierson wrote his preface to the script, Michael Berenbaum provided additional comments on the new draft of the combined screenplay, writing again to Doelger on May 14, 1998 with extensive comments on *Complicity* and a handful of suggestions for fine-tuning the details of *Conspiracy*. He noted that this version was “much, much better” and “a great improvement over the first.”²⁸ For the *Conspiracy* half, Berenbaum remarked on a line from Heydrich (originating in the protocol) about “practical experience” showing that “evacuation” was “the policy that takes the place of emigration.”²⁹ Berenbaum argued that the original language of the protocol was “much more suggestive” and emphasized that “[t]he men at the table needed little explanation. They understood that ‘evacuation to the East’ was a euphemism for concentration camps, and that ‘the Final Solution’ was systematic murder.” He noted that the various killing methods were already either already happening or under testing at this stage, though the screenplay already accounted for these developments and mentioned them in this draft, at this point mostly through Rudolf Lange’s dialogue (later drafts would shift some of this information to Eichmann as Lange was not deployed to the camps in the General Government, but instead active in Latvia).³⁰ The protocol’s original language Berenbaum referred to was not that different from that in the script:

Another possible solution of the [Jewish] problem has now taken the place of emigration, i.e. evacuation of the Jews to the East . . . such activities are, however, to be considered as provisional actions, but practical experience is already being collected, which is of greatest importance in relation to the future final solution of the Jewish problem.³¹

For *Complicity*, Berenbaum went into much more detail (his comments on this version of *Conspiracy* only last one page, he devoted three to *Complicity*). He identified problematic aspects of the script’s portrayal of Riegner, noting that the “plan” mentioned in Riegner’s August 1942 telegram “was implemented in January [1942] . . . the drama is there. We don’t have to overstate the case. Perhaps Riegner can reflect on the gap between what he now [retrospectively] knows actually happened and what information he had at the time. Unless we specify this gap all the defenders of

²⁸ Michael Berenbaum, Letter to Frank Doelger, May 14, 1998, Box 10, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1–4.

²⁹ Mandel, “Conspiracy (The Meeting at Wannsee)” (first page) “Complicity (The Meeting at Bermuda)” (page 121): combined script, “Rev Fourth Draft 4/27/98,” 34.

³⁰ Berenbaum, Letter to Frank Doelger, May 14, 1998, 2; Mandel, “Conspiracy (The Meeting at Wannsee)” (first page) “Complicity (The Meeting at Bermuda)” (page 121): combined script, “Rev Fourth Draft 4/27/98.”

³¹ Wannsee Conference Protocol, quoted in Michael Berenbaum. Letter to Frank Doelger, May 14, 1998, 2.

FDR will come out of the closet and attack this piece as unfair.”³² Berenbaum also stated that the screenwriters “must juxtapose” the Bermuda Conference with the Warsaw Ghetto Uprising, which occurred simultaneously. He also suggested the removal of Benzion (“Benjamin” in the script) Netanyahu, father of the Israeli Prime Minister of the same name and head of the New Zionist Organization of America during the war, from the script, noting that “Netanyahu was even less than a bit player. He was of no significance and the connection to Bibi would lead to misunderstandings.”³³ Although Berenbaum was nominally the production’s historical advisor, he mostly commented on drafts and did not have the time to visit archives, photocopy source material, and conduct what historian John Lewis Gaddis has referred to as the “ductwork” of research.³⁴ For that, HBO would need to hire their own full-time researcher.

Based on comments at this point and the available archival material, the bulk of the production team’s efforts by mid-1998 were focused on *Complicity*. *Conspiracy* had a screenplay that was in need of more detailed historical input and fact-checking, but the broad strokes were there. *Complicity* was much more difficult. At the behest of Frank Doelger, HBO hired Andrea Axelrod, a journalist and freelance writer with a background in drama, as a full-time researcher and fact-checker. She had attended Williams College and remained friends with Doelger, her former classmate:

[Frank] contacted me, [and asked] ‘how would I like to do some research for HBO?’ And what he explained was that he wanted someone who did not have a background in Holocaust studies, so I would come to it without a bias. Also, somebody who had a sense of drama. And he knew from my theater and musical background and particularly in opera, you know what drama is, that I could spot things and say ‘oh, that’s something could add some coloring to the scene.’ Loring Mandel had already written a draft. He may have already written 2 or 3 drafts, but that’s when they brought me in. I proceeded to read for around 2 years.³⁵

In the same interview, Axelrod contended that “my charge was to document every line, so that Holocaust deniers couldn’t come after us.”³⁶ The most likely explanation for this claim about combating Holocaust denial has more to do with the historical context than any concrete wishes on the part of the production

32 Berenbaum, Letter to Frank Doelger, May 14, 1998, 1.

33 Berenbaum, Letter to Frank Doelger, May 14, 1998, 3.

34 John Lewis Gaddis, *The Landscape of History: How Historians Map the Past*, (Oxford: Oxford University Press, 2002), xi.

35 Interview with Andrea Axelrod, March 9, 2018, New York City, 21:51–25:27.

36 Interview with Andrea Axelrod, 00:53–03:46.

team. The verdict in the Holocaust denier David Irving's libel case against the historian Deborah Lipstadt was reached in April 2000. This trial was extensively covered by the press and certainly would have been of interest to people working on a Holocaust film at the time.³⁷

The earliest known document mentioning Axelrod is a letter from July 1998, so she likely began several months earlier and concerns primary source documents related to the Bermuda Conference, which she had requested from the US National Archives.³⁸ The Loring Mandel archive contains several boxes of photocopied research material gathered by Axelrod at various archives throughout the US, the vast majority pertaining to *Complicity* and the Bermuda Conference.³⁹ Because most of her early work was devoted to finding and gathering source material, very little correspondence involving Axelrod has survived from this period. She would later go on to provide the bulk of fact-checking support once filming was imminent.

By 1998, both scripts focused on Gerhart Riegner as narrator, with *Complicity* directly depicting his efforts to inform the British and American governments. Frank Doelger and Alasdair Palmer had previously traveled to Geneva and interviewed Riegner.⁴⁰ One surviving fifty-three-page transcript of a June 1998 interview with Riegner conducted by Frank Pierson, Loring Mandel, and Frank Doelger can be found in the Loring Mandel Collection. In this interview, Pierson mentions meeting Riegner three years prior and discusses Mandel's script up to that point. The interview also mentions Peter Zinner having met Riegner the day before.⁴¹ Pierson also filmed an interview with Riegner, which would have likely been used in either an accompanying documentary or directly spliced into *Complicity*.⁴² The interview also mentions possibly filming on location at The Horizons in Bermuda, the resort where the Bermuda Confer-

37 For the Irving v. Penguin Books and Deborah Lipstadt Trial, see Richard J. Evans, *Lying About Hitler*, (New York: Basic Books, 2002); D. D. Guttenplan, *The Holocaust on Trial* (New York: Norton, 2001); R. J. van Pelt, *The Case for Auschwitz* (Bloomington: Indiana University Press, 2002); and Deborah E. Lipstadt, *Denial: Holocaust History on Trial*, Media Tie In edition (New York, NY: Ecco, 2016).

38 NARA to Andrea Axelrod, July 20, 1998, in Andrea Axelrod Private Archive, New York City, New York.

39 See Boxes 12 and 13, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

40 Interview with Frank Doelger, April 2, 2020. 18:00–18:35.

41 Interview with Gerhart Riegner, Geneva, June 28–29, 1998, Box 11 Folder 6, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1, 49.

42 Interview with Loring Mandel, March 2, 2019, 41:23–55:24.

ence took place.⁴³ These interviews are not contained in the Mandel collection, but photographs of Pierson and Riegner at Lake Geneva, surrounded by cameras and lighting equipment, have survived (see Figures 6.2 and 6.3). The multiple trips to Switzerland, as well as the costs for filming an interview, would not have been cheap and illustrate the degree of HBO's financial commitment to the project.



Figure 6.2: Gerhart Riegner and Frank Pierson on the shore of Lake Geneva, Summer 1998.⁴⁴ Image courtesy Alan and Josh Mandel; Wisconsin Center for Film and Theater Research.

2 Cancellation and Revival

In summer 1998, HBO abruptly dropped the combined project. Little archival documentation exists surrounding HBO's decision, just statements from people like Frank Pierson after the fact. In an extensive interview with the Directors Guild of America, Frank Pierson stated that "HBO was not comfortable with CONSPIRACY. They were very worried about it and we had a – lots of long, difficulties and try-

⁴³ Interview with Gerhart Riegner, Geneva, June 29–29, 1998, 36.

⁴⁴ Photo of Trip to Geneva, Box 19, Folder 6, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.



Figure 6.3: Filming Pierson and Riegner at Lake Geneva, Summer 1998.⁴⁵ Image courtesy Alan and Josh Mandel; Wisconsin Center for Film and Theater Research.

ing to convince people about this, that, or the other thing, and so on.”⁴⁶ Mandel’s last screenplay draft before cancellation was dated September 9, 1998.⁴⁷ One document written by Frank Doelger during the same year mentions that “budgets are under great scrutiny at HBO,” asking Mandel and Pierson to shorten planned montages in *Complicity*, which would have simply cost too much to shoot.⁴⁸ In an interview, Loring Mandel credited producer Colin Callender with reviving the project after its 1998 cancellation:

⁴⁵ Photo of Trip to Geneva, Box 19, Folder 6, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

⁴⁶ 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 4, Clip 7, 8:02.

⁴⁷ Loring Mandel, “Conspiracy/Complicity, written by Loring Mandel, Sixth Draft, 9/9/98”: combined script, Box 8, Folder 1, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

⁴⁸ Frank Doelger to Loring Mandel and Frank Pierson, undated, Box 10, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

But then HBO started dragging their feet . . . [after our 1998 trip to interview Riegner in Switzerland], we did a demonstration of the script for [unintelligible] in New York . . . and it looked like it was going forward and then you just started hearing that there was unhappiness about the way Roosevelt was depicted. And then I think Colin, I don't know if he just gave up or what because everything was dropped. Because it was going to be two consecutive Saturday nights and then it was dropped. And then Colin managed to get it back alive. And that was just the *Conspiracy* part not the *Complicity* part.⁴⁹

The most detailed – if not biased – account of HBO's 1998 passing on the project can be found in a fax Frank Pierson sent (alongside Mandel's screenplay and Pierson's preface) to the liberal activist and lawyer Stanley Sheinbaum at the end of September 1998. In this letter, Pierson expressed deep bitterness and anger about the fate of what had been his passion project, stating that "I am devastated by this, but more than anything I am saddened and angered by the reasons for it happening. The historical record needs to be read; it is not enough for a few scholars to know and understand – if history is not recreated for each generation it might as well be forgotten and its lessons left unlearned."⁵⁰ Regarding HBO's decision to pass on the project, Pierson alleged that "HBO has lost its nerve" and that the executives Bob Cooper and Michael Fuchs, whom he had originally pitched *Conspiracy* to, "[were] a different management team" than the HBO executives who had just passed on the project and that Colin Callender "had the brilliant idea of coupling the two productions."⁵¹ In this document, where Pierson reminisced about the project and looked at it from what was then a retrospective vantage point – he could not have known that HBO would pick it back up a year and a half later – the director noted the difficulties faced by the production team:

The Wannsee [C]onference lent itself to dramatization; finding a workable concept for "Complicity," was extraordinarily difficult as it involved so many threads, and discovering what to keep in and what to leave out was agonizing. Within the compass of a single night on HBO, for example, it proved impossible to deal with the role of the Vatican, to do more than mention the Red Cross in passing, and in the end we left out entirely the issue of bombing the gas chambers at Auschwitz . . . And during this period of writing and rewriting, a new regime at HBO was grappling with formulating their own production philosophy, but also growing more and more uncomfortable with the idea of depicting our wartime leaders as in any way complicit. I believe they are particularly disturbed by the portrayal of some of Roosevelt's trusted officials (Breckinridge Long in the State Department, for one) as

⁴⁹ Interview with Loring Mandel, March 2, 2019, 55:24–57:52.

⁵⁰ Frank Pierson, Fax to Stanley Sheinbaum, September 30, 1998, Box 11, Folder 4, Loring Mandel Papers, 1942–2006, Wisconsin Center for Film and Theater Research, University of Wisconsin Madison, Madison, Wisconsin, 2.

