

Atomic Energy, Moonshot, Heart Transplants and Hippies:
The story and legend of the holy grail of unreleased films
THE DAY THE CLOWN CRIED (1972-1974)

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I don't care if the film doesn't make a nickel! I just want every man, woman, and child in America to see it.
-Samuel Goldwyn

By 1970 comedian Jerry Lewis had directed ten films. Films like *The Bellboy* (1960), *The Ladies Man* (1961), *The Patsy* (1964), and *The Big Mouth* (1967) all had showcased Lewis at his profoundly zany and child-like genius best, but his popularity with movie-goers was fading. His films, while successful moneymakers for studios like Paramount and Columbia were considered passé to a generation that was smack in middle of embracing “flower power.” Things had become quiet, and Jerry Lewis had no new film projects in the works.

To fill the void Lewis had begun a series of long term performance commitments with several casinos across the United States. Lewis was searching for something serious for his next project. Something to direct, so that people would take him as the serious first rate film artist behind the camera here in the United States that France already had considered him to be a decade earlier. Jerry Lewis was looking for a project to shake up Hollywood.

Just five years prior in 1965 a screenplay had been just been completed by a public relations guru and television producer, Joan O'Brien. O'Brien originally conceived of the story while obsessively reading about the atrocities of the Holocaust while at the same time being steeped in heavy public relations work for the great iconic clown, Emmett Kelly. Based on an initial story idea, and with the help from her writing partner and Los Angeles television critic, Charles Denton, the two collaborated on a screenplay which became a very hot Hollywood commodity. The name of their script was *The Day The Clown Cried*.

The Day The Clown Cried chronicles the trials of a former Ringling Brothers circus performer, Karl Schmidt. A self-loathing and doubtful tramp clown past-his-prime during the era of Nazi Germany and the Holocaust. During a pivotal performance, Karl accidentally bungles another performers act in the second rate German circus and he's promptly fired. Creatively frustrated and angry at everyone and everything around him, Karl spends an evening at the local bar, getting drunk and telling jokes about Germany and Adolph Hitler. When an unhappy patron complains, Karl is arrested and interrogated by the Gestapo. He is then promptly thrown into a concentration camp for political prisoners, where he will remain for the next several years.

To keep his own spirits high and those of the others Karl spends his days telling stories of the glorious days past in the great circus. Begging him to perform his act the camp prisoners coax Karl into entertaining them, but he denies their request realizing that he's simply a lacklustre performer. Out of anger the camp prisoners assault Karl, dragging him out into the middle of the camp square where he remains alone and isolated from the others. As several minutes pass by Karl notices a group of Jewish children laughing at the him behind a bigoted wire fence across the camp yard.

Excited yet curious to be appreciated by others, he begins to perform for the captive Jewish children daily until the Nazi commandant warns him to discontinue or face a severe punishment. Unable to leave the children sad or unhappy, he continues. Karl is severely beaten and placed into solitary confinement for several days. Seeing the

power the clown has over the children, the Nazi commandant offers Karl a job leading the Jewish children out of the camp and onto the box car trains which then promptly head off toward Auschwitz in exchange for leniency of sentence.

Realizing the children's fate, Karl decides to board the train alongside the Jewish children heading toward Auschwitz and escorts them into the gas chamber helping to ease their nightmarish and tragic fate. Searching, praying, hoping, even depending on a divine miracle, nothing arrives. As the children file into the death building, overcome with remorse Karl enters the gas chamber with the children holding tightly the hand of a little girl whom he's grown to love.

Trying to entertain them in their final moments, the clown pulls three small pieces of bread from his pocket and begins to juggle them. The children laugh as they are engaged in the antics of the clown as the doors to the gas chamber close and a single tear falls down the face of the clown, swearing his make-up, as the story fades to black.

Immediately, the O'Brien and Denton screenplay received a massive amount of interest and attention. Hollywood A-listers such as Milton Berle, Dick Van Dyke, and singer Bobby Darin all expressed desire in acquiring the rights and starring but later declined due to the screenplays controversial subject matter.