⁵¹ Pierson, Fax to Stanley Sheinbaum, 1.

openly anti-Semitic, and of Roosevelt himself avoiding the issue because of feared political backlash⁵²

Pierson continued, stating that he was “trying to get them to at least make the Wannsee segment on its own, as it is relatively inexpensive to make. Also it does not touch on what HBO seems to feel are too sensitive political issues. If they will not do that, I am trying to get them to let me set it up elsewhere – Turner cable being the only real alternative market for it.”⁵³ Pierson also noted that reviving *Complicity*, which “HBO [had] definitively abandoned,” would have been difficult due to lost money already invested in the project, as well as “conflicting rights issues.” The German production company UFA had invested a significant amount in the project and promised support for production in Germany.⁵⁴ Pierson ended his letter expressing worry at what he saw as a new and disappointing direction HBO was taking:

I hope HBO is not losing its nerve and adventurousness that made it a vibrant and exciting place to work and – because of the excitement that conveyed – made it a commercial success as well. It was – perhaps may yet be – the last best place for a cinema of ideas to leaven the tsunami of commercial entertainment.⁵⁵

Frank Doelger also spoke about the difficulties HBO had in getting the *Complicity* story right, noting the twisted paths taken by the production and what he saw as the dead end of the Bermuda Conference:

. . . what was very effective about *Conspiracy* was that it was so narrowly focused, and we realized that the other story, *Complicity* was just spiraling out of control. Every time we tried, we looked at something new and found it was just getting bigger and bigger. And it was very hard to be definitive about it . . . We then tried to boil it down to a recreation of the Bermuda Conference. So the final effort was to try to recreate 2 conferences, one of which at Wannsee and the second of which being the Bermuda Conference. But again, the Bermuda Conference was not particularly exciting, particularly definitive, and also it just never seemed to – we never found a way in to actually to give it the gravitas or this darkness hanging over obviously over a very, very dark shadow which is informing every aspect of *Conspiracy*. So we finally abandoned the project.⁵⁶

Fortunately for Pierson, the *Conspiracy* project was not completely abandoned. By 1999, developments in HBO’s corporate structure opened the window for *Con-*

52 Pierson, Fax to Stanley Sheinbaum, 2.

53 Pierson, Fax to Stanley Sheinbaum, 2.

54 Pierson, Fax to Stanley Sheinbaum, 2.

55 Pierson, Fax to Stanley Sheinbaum, 3.

56 Interview with Frank Doelger, April 2, 2020. 11:15–15:04.

spiracy's revival, and Pierson's efforts to get it produced would succeed. Loring Mandel would deliver a final draft of *Complicity* in 2003, but by that point, the project would finally pass into development oblivion.

During 1999, HBO dissolved HBO NYC Productions and HBO Pictures, combining the two divisions into HBO Films. In the second half of the 1990s, HBO NYC Productions had been devoted to producing HBO's more unconventional or controversial original films while HBO Pictures handled "safer" dramatic fare.⁵⁷ Film scholar Dana Heller has characterized the merger as "HBO's strategic diversification of projects – large and small, innovative and mainstream – under one banner that would produce original feature films and miniseries for the television market as well as feature films for theatrical distribution."⁵⁸ During this shakeup, Colin Callender, the former executive vice president of HBO NYC Productions, was named president of HBO Films, while Chris Albrecht was given overall command of HBO's original productions.⁵⁹ A *Variety* piece discussing 1999's developments noted that "[m]ore than most networks, HBO is known for allowing various fiefdoms to exist. Organizing all original programming under Albrecht will put HBO more in line with the structure of other networks, which tend to have one chief of entertainment programming."⁶⁰ This same article mentions that recent offerings from HBO NYC Productions under the helm of its ousted president, John Matoian, including several historical films, had proven lackluster.⁶¹ Perhaps the *Conspiracy/Complicity* project fell victim to wider skepticism of HBO NYC Productions' original offerings during this period; moreover, as a multi-night period piece, it would have required a large budget expenditure. In any case, in his capacity as the new head of HBO Films, Colin Callender was in an ideal position to bring *Conspiracy*, one of his passion projects, back to life. In an interview just before the film's premiere, Frank Pierson also credited Callender with "giving the greenlight" to the film after he tried funding it himself as an "indie feature."⁶² In late September 1999, Loring Mandel wrote a summary of the project – a type of pitch document, possibly to get HBO to rethink their decision:

57 Heller, "Films," 42–51, 43–44.

58 Heller, "Films," 43–44.

59 Chris Pursell, "HBO Films Taps Exex," *Variety*, November 17, 1999, <https://variety.com/1999/biz/news/hbo-films-taps-exex-1117758117/>.

60 Richard Katz, "HBO Punts Pic Head," *Variety*, April 13, 1999, <https://variety.com/1999/biz/news/hbo-punts-pic-head-1117493189/>.

61 Katz, "HBO Punts Pic Head."

62 Army Archerd, "HBO Takes Hard Line with 'Conspiracy,'" *Variety*, May 8, 2001, <https://variety.com/2001/tv/columns/hbo-takes-hard-line-with-conspiracy-1117798795/>.

Every effort has been made to delineate the individual characters of the participants. Enormous research, aided by prominent scholars of the Holocaust, has been the foundation of the writing. The atmosphere of the Conference, which was at first a powerful invocation of mission by Heydrich and which slowly became a semi-drunken orgy of egotism, is carefully developed. The tone is shifting continually, but the undertone is that of a massive juggernaut, about to be released, with consequences that will make the whole world shudder.⁶³

By early 2000, production was back, the team reconvened; this time utilizing a script draft virtually unchanged from the abandoned project – with the exception of the deletion of Riegner’s voiceover.⁶⁴ This script, dated April 29, 2000, is the most commented-on script in both the Mandel and Axelrod document collections. Little documentation on the project’s cancellation and revival is contained in these collections – the correspondence, meeting minutes, and script comments simply end in September 1998 and pick up again in the spring of 2000, with only one or two exceptions.

3 Further Historical Consultation and Refining *Conspiracy’s* Script

During 2000, HBO’s speed increased rapidly for a planned shoot in November of that year. Andrea Axelrod, no longer tasked to research for *Complicity*, began annotating and fact-checking the *Conspiracy* screenplay. Before filming began, a final consultation with Michael Berenbaum and other historians would also be necessary.

The screenplay is one of the most important elements of the historical film. It is where historiographical arguments, characterizations, and the most errors take place – despite the abundance of pedantic criticism focusing on military uniforms, vehicles, and the like.⁶⁵ Not all historical filmmaking is so script-centered. For example, when filming *NYPD Blue*, the screenwriter David Milch routinely completely re-wrote script pages on the fly (or changed them verbally) or spontaneously rearranged scenes, requiring lots of patience from the cast and crew.⁶⁶ Such changes

⁶³ Loring Mandel, Project Summary, September 28, 1999, Box 11, Folder 2, Loring Mandel Papers, 1942–2006, Wisconsin Center for Film and Theater Research, University of Wisconsin Madison, Madison, Wisconsin, 2.

⁶⁴ Loring Mandel, *Conspiracy: The Meeting at Wannsee*, annotations and comments by Andrea Axelrod, April 19, 2000, copy in possession of author.

⁶⁵ See Ramirez, *Inside the Historical Film*.

⁶⁶ Matt Zoller Seitz, *The Deadwood Bible: A Lie Agreed Upon* (New York, Los Angeles, Dallas: MZS Press, 2022). 66–67.

are not likely to be traceable in the archive. For *Conspiracy*, this process of revision is best illustrated by the script review routine. In consultation with Frank Pierson, Loring Mandel would draft a new version of the script and send it to the producers. They would then each provide comments on the draft and meet to discuss it. The April 19, 2000 draft best illustrates this process, as comments on this script are available across multiple archives. These range from meeting minutes and faxes to handwritten marginalia on the screenplay's pages. In an interview, Frank Doelger explained the script review process at length:

[W]e really wanted to do everything we could to make sure, given the information we had, given the information provided by a variety of experts and consultants, to be as accurate as possible. That was one factor we had to take very seriously. However, we also had to make sure or try to make sure that we made it compelling dramatically. We had to make sure that each of the characters – you got a sense of who they were, how we would cast it. We wanted, at least on the page, to get a sense of their personalities, so we were simultaneously evaluating every draft, asking ourselves ‘are we as close to the truth historically?’ at the same time, “is it beginning to emerge as a compelling character drama?” Each pass, those were the questions I asked. I was working with other executives at HBO, acting as the go-between between HBO and Frank [Pierson] and Loring. It was a very difficult balancing act because you always wanted to be completely fair to both . . . there are some places where we may have strayed too far, we may have had to pull back some places where we felt that we were sticking too close to the truth and we can take . . . license.⁶⁷

In an interview, Frank Pierson also expressed mild irritation about Colin Callender's attention to detail.⁶⁸ Frank Doelger also mentioned Pierson's “prickly” attitude towards critical comments and suggestions: “I would have to take notes, take the moment to wonder – is this really about the idea or is this because Frank is prickly?,” noting that Pierson's tumultuous past in Hollywood had left him sensitive and protective of his creative projects.⁶⁹ Andrea Axelrod recalled a humorous exchange between her and Pierson: “I was arguing a point with him one day, how this wasn't in history and I said, ‘Frank, you know you are paying me to be anal.’ And he said, ‘And you're doing a very good job of it!’”⁷⁰ Frank Doelger also discussed working with Axelrod at length, characterizing their working relationship with Pierson and Mandel as a “dance”:

[Andrea] was very good, what I really liked about her was she would always call me and discuss things. She would get my opinion and wonder what I would think before she presented things and most of the time, I would just say that if she felt strongly about it, she

⁶⁷ Interview with Frank Doelger, 23:38–33:43.

⁶⁸ Pierson, “Visual History with Frank Pierson,” Chapter 4, clip 10, 13:48.

⁶⁹ Interview with Frank Doelger, 56:43–58:46.

⁷⁰ Interview with Andrea Axelrod March 9, 2018, New York City, 03:46–4:58.

should present it. Occasionally we would agree that there were certain things that we would back off on for the moment. It was very much a dance. We had the filmmakers, which were Frank and Loring and Peter [Zinner], all of whom were very distinguished. They were also of a generation of fighters. Frank particularly was someone who I think somewhere along the line had had enough experience with studios to never quite accept them as partners. I think he always saw them a little bit as antagonists and I think he also understood that kind of creative exchange was good. But at the same time, you had to be very careful with him and how you presented notes and make sure he never felt that you were interfering on his creative process or with his vision of the film. Andrea was very good with working with me to make sure that things were presented in a way that we thought would probably get through.⁷¹

On June 23, 2000, Andrea Axelrod provided detailed comments and fact-checking on the April 19, 2000 script draft. This document, along with Axelrod's annotated copy of this script draft and another document including responses from the filmmakers, are key to understanding the multiple script review passes discussed by Doelger. The first page of her annotated script contains three handwritten comments: "1) was snow on the ground?, 2) where is there to land [a plane] near [the Wannsee villa], 3) possible [if one could hear a train whistle from the villa]."⁷² In the script review document, Axelrod answers each of these queries. For the first question, the answer was "The weather in Berlin on January 20, 1942: It was a cloudy day with sometimes little snow-showers. A moderate wind was blowing from the east. The temperature was over the day below -10 degrees C (below 14 degrees Fahrenheit). The ground was frozen and covered by snow." Axelrod sourced this information from a meteorologist from the German Weather Service.⁷³ For the second and third questions, Axelrod had information from Gaby Oelrichs, the head librarian at the Joseph Wulf Mediothek at the time, which confirmed that Heydrich flew himself to Wannsee and that hearing a train whistle from the villa was unlikely.⁷⁴ Axelrod's script review document also illustrates the quality of historiography consulted by the production team. The document contains quotes and photocopies from various primary and secondary sources. These include the Wannsee Memorial and Education Center's website; the Eichmann Trial transcripts; the 1946 affidavit of Eichmann's lackey, Dieter Wisliceny; Arendt's *Eichmann in Jerusalem*; Albert Speer's memoir *Inside the Third Reich*; a dissertation on the Holocaust in Galicia; an article

71 Interview with Frank Doelger, 20:17–22:08.

72 Mandel, *Conspiracy: The Meeting at Wannsee*, annotations and comments by Andrea Axelrod, 1.

73 Andrea Axelrod, "Conspiracy: Script Review," June 23, 2000, copy in author's possession, 2.

74 Axelrod, "Conspiracy: Script Review," 2. For more on Axelrod's correspondence with Oelrichs, see the discussion about the Wannsee Memorial and the production later in this chapter.

from Hans Mommsen titled “The Civil Service and the Holocaust,” and Raul Hilberg’s *The Destruction of the European Jews*.⁷⁵ Axelrod’s review also identifies some major errors with this draft later identified by the historian Christopher Browning (see below), particularly the characterization of Martin Luther as an incompetent buffoon invited late to the conference and (in this draft, he does not even know Eichmann, which was absolutely wrong) more concerned with his dog than work: “Would Luther, based in Berlin, really bring his dog to a meeting in the suburbs? . . . Luther knew exactly who was in charge, as the most informed propagandist at the foreign office and its liaison with the SS on issues having to do with the East. He had regular contact with Eichmann – we know by memo, and, most likely, in person.”⁷⁶ Axelrod also noted that this draft’s depiction of Luther being invited late to the conference was patently false.⁷⁷ Mandel’s reasoning for this late-abandoned characterization of Luther is unclear – perhaps it was intended to foreshadow the reasons for Luther’s copy of the protocol surviving the war and falling into the hands of American investigators.⁷⁸ Axelrod’s script review also addresses two aspects of Hannah Arendt’s *Eichmann in Jerusalem: A Report on the Banality of Evil*. First, Axelrod included a photocopy of Arendt’s section on euphemisms for mass killing.⁷⁹ In this section, Arendt introduces the concept of “bearers of secrets” (*Geheimnisträger*), who knew about mass killings, and then discusses “language rules” (*Sprachregelung*) at length, a key theme of *Conspiracy*, which the historian Simone Gigliotti has rightly referred to as a “visual essay about language”.⁸⁰

Furthermore, all correspondence referring to the matter was subject to rigid “language rules,” and except in the reports from the *Einsatzgruppen*, it is rare to find documents in which such bald words as “extermination,” “liquidation,” or “killing” occur. The prescribed code names for killing were “final solution,” “evacuation” (*Aussiedlung*), and “special treatment” (*Sonderbehandlung*); deportation – unless it involved Jews directed to Theresienstadt, the “old people’s ghetto” for privileged Jews, in which case it was called “change of residence” – received the names of “resettlement” (*Umsiedlung*) and “labor in the East” (*Arbeitseinsatz im Osten*), the point of these latter names being that Jews were indeed often temporarily resettled in ghettos and that a certain percentage of them were temporarily used for labor . . . Only among themselves could the “bearers of secrets” talk in uncoded language, and it was very unlikely that they did so in the ordinary pursuit of their murderous duties – certainly not in the presence of their stenographers and other office personnel. For whatever other reasons the language rules may have been devised, they proved of enormous

⁷⁵ Axelrod, “Conspiracy: Script Review.”

⁷⁶ Axelrod, “Conspiracy: Script Review,” 6.

⁷⁷ Axelrod, “Conspiracy: Script Review,” 7.

⁷⁸ Roseman, *The Wannsee Conference and the Final Solution: A Reconsideration*, 3.

⁷⁹ Axelrod, “Conspiracy: Script Review,” 14.

⁸⁰ Gigliotti, “Commissioning Mass Murder,” 128.

help in the maintenance of order and sanity in the various widely diversified services whose cooperation was essential in this matter. Moreover, the very term “language rule” (*Sprachregelung*) was itself a code name; it meant what in ordinary language would be called a lie.⁸¹

Arendt’s discussion here clearly had a great influence on Mandel and the other filmmakers; the script examines the use of language at Wannsee and, in one of its key scenes, has Major Rudolf Lange, head of an *Einsatzgruppe* in Riga, dispense with the camouflage of “language rules” and ask just what “evacuation” means, thereby perfectly illustrating Simone Gigliotti’s discussion about Mandel’s script and language.⁸² Lange was the youngest and lowest ranking attendee and his presence (the historians Andrej Angrick and Peter Klein refer to this as his “special role”) at the conference was most likely due to his “practical experience” in mass killing – this observation also should put to rest claims, such as those by Heinz Höhne, about the conference merely addressing deportation and forced labor. There is no other reason for Lange’s presence at Wannsee except for his direct, firsthand experience at the execution pits outside Riga.⁸³ Lange’s breaking the illusion of language rules is a key moment in the film and shifts the meeting’s tone away from evasiveness and understatement to pitiless, laconic honesty. Mandel’s script underscores the power of the dialogue by directly addressing the issue of euphemism:

Upon hearing “evacuation”, Lange slowly gets to his feet during the following.

HEYDRICH (CONT'D)

-they, too, will fall within categories . . . (DEPENDING UPON ETC)

LANGE

(he speaks reasonably, but the liquor has triggered a deep anger)

Could you, General . . . sorry . . . I have the real feeling that I evacuated 30,000 Jews already by shooting them. At Riga. Is what I did “evacuation”?

When

they fell, were they “evacuated”?

Everything stops. The accepted euphemism has been challenged.

EICHMANN’s “no” wag of the head and staying hand stop the STENOTYPIST.

⁸¹ Arendt, *Eichmann in Jerusalem*, 84–85.

⁸² Gigliotti, “Commissioning Mass Murder,” 129.

⁸³ Andrej Angrick and Peter Klein, *The Final Solution in Riga: Exploitation and Annihilation, 1941–1944*, (New York: Berghahn Books, 2009), 260.

LANGE (CONT'D)

. . . There're another 20,000 at least waiting for similar "evacuation." I just think it's helpful to know what words mean. With all respect.

This time it's KRITZINGER who raps on the table. Angrily.

EICHMANN

If I might suggest that it's unnecessary to- (BURDEN THE RECORD WITH THIS QUESTION)

HEYDRICH

Yes. In my personal opinion, they're evacuated.⁸⁴

Axelrod did not limit her use of Arendt to the discussion of language rules and euphemism. In one instance, she pushed back at Arendt's now-discredited depiction of Eichmann as a "nobody," a nonentity, which was present in the script.⁸⁵ At the end of the script, Eberhard Schöngarth and Josef Bühler refer to Eichmann as "a stick" and "unimportant."⁸⁶ Axelrod criticized this depiction, which did remain in subsequent drafts but fortunately did not make it into the final cut, arguing that "[g]iven Eichmann's role in Vienna, touring the East and Berlin, I don't think they'd say that . . ."⁸⁷ The filmmakers did not always accept Axelrod's comments, even when she was correct. One example of this is the personal and institutional conflict between Stuckart and Klopfer, one of the film's few truly historically unjustifiable aspects. In the script (and released film), Stuckart and Klopfer have a heated argument about the fate of *Mischlinge* and at one point, the argument gets personal, with Klopfer threatening Stuckart:

And Stuckart, once again, turns his superior countenance to Klopfer,
who is scarlet with anger.

KLOPFER

I'll remember you.

STUCKART

You should. I'm very well known.

⁸⁴ Loring Mandel. "Conspiracy by Loring Mandel, As Aired, with Scene Numbers, 5/19/01" May 19, 2001, Box 1, Folder 6, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 45.

⁸⁵ The two most important works in challenging Arendt's view of Eichmann are Stangneth, *Eichmann Before Jerusalem* and Cesarani, *Eichmann*.

⁸⁶ Mandel, *Conspiracy: The Meeting at Wannsee*, annotations and comments by Andrea Axelrod, 101.

⁸⁷ Andrea Axelrod, "Overall Issues Part II," June 26, 2000, copy in author's possession, 5.

Stuckart and Klopfer stare at one another. After a few moments of intense silence, Heydrich resumes the dialogue.⁸⁸

Axelrod correctly identified this exchange as ridiculous and identified Mandel's underlying motives: "I suppose this is supposed to represent some deeper conflict between Bormann and Stuckart, the Nazi Party and the Chancelleries, but I expect they 1) already know each other 2) even if they hadn't met, Klopfer would certainly have known about him already, making the exchange moot."⁸⁹ This was indeed correct. Stuckart and Klopfer not only knew each other since their student days but had also co-edited the legal journal *Reich – Volksordnung – Lebensraum*.⁹⁰

That same day, an unknown author (likely Ani Gasti of HBO's Story Department) compiled a document called "HBO combined notes on 4/19/2000 draft." The suggestions were from Colin Callender and compare *The Wannsee Conference* with the April 19 draft.⁹¹ The copy contained in the Loring Mandel collection includes responses to each suggestion in red text by another unidentified author, but most likely either Mandel himself or Pierson.⁹² This author was annoyed by suggestions to provide more background information and context for the audience, which he saw as attempts to turn a piece of art into something overly didactic:

Making this into a classroom history lesson is not going to work [this is in response to a suggestion to "describe the historical significance of the meeting in an opening caption"] . . . The dramatic situation here is a bunch of people are gathered together for a purpose they do not know, but that frightens them because – having been summonsed [sic] by an authority of which they are terrified – their lives will not be the same after. It is *Waiting for Godot*, only Godot actually comes. When he does he is not as they thought he would be. This is the drama of the piece. The more we add explanations and clarity and add historical footnotes [on screen] the more we undercut the very strength of the drama we want to tell. But, but, but – the banality of evil. We must also avoid the pitfalls of conventional dramatization: dramatic revelations, bold confrontations, big turning points, gasping denouements: every-

⁸⁸ Mandel, *Conspiracy: The Meeting at Wannsee*, annotations and comments by Andrea Axelrod, 66.

⁸⁹ Axelrod, "Overall Issues Part II," 4.

⁹⁰ Markus Heckmann, "Gerhard Klopfer, Nazi Party Chancellery: A Nationalist Ideologue and a Respectable West German" in *The Participants*, ed. Jasch and Kreutzmüller, 189–206. 190, 193.

⁹¹ Colin Callender, "The Meeting at Wannsee – CC Notes 6/5" June 5, 2000, in Andrea Axelrod Personal Files, New York City, New York.

⁹² "Combined Notes on 4/19/00 Draft," 2000, Box 10, Folder 8, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin. Earlier research, as well as the Wisconsin Center for Film and Theater Research, mistakenly attributed the authorship of these comments to Andrea Axelrod, who has since provided clarification.

thing is very small, ordinary, and even silly. . . . the drama of [*Conspiracy*] is how the worst crime of history was done by ordinary men, worried about the weather and their jobs [sic] security, their digestion and their sex lives, their dog and their wife.⁹³

The writer (again, either Mandel or Pierson) was also clearly exhausted by some of the comments. In one section on Heydrich, the author strongly rejects comparisons to *The Wannsee Conference*, advocating a more cunning, sharklike depiction of the head of the RSHA:

Heydrich is [a] weak, cliché Nazi and poorly played in the Austrian film; we need a silky and diplomatic Heydrich, who hides his cards until he sounds out who is who and where the weaknesses he may exploit are. He shouldn't come on strong – he will let himself appear in doubt – wanting your input – until he makes his move. We want to show [him] at first through the eyes of the other bureaucrats [sic] who underestimate him. This is drama. If we are going to make everything clear from the start, there's no point in telling the story.⁹⁴

This paragraph echoes earlier comments from the filmmakers about not wanting to hold the audience's hand, about leaving room for the audience to think about what they were witnessing on screen. The same author also responded to a suggestion that the filmmakers incorporate more of the information included in Mommertz's script, arguing that the included facts were:

"interesting" if we are doing a documentary: we are making drama about sixteen people in a room planning the worst crime in history who show no moral compunction, and who get drunk, worry about dogs and their cars. That is the single thing setting this drama apart from all else. The documentary details of the history are in fact irrelevant to the drama, and the moral outrage it should both express and encourage. That doesn't mean we shouldn't strive to be accurate, but it does mean we should, concentrate on the dynamics within the room rather than trying to tell the whole history of the holocaust . . . [in response to Eichmann discussing "detailed logistics" in *The Wannsee Conference*] This is specifically what I never wanted to do: document the holocaust! When we began I said we will not show Jews being rounded up, mountains of shoes, gas ovens, etc., that's all been done. What makes this unique and shocking is the ordinariness of how that came into being.⁹⁵

Here, the author argues for a key distinction between *Conspiracy* and *The Wannsee Conference*: *Conspiracy* would ideally avoid much of the information-packed dialogue contained in *The Wannsee Conference*, it would not spell everything out for the viewer nor try to tell the entire history of the Holocaust in 90 minutes – a key difference between *Conspiracy* here in 2000 and the filmmakers' previous ambi-

⁹³ "Combined Notes on 4/19/00 Draft," 1.

⁹⁴ "Combined Notes on 4/19/00 Draft," 2.