In 1971, Jerry Lewis met Hungarian film producer Nathan Wachsberger after a performance at the now legendary Olympia Theater in Paris, France. Wachsberger prior to meeting Lewis, had produced a slew of Hollywood releases – international pictures over the course of his career starting in the late '50s. Wachsberger had owned the rights to *The Day The Clown Cried* since the mid/late '60s. Wachsberger offered Lewis the lead role and directing carte blanche fully financed with the assistance of a partnership with the then juggernaut Europa Studios. Upon reading the first draft of the screenplay Lewis was skeptical of his ability to deliver such a dramatic performance, after all the critics had already destroyed Lewis a decade earlier and his attempted dramatics with his own remake of *The Jazz Singer* for the NBC television series, *Startime* in 1959.

Lewis recalled meeting Wachsberger for the first time in his 1982 autobiography, *Jerry Lewis In Person*. "Why don't you try and get Sir Laurence Olivier? I mean, he doesn't find it too difficult to choke to death playing Hamlet. My bag is comedy, Mr. Wachsberger, and you're asking me if I'm prepared to deliver helpless kids into a gas chamber. Ho-ho. Some laugh -- how do I pull it off?" Lewis shrugged and sat back. After a moment of silence I picked up the script. "What a horror...it must be told."

Many Lewis insiders have speculated that Lewis became immediately interested in the concept as he believed the subject matter would not be ignored by the Academy Of Motion Picture Arts and Sciences when Oscar season came around, if he himself took on the duties of auteur on the film. Interestingly, the script to *Clown Cried* was actually brought to Lewis's attention for a first time back in 1966 by another producer, Jim Wright, but Lewis had passed on it still deeply stung from the critical backlash from his *Jazz Singer* remake.

The Day The Clown Cried would not be the first foray for Jerry Lewis into Nazi slapstick. Lewis had already directed the bizarre but funny many faces of Jerry Lewis as a Nazi comedy in 1970, called *Which Way To The Front?* *Front* would be released for only three days theatrically before it was pulled by the Warner Brothers to make room for the rock-n-roll film sensation of 1970, Michael Wadleigh's *Woodstock*.

When the \$1.5 million dollar budget for *The Day The Clown Cried* was secured Jerry Lewis dove full steam into the controversial concept. He rewrote the screenplay, changing the name of the clown from Karl Schmidt to Helmut Doork. In addition, Lewis also changed the principal idea, basis and design of the lead character to reflect his own acting comfort zone and sensibilities.

Lewis had reimagined the character as being emotionally perverse and heavy on pathos. An Emmett Kelly or Charlie Chaplin persona with a childlike nature and heartstring unlike O'Brien and Denton's original character concept completely. Lewis had changed their character from a mediocre martyr, a mean and selfish bastard of a clown to that of a gifted child-like pied-piper type trying to save the world one kid at a time. When word spread throughout Hollywood in the middle of 1971 of Lewis and his next project many were skeptical about the concept, even shocked. It was even reported by Lewis insiders that Lewis himself was scared of the character.

In the 1982 book, *Jerry Lewis in Person*, Lewis recalled the decision. "I thought *The Day The Clown Cried* would be a way to show the world that we don't have to tremble and give up in the darkness, " he wrote. "The clown would teach us this lesson."

As pre production commenced, the next step for Lewis was one of pure method. Lewis traveled in early 1972 to visit and tour the remains of the German and Polish concentration camps of Auschwitz and Dachau. He shaved off forty pounds with a pure grape fruit diet, and was also assisted at the time by his long time addiction to the prescription pain killer, Percodan, which he had first started taking after he injured his back in a pratfall gag on the Andy Williams television show in 1965. Filling both roles as director and actor Lewis headed off to Paris, France for some initial exterior filming in the spring of 1972.

After several days in Paris the production moved to Stockholm, Sweden for principal photography. An international cast was assembled for the film. Ingmar Bergman starlet Harriet Anderson was cast to play Helmut Doork's wife. Anton Diffring (known for playing Nazi officers) took on duties of the commandant, Colonel Bestler. An unknown at the time too that would take part in the films production would be Second Assistant Director -- Jean-Jacques Beineix. Beineix would go on ten years later to direct two of the most critically acclaimed international films of the 20th century, *Diva* (1981) and *Betty Blue* (1986).