⁹⁵ "Combined Notes on 4/19/00 Draft," 4.

tions with *Complicity*. At another point in this document, the author stated that “[w]e cannot simply use the Austrian [f]ilm, as the history. It’s an interesting film, but neither perfect dramatically nor historically accurate. I am only interested in it as a matter of some issues of style, and a way of avoiding some dramatic blunders. I passionately believe our script is head and shoulders above this.”⁹⁶ This passage exemplifies the production team’s difficulty of making art which they felt lived up to the gravity of the event they were portraying. Making an obviously didactic film was something they felt would be inappropriate, not just something HBO’s audiences would balk at due to not being entertaining. Frank Doelger also spoke about this aspect of HBO’s programming in an interview:

One of the great luxuries of working at HBO is that while they want to make sure, if at all possible, that things are understandable. They always try to encourage everybody to shy away from being overly expository. There are certain things you just have to assume the audience will know or you have to assume that if they don’t know them, they can get the sense of things. You don’t ever want to be in a situation where you feel that the characters are saying things simply to inform the audience. You don’t want to ever feel as if the drama is being undermined by obviousness. So I think that was very much the brief I accepted and I really tried to embrace and promote in all the films that I did. That was a question of asking yourself ‘will people go to *Conspiracy* knowing exactly who everybody is, what their roles are, how they relate to each other?’ Absolutely not. We go through getting a sense of the type of men sitting around that table, and what they were talking about, the grossness and severity of what was being discussed. So that’s – I’ve always tried to err on the side of letting the drama and the performances, the material, speak for themselves. A sense of it, rather than trying to be overly expository.⁹⁷

Doelger’s comments here echo several scholarly discussions of HBO programming and its *expectations* from the audience, that is, HBO’s assumption that audiences come to its programming with a certain degree of sophistication and prior knowledge – they are not the passive classroom audiences of children attentively staring at a projector so often seen on the covers of so many academic books about media and education.⁹⁸ And arguably, such an approach is exceedingly important when dealing with subject matter as serious and complicated as genocide. An overly didactic approach would only hamper drama and invite sneering cynicism, and if historical films want to offer something beyond mere entertainment or pure information dumps, the HBO approach discussed here offers a difficult yet rewarding path.

⁹⁶ “Combined Notes on 4/19/00 Draft,” 3.

⁹⁷ Interview with Frank Doelger, Interview with Frank Doelger, 39:36–41:53.

⁹⁸ See DeFino, *The HBO Effect*; Twomey, *Examining The Wire*; Cook, *Flood of Images*; Fisher, *Treme*.

On July 5, 2000, only a few days after the above-mentioned script review, Michael Berenbaum provided more comments on the screenplay. These focused on detailed corrections about errors still present in the script and compared its portrayal of the meeting with that of *The Wannsee Conference*, pointing out where he thought the script improved upon the older film and where it failed to. He praised the script for its improvements on the earlier film:

there is much better tension between the men [in Mandel's script]. In the Austrian film they seemed too friendly and at ease. There was no dramatic tension. In the HBO script there are asides, snide comments from some about others – a much more realistic feeling of how a group of such men – who would all be upset by any [imposition] on their authority – would act. Heydrich is [a] much more compelling figure in the HBO script – he is shown to be arrogant, threatening, politically intuitive, and mean. In the German film he is too boyish and easy going.⁹⁹

Some comments, like the one about Eichmann's claims regarding Auschwitz's capabilities, point out that "[y]ou can communicate a sense of the scope of Auschwitz without such pie in the sky descriptions of 60,000 per day. The [Eichmann] speech is too fanciful, and leaves too wide an opening for historians to criticize and *Holocaust* [emphasis in original] deniers to ridicule."¹⁰⁰ Others are more wide of the mark: "The Darwin reference is too subtle for most of the audience to capture," wrote Berenbaum, who then suggested that Mandel add a scene where Heydrich, Müller, and Eichmann discuss "changing the human species today."¹⁰¹ The reference in question is a key line from Heydrich which takes place at the meeting's end, which in this draft also references plans for British Jews after a German invasion:

HEYDRICH

For Britain, we'll ship [ovens] over, less than half a million. America, maybe they'll dispose of them themselves. And history will mark us for having the vision and the gift and the will to advance the human race to greater purity in a space of time so short that Charles Darwin would be astonished . . .¹⁰²

⁹⁹ Michael Berenbaum to Frank Doelger, July 5, 2000, Box 10, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 3–4.

¹⁰⁰ Berenbaum to Frank Doelger, July 5, 2000, 1.

¹⁰¹ Berenbaum to Frank Doelger, July 5, 2000, 1–2.

¹⁰² Mandel, *Conspiracy: The Meeting at Wannsee*, annotations and comments by Andrea Axelrod, 90.

Frank Pierson directly responded to Berenbaum's suggestion, typing "LORING: I'M NOT CRAZY ABOUT THIS BIT OF CREATIVE COMMENT" into the word processor file.¹⁰³

The historian Christopher Browning, best known for his groundbreaking study on Reserve Police Battalion 101, *Ordinary Men*, also provided comments on this draft. Browning had written his dissertation on the German Foreign Office and the Holocaust, so he was also an ideal person to contact.¹⁰⁴ Browning criticized the script's "a little too rowdy" depiction of the meeting, acknowledging that while food and alcohol were served, this version of the script contained too much of it. He also noted that "they were men in high positions who had a full afternoon of work ahead of them."¹⁰⁵ Nevertheless, Browning approved of the script's main argument: "the basic notion that the Wannsee Conference was about confirming Heydrich's leadership role in the Final Solution is correct."¹⁰⁶ Browning then commented on "small errors and questionable embellishments" contained in this draft. Most notably, he sharply criticized this draft's bizarre portrayal of Martin Luther, who is more concerned with his German shepherd than his job:

I find the whole portrayal of Luther and his dog absurd. An Undersecretary of State attending a high-level meeting does not bring his dog with him! Luther was portrayed as vulgar by the stuffy, traditional aristocrats of the Foreign Office . . . but as an extremely hardworking and modern professional manager by his own subordinates, who were quite loyal to him. This meeting would have been a huge professional opportunity for him, he was tremendously ambitious, and he would hardly have come acting in the way portrayed. Moreover, Luther suffered from chronic sinus infections, presumably allergies, and (unless you have evidence to the contrary) I do not think would have been a dog lover.¹⁰⁷

Browning was not alone – individuals at HBO also thought the inclusion of the dog was ridiculous. An undated letter from Frank Pierson to Loring Mandel (presumably from 2000) about an upcoming meeting regarding copyright issues and *The Wannsee*

103 Frank Pierson, comment on Michael Berenbaum to Frank Doelger, July 5, 2000, Box 10, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 2. Line directly typed into the file at the top of the page.

104 See Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: HarperCollins, 2017) and Browning, *Final Solution and the German Foreign Office: A Study of Referat D III of Abteilung Deutschland 1940–1943*, (New York: Holmes & Meier Publishers, 1978).

105 Christopher Browning, Letter to Ani Gasti, August 22, 2000, 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.

106 Browning, Letter to Ani Gasti, 1.

107 Browning, Letter to Ani Gasti, 1–2.

Conference ends with “they’re going to attack the dog. We must defend the dog.”¹⁰⁸ Many of the errors identified by Browning were also identified by Axelrod and other individuals commenting on the scripts. One instance, also involving Luther, was the script’s portrayal of Luther’s anger about being invited late – Browning noted that this was also incorrect, as Axelrod had also done earlier that summer, writing “ALL WRONG! Luther invited 29 Nov. 1941” on the script page.¹⁰⁹ Browning also criticized some of the informality present in this draft, mentioning that “[t]he use of first names . . . is unreal. At a meeting of this kind, everyone would have addressed each other by titles and/or last names. The Germans even now are very formal about this, and a German audience would burst into laughter at this scene.”¹¹⁰ Browning also corrected an error in the portrayal of Lange, noting that it was incorrect to have Lange report about gassing in Chełmno and instead noted that Eichmann would have been the person at the conference to discuss this topic.¹¹¹ As with *The Wannsee Conference*, *Conspiracy’s* portrayal of Wilhelm Stuckart did not match the historical record. Browning discussed this at length, arguing that this portrayal was “problematic” and noted that “[Stuckart] certainly objected to Heydrich’s proposals concerning *Mischlinge* and mixed marriages, but his own proposals (sterilization and compulsory divorce) were hardly moderate.”¹¹² He also noted Stuckart’s berating of his subordinate Bernhard Lösener as further evidence of Stuckart’s commitment to genocide, arguing that

[t]here is no ‘conversion’ that needs explaining; Stuckart is angry about Heydrich’s triumph, not policies being announced . . . Thus, as in the case of the German TV movie version, I think this screenplay fails to capture Stuckart’s position accurately. He was not against the Final Solution . . . he was against what he considered an administratively unworkable treatment of one tiny segment of the intended victims . . . I know there is a great temptation to try to thicken the plot by finding conflict and opposition, but historically the most significant aspect of the Wannsee Conf. was the almost total lack of just that (which doesn’t make particularly interesting cinema). Moreover, the portrayal of Stuckart crushed and defeated

108 Frank Pierson to Loring Mandel, undated fax or email (presumably 2000) 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.

109 Browning, Letter to Ani Gasti, 2; Andrea Axelrod, annotation of Loring Mandel, *Conspiracy: The Meeting at Wannsee*, annotations and comments by Andrea Axelrod, April 19, 2000, in possession of author, 8.

110 Browning, Letter to Ani Gasti, 2.

111 Browning, Letter to Ani Gasti, 6.

112 Browning, Letter to Ani Gasti, 4.

by Heydrich is not true. On these two narrow issues [*Mischlinge* and mixed marriages], subsequent meetings were held, and Heydrich did not get his way.¹¹³

All screenplay drafts and the final cut of the film also include Stuckart stating that the Jews “reject the Christ.” Browning commented on this incongruity, forcefully stating “I have never seen any Nazi document invoking the religious issue of Jewish rejection of Christianity as a justification for the persecution.”¹¹⁴ In her June 2000 review of the script, Andrea Axelrod also identified this error: “recognizing the Christ was hardly a merit in the anti-Church Third Reich; that would be a root of antisemitism in pre-War Germany, but not on the top of the list citable in this company in 1942.”¹¹⁵ Other script reviewers, however, seemed to overlook this error, which remains arguably the most problematic aspect of the creative liberties taken with Stuckart’s portrayal.

Saul Friedländer has offered a different view of the relationship between older Christian antisemitism and Nazism, arguing that the Nazi movement fused forms of antisemitism based on modern racial theories with the older, Christian forms into “redemptive antisemitism,” where “the struggle against the Jews is the dominant aspect of a worldview.”¹¹⁶ A likely source for this characterization of Stuckart stems from Raul Hilberg’s classic *The Destruction of the European Jews*. A key source for Mandel (it is cited extensively in the script’s endnotes), Hilberg’s first chapter, “Precedents,” discusses the longer history of Christian antisemitism in Europe.¹¹⁷ It is possible that Mandel drew inspiration for this aspect of Stuckart’s portrayal from here, as it cannot be found in biographical depictions of him either. In a 2018 interview, Mandel defended this characterization of Stuckart:

¹¹³ Browning, Letter to Ani Gasti, 4–5. For Stuckart’s conversation with Lösener, see Bernhard Lösener, *Legislating the Holocaust: the Bernhard Lösener memoirs and supporting documents*, ed. Karl A. Schleunes, trans. Carol Scherer (Boulder, CO: Westview, 2001), 111–152; Bernhard Lösener, “DOK. 56 Bernhard Lösener bittet am 19. Dezember 1941 um seine Versetzung aus dem Innenministerium, nachdem er erfahren hat, dass Juden ermordet werden,” in Susanne Heim, ed., *Band 6 Deutsches Reich und Protektorat Böhmen und Mähren Oktober 1941 – März 1943*, vol. 6, *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945* (Berlin: De Gruyter Oldenbourg, 2019), 230–233.

¹¹⁴ Browning, Letter to Ani Gasti, 5.

¹¹⁵ Andrea Axelrod, “Overall Issues Part II,” 4.

¹¹⁶ Friedländer, *Nazi Germany and the Jews*, vol 1, 86–87. For a classic account of antisemitism’s integration with modern “race science,” see George L. Mosse, *Toward the Final Solution: A History of European Racism*, The Collected Works of George L. Mosse (Madison: University of Wisconsin Press, 2020).

¹¹⁷ Raul Hilberg, *The Destruction of the European Jews*, 3rd ed., 3 vols. (New Haven: Yale University Press, 2003), 1:1–27. Many Jewish scholars attacked Hilberg for statements in this chapter which allege a history of Jewish passivity and acquiescence in the face of antisemitism.

all of the research that I had done indicated that Stuckart had been an antisemite long before the Nazis came to power. He was probably though the most legitimate – or in terms of his background – antisemite in the group. The basis of that antisemitism in earlier years had a lot to do with the Jews and the crucifixion of Christ. Stuckart at that point is very much as out of control as the character Stuckart would ever get. That comes out and I think it's perfectly fine for that to come out.¹¹⁸

In this bit of “informed speculation,” Mandel is using Stuckart as an illustration of earlier European forms of antisemitism, though his chronology is wrong – Stuckart being an antisemite before the Nazis took control of the German government does not mean that he was a throwback to the antisemitism of centuries past. Race-based antisemitism was what made late nineteenth- and early twentieth-century European antisemitism “modern,” as George Mosse, among others, has thoroughly demonstrated.¹¹⁹ Nevertheless, this version of antisemitism did indeed exploit and build on already-present Christian antisemitism.¹²⁰ At the end of his review of the *Conspiracy* script, Browning acknowledged that his comments could be seen as pedantic but argued that “critics will consult historians as to the general accuracy and will ‘pan’ the film if they get solid information about factual distortion.” Browning was only able to provide this one-time consultation and charged the production team \$600.¹²¹

In October, one month before shooting began, Ani Gasti, HBO Films’ Director of Development, compiled HBO’s answers to their own notes on the script – a combination of comments from Colin Callender, Frank Doelger, Andrea Axelrod, Gasti himself, and others – plus those from Browning and Berenbaum into a document titled “Notes Review.” In this document, Gasti indicated “how the notes are addressed in the current draft of the script (9/13/00)” and what the justifications were for comments that they ignored, though it is important to remember that a collaborative document such as this has no single author.¹²² In one instance, they responded to Michael Berenbaum’s statement about the audience possibly not understanding the script’s reference to Charles Darwin, echoing Frank Doelger’s above comments about HBO’s view of its audience: “The Darwin reference remains in the script. Poor practice to assume that the audience is insufficiently educated.”¹²³ On the other

118 Interview with Loring Mandel, March 2, 2019, 14:02–18:51.

119 See Mosse, *Toward the Final Solution*.

120 Stone, *The Holocaust*, 24–26.

121 Browning, Letter to Ani Gasti, 7.

122 Ani Gasti, “CONSPIRACY/notes review,” October 2, 2000, 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.

123 Gasti, “CONSPIRACY/notes review,” 11.

hand, this document also includes a terse response to Christopher Browning's concerns about the depiction of Stuckart as an antisemite motivated by medieval Christian ideas: "What is in the documents is irrelevant to what Stuckart might have felt or said."¹²⁴ In another response to Browning's concerns about Stuckart's attitude towards Heydrich's proposals, the document reads "[n]ot changed. Browning seems to have missed the point that Stuckart feels his work [the Nuremberg Laws] is being trampled on."¹²⁵ They also responded to Berenbaum's concerns about Eichmann's statements on Auschwitz's killing capacity: "[a]lthough the numbers reached such a high count, we cannot correct Eichmann's figures since they were his projections for what was possible."¹²⁶ In another response to Berenbaum, the producers wrote "[w]e intentionally do not use 'the actual language' because it is not natural as dialogue. Also, it never was the actual language of the meeting since the language of the document was a summary that was twice revised."¹²⁷

4 The Remake Question

HBO was keen to avoid the impression that they simply made a remake of *The Wannsee Conference*. In most of the archival documents and in all interviews for this study, the members of *Conspiracy*'s production team referred to *The Wannsee Conference* as an "Austrian" film. This likely has to do with ORF's status as co-producer and, as Peter Zinner himself was an Austrian exile, perhaps a bit of local patriotism influenced this error. Zinner was the individual who saw *The Wannsee Conference* and brought it to Frank Pierson, after all.¹²⁸ In a message to Mandel, Pierson discussed HBO's legal department and the reason why it was concerned:

I have a deep misgiving about this meeting on or about the 10th [presumably of October 2000]. In an effort to get hold of a copy of the German film someone at HBO called the distributor, who said something like oh, are they going to remake my film? How much are they going to pay me? I sense that we are going to go through a detailed grilling about what elements are common between us and them, and everything in common will be subject to question. Overall, I see little, especially since I'm doing it in quite a different style and of course there is a

¹²⁴ Gasti, "CONSPIRACY/notes review," 13.

¹²⁵ Gasti, "CONSPIRACY/notes review," 13.

¹²⁶ Gasti, "CONSPIRACY/notes review," 11.

¹²⁷ Gasti, "CONSPIRACY/notes review," 11.

¹²⁸ See 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)

historical background in the public domain that no one can claim as copyright, but nonetheless I expect the meeting to be long and irritating.¹²⁹

As discussed above, HBO's legal department was also concerned that the inclusion of a dog in the script was too similar to *The Wannsee Conference*, which featured Rudolf Lange bringing his vicious German shepherd to the meeting. For the department, the subplot with Luther and his dog was too similar to the earlier film, which Pierson mentioned in the same message.¹³⁰ In a memo from HBO's legal department, "Luther bringing his dog to the meeting (including concerns re: dog being sick, dog biting cook, Luther leaving the meeting to check on the dog, dog being fed to stop barking, final scene between Luther and dog" were listed as potential problems, though they noted if the dog plot was (among a few others) "revised or supported, we can live with the remaining similarities."¹³¹ In short, it appears that the ridiculous scenes with Martin Luther's dog fell victim to the combined efforts of HBO's legal department and Christopher Browning's criticism.

HBO's legal department also agreed with Christopher Browning's concerns about the amount of drinking depicted in the script, which listed "pre-meeting drinking" and "dialogue regarding quality of liquor" in their list of "historically unsupported similarities between screenplay and film," with "film" referring to *The Wannsee Conference*.¹³² Although historians now largely accept that drinking took place at the Wannsee Conference, there are disagreements about how much took place, as evidenced by Browning's comment about the script's "rowdy" atmosphere.¹³³ For example, Mark Roseman ends his account of Wannsee noting that "sipping their cognac, the Staatssekretäre really had cleared the way for genocide."¹³⁴ Edward B. Westermann opens *Drunk on Genocide*, his study of alcohol and the Holocaust, with an account of Heydrich and Eichmann enjoying a cognac at the conference's end but does not mention the other participants drinking during the conference.¹³⁵ Most mentions of the conference's atmosphere cite Eich-

129 Frank Pierson to Loring Mandel, undated fax or email (presumably 2000) 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.

130 Frank Pierson to Loring Mandel, undated fax or email (presumably 2000), 1.

131 "CONSPIRACY – copyright concerns," October 9, 2000, Box 10, Folder 8, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

132 "CONSPIRACY – copyright concerns," 1.

133 Browning, Letter to Ani Gasti, 1.

134 Roseman, *The Wannsee Conference*, 110.

135 Westermann, *Drunk on Genocide*, 2.

mann's interrogation and trial transcripts, as well as his memoir *Götzen*, for this depiction.¹³⁶ A further legal department memo catalogued every instance of food and alcohol in *The Wannsee Conference*.¹³⁷ Indeed, a comparison of earlier script drafts with the released version reveals that *Conspiracy* had a few more lines about specific French wines, for example, but the overall tone does not change. When compared with *The Wannsee Conference*, *Conspiracy* has much less of a fraternity party atmosphere, with the former film often including scenes of characters laughing it up. If anything, *Conspiracy* uses drinking to illustrate the RSHA winning the day and bringing bureaucrats in line, with Schöngarth and Lange indulging before the meeting and the former enjoying a celebratory cigar.

The legal team also discussed whether or not the conflict between Stuckart and Klopfer – also present to a smaller degree in *The Wannsee Conference* – constituted a copyright concern.¹³⁸ As late as November 1, Ani Gasti stated that “Loring might want to look at the real similarity of dialogue, but the premise, I still think, is okay. I still protest VOCIFEROUSLY, however, against Stuckart’s marking the comment about ‘rejecting the Christ,’ which Browning, the guy at Wannsee Haus [Wulf Kaiser or Norbert Kampe] and I (humbly) have all said is absurd in this context.”¹³⁹ But by this late point in production, the script was nearing its final stage and filming was about to begin.

5 Casting and Rehearsal

Historian Stefanie Rauch has noted *Conspiracy*’s “peculiar Britishness” due to its heavily British cast, with the exception of Stanley Tucci.¹⁴⁰ Frank Pierson credited UK Casting director Gilly Poole with finding actors that fit the parts, saying “that’s the richness of the London theater. You know, you’re just up to your ass in wonderful, wonderful Actors.”¹⁴¹ Pierson also described auditions in London:

¹³⁶ These are reprinted in Kampe and Klein, *Die Wannsee-Konferenz*.

¹³⁷ Steven M. Blacher to Kim Hershman, “The Wannsee Conference – Portrayal of Drink/Food,” October 10, 2000, Box 10, Folder 8, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

¹³⁸ Steven M. Blacher to HBO Legal, October 26, 2000, in Andrea Axelrod Private Archive, New York City, New York.

¹³⁹ Andrea Axelrod to Frank Doelger, November 1, 2000, in Andrea Axelrod Private Archive, New York City, New York, 1–2.

¹⁴⁰ Rauch, “Understanding the Holocaust through Film,” 165.

¹⁴¹ Pierson, “Visual History with Frank Pierson,” Chapter 4, Clip 2, 2:17.



Figure 6.4: David Threlfall (Wilhelm Kritzing) after lunch on location at Wannsee, November 30, 2000. Photo courtesy Norbert Kampe.

[The actors] did come in and they read. And then we would talk and then they would read a little bit more. [INT: And what would they—would they read the scenes from the characters that they're playing in there?] Yeah, yeah. Some of them, you know, they only have one line, you know, it was really difficult to do that so I just really had to just have them do my usual thing, conversing with them and looking at them and just getting that feeling that they emanated, you know? This is a guy, this is a military officer. [INT: There's one guy who—] This is an officer with a conscience, you know? And that kind of thing.¹⁴²

Pierson originally wanted Timothy Spall for the role of Stuckart, but prior commitments dampened his hopes.¹⁴³ David Threlfall (Figure 6.4) initially got the role

¹⁴² Pierson, “Visual History with Frank Pierson,” Chapter 4, Clip 2, 2:17.

¹⁴³ Pierson to Loring Mandel, undated fax or email (presumably 2000), 1.

but was replaced by Colin Firth. In an interview for the Directors Guild of America, Pierson described the awkward situation:

I'd already cast [David Threlfall] and it became a condition on HBO's part of—if they were gonna go ahead with it, to convince that actor to move over, to make room for Colin [Colin Firth]. That was one of the more difficult things I've done in my life.¹⁴⁴ . . . I took him to dinner. And I said – and I didn't put this on HBO. You have to take the responsibility yourself and so I said, "Listen, you know I've been rethinking. And I would really like you to do this other role." And [Threlfall] said, "You know, I really took this job on the condition that I'd play [Stuckart], and it's a very interesting role for me and that's what I would like to do." I said, "I know you'd like to do it. But I really think that we need what you can bring to it in this other role," one thing and another. And at the end of, you know, after buying a few Scotches for him and one thing and another, he finally said, "Well, you know? I really want to be part of this. I like what is happening here. And if that's the condition," and so on, "I'll accept your better – your judgment. And let's hope you're right." I said, "I know I'm right. I know I'm right." [INT: He also–] So he . . . and he brought that part off and made room for Colin [Colin Firth].¹⁴⁵

As a result of this situation, and likely as a thank-you to Threlfall, Mandel expanded some of Kritzingner's role in the script:

I improved the Kritzingner role. I made it a bigger role in the script, but not without [sic] in any way violating what we knew about what happened in the story. But you know, every moment in a script is a choice. The choice of whether to do another little bit about this guy or reveal another separate moment with this guy. So, I gave more of those moments to Kritzingner and got Colin Firth to play Stuckart.¹⁴⁶

In a similar situation, Stanley Tucci originally wanted the role of Heydrich before it was given to Kenneth Branagh: "it was very hard to convince him to play–[INT: Eichmann?]-to play Eichmann, but he finally, he finally agreed to do it – but it took a lot of arm-twisting."¹⁴⁷

Tucci, the cast's only American, was forty years old at the time and best known as a character actor, but he was also an accomplished director and writer, most notably of *Big Night* (1996), a comedy about Italian immigration to the US and food. Tucci had already worked on an HBO historical film, winning an Emmy for his role as the journalist Walter Winchell in the 1998 drama *Winchell*.¹⁴⁸ In an interview on the CBS *Early Show*, Tucci stated that HBO and Pierson directly approached him re-

¹⁴⁴ Pierson, "Visual History with Frank Pierson," Chapter 4, Clip 7, 8:02.

¹⁴⁵ Pierson, "Visual History with Frank Pierson," Chapter 4, Clip 8, 11:05.

¹⁴⁶ Interview with Loring Mandel, Somers, New York, April 5, 2018, 1:03:23–1:06:40.

¹⁴⁷ Pierson, "Visual History with Frank Pierson," Chapter 4, Clip 1, 0:00.

¹⁴⁸ Paul Mazursky, *Winchell*, Biography, Drama, Romance (HBO Films, Fried Films, 1998).

garding the role in the summer of 2000.¹⁴⁹ Loring Mandel met with Tucci at his upstate New York home to discuss the role and recalled Tucci being “very serious” about it; the actor had already read several books on Eichmann.¹⁵⁰ In a message to Frank Pierson responding to the September 13, 2000 script draft (and the only document penned by a cast member contained in the Loring Mandel collection), Tucci discussed his ideas for the character. Some of these ideas made it into the film, others were ignored. Tucci expressed several concerns, arguing that “more work is necessary to make [Eichmann] a complete character.”¹⁵¹ First, Tucci claimed that according to the “many sources” (he names no titles) he had been reading on Eichmann portrayed him “as a heavy drinker and smoker,” and thus the final scene by the fireplace, in which Heydrich “practically orders” Eichmann to take a drink, “seems overly simple and ultimately redundant with regards to their relationship.” Tucci instead suggested that Eichmann begin drinking without waiting for his superior, followed by a comment from Heydrich about it, a discussion about wine ending with Heydrich “pulling rank” on Eichmann.¹⁵² Tucci advocated this change in order to portray Eichmann as a more complicated figure, which he forcefully did in his letter to Pierson:

This would allow us a glimpse of another side of Eichmann. We need to see him as a human being. That to me is what this film is all about. That these were men, like you and me, with families etc, etc. They were not monsters. That is what is so terrifying. Therefore we need go find the humanizing aspects of Eichmann. And I don't mean the sympathetic aspects. As he is written now, Eichmann is still too much one note. He is efficient and dry. As I suggested a while back I think we need to create little pieces here and there that show us glimpses of other sides of him. I still feel that the exchange with the secretary and Klopfer should be Eichmann's (as he was supposedly somewhat of a ladies man), because it would show us another color, quite unexpected . . . With each one of these pieces, each little glimpse we must start to see a complicated man taking shape. A man who was capable of becoming what he became. Since the film focuses only on the conference we don't have the opportunity to see him in a variety of settings and situations' so we have to create them on [a] smaller more intimate scale. As of now I do not think it is there. By all accounts he could be very charming, even warm, he would suddenly fly into fits of rage and could be incredibly cold and cruel. How do we catch sight, even a little, of all of these aspects that exist beneath the guise [of] a dry and efficient organizer. I don't think that there is enough there yet for

149 Transcript of Interview with Stanley Tucci, *The Early Show*, May 15, 2001, Box 15, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 2.

150 Interview with Loring Mandel, March 2, 2019, 41:23–55:24

151 Stanley Tucci to Frank Pierson, undated (most likely late 2000) 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.

152 Tucci to Frank Pierson.

me to sink my teeth into. There are not enough colors. I hope you know that I write this not to make waves or be a pain in the ass, but because I want him and the piece to be as complex and as rich as possible.”¹⁵³

Tucci's desire for smaller scenes illustrating Eichmann's complexity reflects one of the aspects that *Conspiracy* arguably excels at most: small, intimate scenes between characters which complicate the audience's view of the Wannsee participants. These are not one-dimensional villains out of a pulp novel or action movie, contrary to what some critics and journalists continue to allege about the American film industry and its portrayal of Nazis, a now-exhausted stereotype that was already outdated when *Holocaust* aired in 1979.

During HBO's publicity campaign, Tucci gave several interviews about *Conspiracy* and his role. HBO's official press release introduces Eichmann by referencing Arendt's "banality of evil" concept and quotes Tucci's characterization of the genocidaire: "[Eichmann's] personal technique with people was to be more silkily persuasive, and he often played the card of self-deprecation and modesty. He was different in that way from Heydrich."¹⁵⁴ Tucci also noted that the televised Eichmann trial "had a huge impact on people and is why Eichmann is such a well-known player."¹⁵⁵ On PBS's *Charlie Rose*, Tucci stated that he "was most desirous to understand [Eichmann], and then I realized that I couldn't the more I read. And I realized that I don't think anybody could," alluding to historiographic debates about Eichmann. He further noted that Eichmann's humanity was central to the power of *Conspiracy*: "In the end, my goal – my job was to simply make him human, and to simply make him – which would make him more horrible . . . and more incomprehensible."¹⁵⁶ Tucci also summed up the historiographical consensus on the Wannsee Conference's purpose:

That's the thing that the piece shows is all those – all that little sort of infighting, all that – all people vying for different positions of power within this structure. That's the thing that makes this film so interesting also is that you see these very complicated relationships sort of unfold before your eyes and how they change during the course of this hour and a half.

153 Tucci to Frank Pierson.

154 Stanley Tucci, quoted in HBO Films, "Kenneth Branagh and Stanley Tucci Star in HBO Films' *Conspiracy*, Debuting May 19," April 5, 2001, Box 15, Folder 6, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin. 3.

155 Tucci, quoted in HBO Films, "Kenneth Branagh and Stanley Tucci Star in HBO Films' *Conspiracy*, Debuting May 19," 3.

156 Transcript of Interview with Stanley Tucci, *Charlie Rose*, April 19, 2001, Box 15, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 5.

And how everybody comes in with their own agenda, their own personal agenda but also their own sort of political agenda. They have their job to do. And when they come in, they all have these different agendas, and suddenly by the end the walk out sort of with the same problems but they know that they're all under now the aegis of the S.S.¹⁵⁷

Here, it is remarkable to see one of the film's stars correctly summarizing historians' consensus about Wannsee as a demonstration of Heydrich and the RSHA's power, in contrast to other promotional material on the film, which either implied or outright stated that the decision to exterminate all European Jews was made at Wannsee.¹⁵⁸

In contrast with Stanley Tucci's more intellectual statements on the film, Kenneth Branagh discussed how the Heydrich role negatively affected his mental health.¹⁵⁹ Branagh also mentioned that he had lost sleep due to the role, stating in an interview for the *Jewish Journal*: "I just felt this underlying revulsion at what happened and at the man himself. I didn't want to say the lines. It was the most disturbing experience of my 20-year acting career."¹⁶⁰ In the same interview, Branagh described Heydrich as an unideological, potentially disturbed individual:

We were looking for elements that would lend to an understanding of his behavior, whether it be a childhood trauma or some physical or mental disability, but nothing seemed to make psychological sense . . . My previous experience of playing somebody quite so dark and evil was Iago in [the Castle Rock film of] 'Othello,' . . . yet, inside that part are many motivations – sexual jealousy, thwarted ambition – that you might regard as human, however unappealing. But I didn't find that with Heydrich. It was very difficult to discover what was human inside him . . . he relished power, his ability to judge and be ruthless with people . . . I didn't even think he had any deep-rooted hatred against the Jews. I think that if he had been asked to get rid of 11 million tennis players, he would have done it with exactly the same efficiency and skill.¹⁶¹

Loring Mandel later expressed disappointment with Branagh's statements and performance:

157 Transcript of Interview with Stanley Tucci, *Charlie Rose*, 7.

158 See the film's taglines: "One of The Greatest Crimes Against Humanity Was Perpetrated in Just Over an Hour" and "One Meeting. Six Million Lives." – IMDb. "Conspiracy," <https://www.imdb.com/title/tt0266425/taglines> (accessed November 12, 2019).

159 See David Gritten, "When the Job Is Odious," *Los Angeles Times*, May 13, 2001, <https://www.latimes.com/archives/la-xpm-2001-may-13-ca-62810-story.html>.

160 Naomi Pfefferman, "Planning the Holocaust," *Jewish Journal*, May 17, 2001, <https://jewishjournal.com/culture/arts/4312/>.

161 Pfefferman, "Planning the Holocaust."



Figure 6.5: Stanley Tucci (Adolf Eichmann) looking through a viewfinder on site in Wannsee. Frank Pierson is visible on the far right. November 30, 2000. Photo courtesy Norbert Kampe.

We – Frank and I – feel that we failed to get from Kenneth Branagh an agreement to do the character as someone who really needed for his own plans and his own ego to get a validation from this meeting. Kenneth never came to an agreement with us about what was the heart of Heydrich and he made in interviews – subsequently he talked about his difficulty with really becoming convinced of Heydrich's character. We felt that was important for the script – for the situation as we knew it. Heydrich was in competition to be the guy that Hitler was going to turn to more than the others and he felt this was his avenue to improve his position. So there had to be just that little bit of anxiety to make this work in his character. And that is the one thing that Branagh could not either accept or perform.¹⁶²

The actors rehearsed for three weeks on set in Shepperton – and in costume. Frank Pierson and cinematographer Stephen Goldblatt settled on filming with

¹⁶² Interview with Loring Mandel, Somers, New York, April 5, 2018, 1:12:20–1:14:18.

Super 16mm cameras which were smaller and unobtrusive, important when filming close-ups of conversations around a table: “we moved right into that set and we rehearsed at the table and my idea was that every shot would be – we would run out the magazine, so every shot was ten minutes long. Which gave the actors the maximum kind of ability to play it the way they might be doing it on-stage.”¹⁶³ Pierson consulted Sidney Lumet, who had directed *Dog Day Afternoon* (which Pierson had written) about ways to film the conference. Lumet was best known for *12 Angry Men*, a film Mommertz also counted as a key influence on *The Wann-see Conference*:

of course I went and looked at 12 ANGRY MEN and I had a long talk on the telephone with Sidney Lumet. And I didn't want to do it the way he did that, and so on, which was, he spent a week shooting this way, and a week shooting this way, and a week shooting this way, and a week shooting that way. So my feeling was, that we needed – it's like a musical rhythm. That there's a period of time when they are anchored at the table and they can't move and they can't move, and so on. And it builds to a certain point of tension in the dramatic line of the piece; the narrative itself. And when it reaches that point, and so on, I wanted to release that pressure and get them up and moving around, da da da da, and so on, and now, “Let's go have something to eat,” and so on, and then he gets them back down, and so on. So you have the feeling that [Heydrich] is the guy, you know, the lion tamer with a whip. And he's the one who's controlling the situation 'cause he tells them when to get up and when to sit down. [INT: And that was in the script, or did it involve–] It was in the script.¹⁶⁴

The actors would rehearse these long scenes while Pierson and Stephen Goldblatt would watch via video feed:

The DP [Director of Photography] and I and all the rest of us were outside on the set, entirely watching it on video. But the actors were in there, in their costumes, with their material and so on for the most maximum kind of – so it was the least like a, a movie set as it could possibly be and as close to the actuality of what it must have been to be there at that table. They found it very difficult because every once in awhile, they would begin to get a sense of what it was they were actually saying. The first day of rehearsal Kenneth [Kenneth Branagh] came to me and we had our first reading and so on, and I said, “Listen, just read through – let's just go,” you know? So we did it. I didn't stop for anything. We just wanted to see what everybody did and one thing and another.¹⁶⁵

Pierson also revised the seating arrangements around the table (discussed in Chapter 5), which he rearranged during rehearsal:

¹⁶³ Pierson, “Visual History with Frank Pierson,” Chapter 4, Clip 9, 12:06.

¹⁶⁴ Pierson, “Visual History with Frank Pierson,” Chapter 6, Clip 7, 09:46.

¹⁶⁵ Pierson, “Visual History with Frank Pierson,” Chapter 4, Clip 9, 12:06.

Mostly what I was interested in at that point was the seating around the table; whether or not, you know, it would change anything to move the people and so on. And, as a matter of fact, I did exchange – Eichmann [Stanley Tucci], I moved up to be next to – to Kenneth [Kenneth Branagh]. [INT: So initially, you didn't have Eichmann next to him?] No, not to – not when I first started, but – [INT: Did you have him opposite him? Or where did you put him?] No, I had him separated by one of the characters so that he was closest to the—the-[INT: The typist, or—] the stenographer [Simon Markey].¹⁶⁶

Ian McNeice (Klopfer) also mentioned experts being brought in to brief the actors on the history they were reenacting and to help them research their roles, stating that “any research is very useful as an actor because it just gives you a grounding, a bedding of somewhere . . . it sort of gives you, sort of, a comfort zone, underneath, that you do know a little bit more about the subject.”¹⁶⁷

During rehearsal, one issue did appear regarding dialogue. That autumn, in a response to some of Colin Callender's suggestions about the script's language, which asked for Mandel to replace the word “fucking” with “bloody,” the answer was simply “[n]ot done so that script maintains consistency of American English throughout.”¹⁶⁸ According to Loring Mandel, this emphasis on American English, which was to have been portrayed as a type of Transatlantic accent common in older Hollywood films, was something the mostly British cast rebelled against:

In *Conspiracy*, at the outset we decided that we tried to – we wanted to create a totally unaccented English, which we thought was the most honest way of reproducing the original event, the Wannsee Conference. We thought that having English actors speaking in German accents was kind of ridiculous. It didn't make sense. They were obviously not German and so we – we tried to do it as a translation that took away the ethnicity. For the first 2 days of rehearsal in London we had a speech instructor from the Royal Theatre – the Royal Academy come to try and teach all of these British actors how to speak unaccented English. The actors all revolted and they told Frank [Pierson], the director, that if he continued to have this woman there, they would strike! And so, they got rid of [her] and [the actors] just tried to do it as naturally as they could.¹⁶⁹

Ian McNeice confirmed this account in a 2005 interview:

during that week they brought in a voice coach, because they decided that they were trying to work out (because it was, because we were all Germans) what they should do. I mean,

¹⁶⁶ Pierson, “Visual History with Frank Pierson,” Chapter 4, Clip 9, 12:06.

¹⁶⁷ Interview with Ian McNeice by Derek Paget, June 23, 2008, 3.

https://www.reading.ac.uk/web/files/ftt/Ian_McNeice_23rd_June_2008.pdf

¹⁶⁸ Ani Gasti, “CONSPIRACY/notes review,” October 2, 2000, Box 10, Folder 7, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 10.

¹⁶⁹ Interview with Loring Mandel, April 5, 2018, 10:25–13:49.

were we going to do German accents? . . . And so, I think the brief at the beginning was that it wouldn't be German accents, but it would be some type of different accent . . . be given a flavour. Which was hopeless, I mean no one could hit on the right accent, so there was a revolt in the end. And I think she went her way and we were able to do it exactly the way we wanted to do it, really, which is much better . . .¹⁷⁰

By early November, rehearsals wrapped and it was time for filming to begin at Shepperton Studios in London and at the Wannsee villa in Berlin.



Figure 6.6: Filming at the Villa Gate, November 30, 2000. Signage for the memorial entrance as well as a cameraman filming from a crane are visible. Photo Courtesy Norbert Kampe.

6 Filming in London and Berlin

Conspiracy had a twenty-two-day shoot in November and December 2000. After a few days of rehearsals and read-throughs, filming began at Shepperton Studios,

¹⁷⁰ Interview with Ian McNeice by Derek Paget, 4.

London on November 2.¹⁷¹ Production later moved to Berlin for exterior shots at Wannsee from November 27 until December 1.¹⁷² Shepperton Studios had been an important location for HBO productions since the early 1990s, with the studio “[adopting] a more embracing attitude towards television.”¹⁷³ *Conspiracy* was one of the “smaller films” that filmed in that busy year for Shepperton, with more expensive international productions like *Bridget Jones’ Diary*, *Spy Game*, *Chocolat*, and *The Mummy Returns* all shooting at the studio.¹⁷⁴ No records pertaining to HBO’s financial arrangement with the BBC remain in the Loring Mandel collection, but it is likely that the production received tax breaks for shooting in the UK and employing UK cast and crew, as Simone Knox has discussed in an article on *Band of Brothers*, an HBO miniseries also shot in the UK that year, primarily on a set built in the town of Hatfield.¹⁷⁵ HBO would continue to film its “runaway productions” in locales outside of Hollywood and New York in exchange for large tax breaks and public money throughout the 2000s, a practice which arguably reached its zenith in post-Katrina New Orleans as the city rebranded itself as “Hollywood South.”¹⁷⁶ HBO set large projects like the series *True Blood*, *Treme*, and *True Detective* in Louisiana, and many other production companies relocated to the state.¹⁷⁷ A similar arrangement was occurring in the UK during the late 1990s, and *Conspiracy* was a part of this wave – even if the production team had agreed on hiring British actors early on in the writing process. HBO paid its British cast members in *Band of Brothers* lower salaries than their American counterparts, though the British cast had secured more favorable royalty payments due to guild negotiations.¹⁷⁸ A similar arrangement arguably applied to *Conspiracy*, the star power of Kenneth Branagh

171 Labrador Film Productions Ltd, “Conspiracy: The Meeting at Wannsee” Call Sheet No 02, November 2, 2000, Box 15, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin, 1.

172 Labrador Film Productions Ltd, “Conspiracy: The Meeting at Wannsee” Revised Schedule, November 15, 2000, Box 15, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

173 Gareth Owen, *The Shepperton Story*, (Stroud: The History Press, 2009), 249.

174 Owen, *The Shepperton Story*, 272.

175 Knox, “Bringing the Battle to Britain.”

176 A “runaway production” is an American film industry term which refers to the practice of shooting an film or television program outside of Hollywood, usually for financial reasons. Typical examples would include the many productions shot in Vancouver, British Columbia which, although shot in Canada, take place in the US. Current productions often shoot in the Atlanta, Georgia area in order to save on costs.

177 See Vicki Mayer, *Almost Hollywood, Nearly New Orleans: The Lure of the Local Film Economy*, (Oakland: University of California Press, 2017) and Helen Morgan Parmett, *Down in Treme: Race, Place, and New Orleans on Television*, (Stuttgart: Franz Steiner, 2019).

178 Knox, “Bringing the Battle to Britain,” 324–326.

and Colin Firth notwithstanding. Simone Knox has also noted that such arrangements between HBO and the BBC complicate conventional notions of “co-production,” arguing that *Band of Brothers* can be “more meaningfully understood as a US runaway production made in the UK (that was, or eventually became, defined as British) than as a co-production.”¹⁷⁹ As *Conspiracy* filmed at Shepperton Studios during the same period as *Band of Brothers*, and, apart from US-based British producer Colin Callender and consultants like Alasdair Palmer, contained an almost exclusively American pre-production team (this would change once filming was imminent, with the addition of Nick Gillott of Labrador Films as a producer and Stephen Goldblatt as cinematographer), it also fits into Knox’s definition of a runaway production. In a recent interview, Stanley Tucci recounted his difficulty playing Eichmann while at Shepperton Studios, arguing that the script’s very lack of emotion was mentally taxing:

Part of the way through shooting, I was really having difficulty remembering the lines. It was hard. I talked to Ken [Branagh] about it and Ken said that he was having trouble, too. And then we realized that because there was nothing to connect to, you had no emotional connection, it was very hard. You finished at the end of the day, and it felt like you hadn’t done anything, but you were exhausted. More exhausted than if you had a big emotional scene. And you realize that it was because there was nothing to cling to, you were lost. These people didn’t feel anything.¹⁸⁰

On Monday, November 27, the team moved to Berlin for five days of shooting. These included all exterior shots at the Wannsee villa, Heydrich’s plane flying over the villa and landing, and the later cut scene of Eichmann bowling in Bratislava. A production schedule document notes that the crew only had around eight hours of daylight due to the time of year.¹⁸¹ The production team had been in contact with the Wannsee Memorial during pre-production, but also had previously been in touch during 1998, via their then-partners at UFA.¹⁸² In October, 2000, Andrea Axelrod contacted the head librarian, Gaby Oelrichs, with various

¹⁷⁹ Knox, “Bringing the Battle to Britain,” 316.

¹⁸⁰ Miller, *Tinderbox*, 377–378.

¹⁸¹ Labrador Film Productions Ltd, “Conspiracy: The Meeting at Wannsee” Revised Schedule, November 15, 2000, Box 15, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

¹⁸² Marcus Loges to Nellie Nugiel, “AW: WANNSEE CENTER,” Folder 15, September 1, 1998, Frank R. Pierson Papers, Academy of Motion Picture Arts and Sciences, Margaret Herrick Library, Beverly Hills, California, 1.

questions about the conference.¹⁸³ A handwritten note on the printed-out email indicates that Axelrod had also contacted Wulf Kaiser, a historian then employed by the memorial's education department.¹⁸⁴ Norbert Kampe, then-director of the memorial site, received copies of Mandel's script drafts and commented on them.¹⁸⁵ The memorial also provided Andrea Axelrod and Labrador Films with photos and biographies of all the participants.¹⁸⁶ Members of the production team, including Nick Gillott of Labrador Films, met with Kampe at the memorial site in the last week of August 2000. A fax from Gillott also confirms that Frank Pierson traveled to Wannsee repeatedly before filming.¹⁸⁷

In a June email to Axelrod, Oelrichs noted that the owner of the Wannsee villa, Ernst Malier, was not Jewish (as earlier script drafts still indicated), that the villa had been sold to Stiftung Nordhav at "market price," and that the weather was at the freezing point with "a little bit of snow covering the ground" during the conference. Oelrichs also stated that "Heydrich did indeed fly his own plane to Berlin but landed at Gatow airport and then took a car out here which might have taken 45 minutes at the time."¹⁸⁸ Most negotiations for shooting on location went through Labrador Films, with Nick Gillott as the Wannsee Memorial director Norbert Kampe's chief contact person. Gillott offered the memorial site a donation of 30,000 Deutschmark (21,000 Euro adjusted for inflation in 2021).¹⁸⁹ Gil-

183 Andrea Axelrod. "Conspiracy: Script Review," June 23, 2000, Box 10, Folder 8, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin. 2.

184 "URGENT: emergency questions," Email from Andrea Axelrod to Gaby Oelrichs, October 9, 2000, in Andrea Axelrod Private Archive, New York City, New York, 1–2.

185 Loring Mandel, *Conspiracy: the Meeting at Wannsee*, Shooting Draft, October 20, 2000, in Ordner 0, Korrespondenz Norbert Kampe mit Labrador Film, Bestand Paul Mommertz, Joseph Wulf Mediothek, Gedenk- und Bildungsstätte Haus der Wannsee-Konferenz, Berlin.

186 Norbert Kampe, "The Participants of the Wannsee Conference," 2001, in Ordner 0, Korrespondenz Norbert Kampe mit Labrador Film, Bestand Paul Mommertz, Joseph Wulf Mediothek, Gedenk- und Bildungsstätte Haus der Wannsee-Konferenz, Berlin; Andrea Axelrod to Frank Doelger, "RE: Conspiracy - characters, bibliography, background," June 22, 2000, Box 13, Folder 2, Loring Mandel Papers, 1942–2006, M2006-124, Wisconsin Center for Film and Theater Research, University of Wisconsin-Madison, Madison, Wisconsin.

187 Nick Gillott to Norbert Kampe, September 5, 2000, in Ordner 0, Korrespondenz Norbert Kampe mit Labrador Film, Bestand Paul Mommertz, Joseph Wulf Mediothek, Gedenk- und Bildungsstätte Haus der Wannsee-Konferenz, Berlin.

188 Email from Gaby Oelrichs to Andrea Axelrod, June 21, 2000, in Andrea Axelrod Private Archive, New York City, New York.

189 Nick Gillott to Norbert Kampe, October 4, 2000, in Ordner 0, Korrespondenz Norbert Kampe mit Labrador Film, Bestand Paul Mommertz, Joseph Wulf Mediothek, Gedenk- und Bildungsstätte Haus der Wannsee-Konferenz, Berlin, 1–2.

lott also mentioned that the team would remove “the reference to the Jewish owners,” in the script, an error which Kampe and Oelrichs had clearly notified them about.¹⁹⁰ It appears that the errors in the script which Kampe and other employees of the Wannsee Memorial identified were minor enough for them to still agree to filming at the memorial. In an interview, Kampe stated that allowing filming on location was worth it as this could increase international attention for the Wannsee Conference and for the site – refusing to grant permission would have been the wrong move as the memorial’s director. He also mentioned that it was impossible to allow the production to film inside the memorial because it would have meant shutting down the exhibit and public access for an inordinate amount of time.¹⁹¹ In a cover letter for a revised script – dated after Kampe signed the contract for filming on location – Labrador Films production secretary Stephanie Dölker stated “I hope that we have eliminated most of the mistakes.”¹⁹² The contract between Labrador Films and the Wannsee Memorial stipulated that the production team could access the site for two days of preparation and at least four days of filming, plus a final day to clean up. The contract also finalized the donation of 30,000 DM and granted the production teams exclusive copyright over images produced at the villa and also freed the memorial from any liability for damages caused by the production.¹⁹³

In preparation for filming, the Wannsee Memorial needed to coordinate with various Berlin authorities. The local Berlin police precinct expressed reservations (“[the precinct captain] and the police, respectively are less than thrilled”) about Nazi flags potentially flying at the villa and Nazi symbols being displayed on the vehicles used during filming and suggested closing the streets leading to the memorial site. The same message indicated that a helicopter flyover required permission from the Federal Aviation Office (*Bundesluftfahrtamt*) and had to occur at an altitude of at least 150 meters.¹⁹⁴ Kampe later noted that the artificial snow used by the produc-

190 Gillott to Norbert Kampe, October 4, 2000, 2.

191 Interview with Norbert Kampe, July 25, 2018, Gedenkstätte Haus der Wannseekonferenz, Berlin. 01:00–03:28.

192 Stephanie Dölker to Norbert Kampe, November 1, 2000, in Ordner 0, Korrespondenz Norbert Kampe mit Labrador Film, Bestand Paul Mommertz, Joseph Wulf Mediothek, Gedenk- und Bildungsstätte Haus der Wannsee-Konferenz, Berlin.

193 Location Contract between Labrador Film Productions Ltd. and Gedenkstätte Haus der Wannseekonferenz, October 23, 2000, in Ordner 0, Korrespondenz Norbert Kampe mit Labrador Film, Bestand Paul Mommertz, Joseph Wulf Mediothek, Gedenk- und Bildungsstätte Haus der Wannsee-Konferenz, Berlin.

194 Michael Haupt to Norbert Kampe, “Bewachung,” October 6, 2000, in Ordner 0, Korrespondenz Norbert Kampe mit Labrador Film, Bestand Paul Mommertz, Joseph Wulf Mediothek, Gedenk- und Bildungsstätte Haus der Wannsee-Konferenz, Berlin.

tion team was very difficult to remove and that local firefighters had to be called in to help remove it.¹⁹⁵

The production team also provided Kampe with photos of the set in Shepperton (Figures 6.8 and 6.9) in order to show how they had recreated the meeting room based on a comparison photo from 1922 (Figure 6.7). Rebecca Weeks has argued that historians often overlook how key art departments, including set designers, are for historical filmmaking, noting the vast amount of research required. For her, “production design must express a specific historical time and place . . . while also maintaining an ‘invisible neutrality.’”¹⁹⁶ In an interview for this study, Frank Doelger discussed the set design at length:

We had photographs of the house, not exactly of the period, so in terms of what we were creating, we had a pretty good blueprint for that. I remember something that the production designer [said]. I came in and was absolutely fascinated because the production designer had furnished the conference room with furniture from different periods. I said, “I’m curious, could you explain the choice to me.” He (production designer Peter Mullins) said, “Well in my experience when I’ve gone around looking around houses, people add things at different times. So you may have a dining room or a room in a house that was furnished in one period, the 1920s, the 1930s, but there could have been someone who came along in the early 1940s who had seen a chair which was slightly more modern and added that.” So I think for me that was interesting that you try to start with the archives and the images you have out there, but you have to use your own creative judgement and imagination and think how they may have been changed. So that’s a question of getting what we can get right, right.¹⁹⁷

Little archival documentation of shooting survives; therefore, most of the information about filming can be gleaned from interviews conducted after the film’s premiere. The best information about filming, particularly about filming techniques and the philosophy behind them, can be found in Frank Pierson’s 2005 interview with the Directors Guild of America. His description of the strategic configuration of the set deserves to be quoted at length:

it was a replica of the room in which the meeting actually happened. And we built it on a sound stage with a whole, whole first floor of the thing. And . . . but I had it built so that it was maybe, oh, six feet longer and maybe three or four feet wider so that I could keep all four walls so we never pulled a wall out. The table, we shot it all in super 16. So the cameras are very small. We had two cameras shooting on every shot and the cameras were sitting, for the most part, on sandbags on the edge of the table and the operators were working with, you know, what do you call ‘em? Periscopes. But sitting on the floor so that they were

¹⁹⁵ Interview with Norbert Kampe, July 25, 2018, Gedenkstätte Haus der Wannseekonferenz, Berlin. 01:00–03:28.

¹⁹⁶ Weeks, *History by HBO*, 30–31.

¹⁹⁷ Interview with Frank Doelger, April 2, 2020, 34:40–36:30.

out of sight of the Actors. But, they could make little, tiny adjustments, you know, on the sandbags. Up and down and around and so on so they could cover. Every place at the table was miked and the one boom that we had was operated from up in the – [it] flies up above so everything, as much as possible, was out of sight of the actors.¹⁹⁸

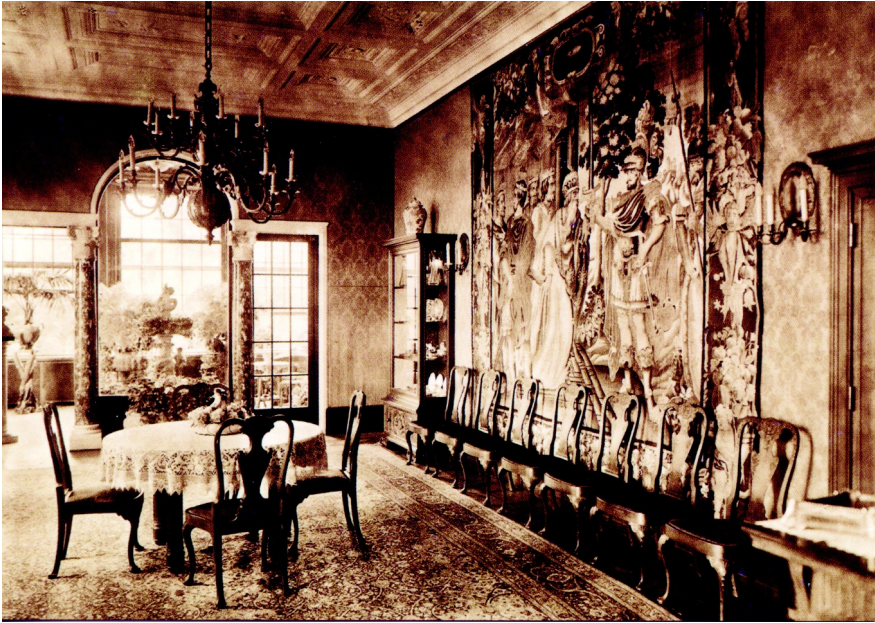


Figure 6.7: The Wannsee Villa and Winter Garden in 1922, Photo Courtesy Norbert Kampe.



Figure 6.8 and 6.9: Photos of the Set at Shepperton Studios, Images courtesy Norbert Kampe.

¹⁹⁸ Pierson, “Visual History with Frank Pierson,” Chapter 4, Clip 10, Chapter 4, Clip 9, 12:06.

Pierson also noted that the problems of keeping sight lines and axes consistent, which was also faced by Heinz Schirk, similarly frustrated the filmmakers, who decided they would have to fix them in editing: “the sight lines—[INT: What a challenge.]—were unbelievable. You know, in fact, finally we just gave up trying to draw diagrams and trying to figure out left to right, and so on.”¹⁹⁹ Pierson’s copies of the shooting script contain many drawings of the conference table which identify positions of both actors and cameras.²⁰⁰ Filming in Berlin also entailed wrangling up period-appropriate vehicles for the cast to arrive in. Michael Berenbaum noted that each type of car was chosen based on the rank and personalities of the characters – so for example, some of the characters stationed in the occupied East arrive in a mud-spattered truck and Martin Luther’s car is poorly maintained.²⁰¹ Stanley Tucci discussed a change in atmosphere when production moved to Berlin:

It was a very, very weird experience. We were like five, six weeks in the studio and shooting around that table and the different rooms on the set . . . And then we went to Wannsee and we shot the exteriors. It was winter. They put some snow all over the place. There was already snow, but I think they added more. Everybody was all dressed up, and all the extras dressed up in Nazi uniforms. They were all German. I had to do this thing where I come stand at the threshold of the estate and go in. And as I stood there and I looked at the whole thing and I heard everybody speaking German and saw the uniforms, there was nothing contemporary there. All of the emotion that I had felt doing the research and sort of suppressed doing the filming in the studio came welling up. Tears came to my eyes and I almost vomited. I had never experienced that before.²⁰²

In his memoir about food and battling cancer, *Taste*, Tucci also briefly discusses shooting *Conspiracy* in Berlin, but in a much more lighthearted manner: “[t]he shots were mostly establishing exteriors, so the days were quite short; therefore my only experience with German film catering was the breakfasts, and they were extraordinary. I have never seen such a selection of meats, spreads, cheeses, and breads anywhere except a farmers’ market at Christmastime, and all of them were delicious.”²⁰³ While the food is clearly Tucci’s focus in this quote, it helps illustrate that even with the heavy subject matter and emotions he experienced on location, it was still, in many ways, just an average film shoot experience, an-

¹⁹⁹ Pierson, “Visual History with Frank Pierson,” Chapter 4, Clip 10, 13:48.

²⁰⁰ Loring Mandel, *CONSPIRACY* [television] – script, Folder 2, October 2000, Frank R. Pierson Papers, Academy of Motion Picture Arts and Sciences, Margaret Herrick Library, Beverly Hills, California, 50A, 59. See also the notebook pages included in this document, which also contain many drawings where Pierson planned out camera angles and scene blocking.

²⁰¹ Interview with Michael Berenbaum, 11:54–14:38.

²⁰² Miller, *Tinderbox*, 378.

²⁰³ Stanley Tucci, *Taste: My Life Through Food* (London: Fig Tree, 2021), 169.

other workday with, at least in Tucci's eyes, extraordinary catering. But as his interview betrays, being physically present on location at Wannsee was, at least for him, incredibly emotionally powerful; his memories of the Berlin shoot (See figures 6.5 and 6.6) strike a balance between the pleasures of food and literal stomach-turning discomfort at finally being where the history he was portraying took place.

Conspiracy wrapped shooting on December 1, 2000, with a budget somewhere between ten and twelve million dollars.²⁰⁴ Pierson would fly back to Berlin to shoot pickup shots, and a new ending would also be filmed in Shepperton.²⁰⁵ The years of hard work trying to write and shoot this new depiction of Wannsee were behind them, but editing lay ahead. Here is where Peter Zinner finally would be able to realize his long-gestating ambition and contribute to an English-language production on Wannsee. Mandel and Pierson did not forget *Complicity* and would try to revive the project. The story of *Conspiracy*'s pre-production and filming is dense and tough to untangle – many paths, like the *Complicity* script, ended in dead ends. Others, like the arguments about the inaccuracy of the depiction of Wilhelm Stuckart, remained unresolved and ended up onscreen.

Lastly, this story, although Pierson's voice seems to dominate at times, shows that historical filmmaking – and filmmaking in general – is a fundamentally collaborative exercise.²⁰⁶ *Conspiracy* is not simply the realized vision of an auteur named Frank Pierson, but instead the combined work of hundreds of individuals – Loring Mandel, the screenwriter; actors like Branagh, Firth, and Tucci; historical consultants and advisers like Michael Berenbaum, Andrea Axelrod, and Christopher Browning; the editor, Peter Zinner; the art department; the cinematographer; producers such as Colin Callender and Frank Doelger, and many others – all of whom were crucial to the project's success.

²⁰⁴ Exact figures are hard to find, Frank Doelger claimed 10–12 million USD in an email to author, May 2, 2021.

²⁰⁵ This refers to the film's opening and closing sequences, which depict the Wannsee Villa staff preparing for and cleaning up after the meal without dialogue.

²⁰⁶ Weeks, *History by HBO*, 59.