As shooting began complications instantly started to plague the production of the film. Producer Nathan Wachsberger disappeared off to the south of France for weeks at a time. Film equipment (Lewis was known for insisting on using only Mitchell BNC cameras) ended up missing or not showing up at all. It was shortly into the production that Lewis realized that he was in real trouble. It wasn't long before the film's financing completely dried up that Lewis discovered that Wachsberger in fact had lost the film rights to the O'Brien and Denton story just prior to the start of shooting.

Wachsberger had tried to renew the rights by paying O'Brien and Denton an initial five thousand dollars of fifty thousand owed, but never paid the balance to renew the rights to film the story. Word spread back to Hollywood quickly, and it has been speculated by Lewis insiders that Lewis was unaware of the problem prior to the start of shooting, but its also been insinuated that Lewis was very aware before leaving for Stockholm of the situation.

Rather than leave a project incomplete Lewis committed to the concept, and began sinking his own money into the film to simply finish his masterwork in progress. It was money being spent on a project that he didn't own the rights to film any longer.

In a interview given to the *New York Times* in 1972 Lewis recalled, "I almost had a heart attack." Lewis said, just after the production wrapped. "Maybe I'd have survived. Just. But if that picture had been left incomplete, it would have nearly killed me. The suffering, the hell I went through with Wachsberger had one advantage. I put all the pain on the screen. If it had been my first picture, the suffering would have destroyed me. But I have the experience to know how to use suffering. I was terrified of directing the last scene." Lewis told the interviewer. "I had been over 100 days on the picture, with only three hours of sleep a night. I was exhausted, beaten. When I thought of doing that scene, I was paralyzed; I couldn't move. I stood there in my clown costume, with the camera's ready. Suddenly the children were all around me, unmasked, undirected, and they clung to my arms and

legs, they looked up at me so trustingly. I felt love pouring out of me."

Lewis continued on, "I thought, this is what my whole life has been leading up to. I thought what the clown thought. I forgot about trying to direct. I had the cameras turn and I began to walk, with the children clinging to me, singing into the gas ovens. And the doors closed behind us."

Crew members on the film's production later reported that Lewis during shooting was "distracted, nervous, and preoccupied with money issues."

In the midst of post production Lewis decided to go public with the details of Waschberger's lack of follow through as producer. Waschberger responded by filing a lawsuit against Lewis for breach of contract, denying the sum of Lewis's accusations and allegations. Lewis began to fear for the future of the film. With a schedule that never ended Lewis began again to travel across the United States with his one man comedy show. With film cans under his arm, Lewis went from city to city cutting the film after performances into the late hours of the night remaining fiercely critical of anyone and everything standing in his way of achieving an initial rough cut of *The Day The Clown Cried* or offering up criticism on the edit.

Europa Studios had decided to retain the negatives of the film claiming they were owed the sum of \$600,000 dollars. It was rumored that Lewis himself after the fact, actually maintained a copy of the negative as well as the sole ownership of the film negative for the final three scenes shot during production.

With a rough cut assembled by January of 1973, Lewis announced on *The Dick Cavett Show* that the film had been scheduled to be screened for the first time at the prestigious Cannes Film Festival with a release into U.S. theaters shortly after. It was never to be. The film was shelved, due to its legal and financial complications.

Lewis begged and pleaded with copyright holders Joan O'Brien and Charles Denton for release of the rights. Lewis had screened certain key scenes for them in person. O'Brien and Denton were outraged and disgusted with the final product. Lewis had altered their original vision by changing their character into something they had not foreseen or believed in and would not allow out to the public.

Joan O'Brien and Charles Denton continue to retain the copyright to the story to this very day, and the film has never been released. Over the years many producers have approached O'Brien and Denton trying to secure the rights to release the Lewis film and have attempted to shop the film's negative around for distribution, but in the end O'Brien and Denton have always denied the story of the tramp clown its proper ending.

Recalling again in his 1982 autobiography, *Jerry Lewis in Person*, Lewis wrote: "I'm still hoping to get the litigation cleared away so I can go back to Stockholm and shoot three or four more scenes. One way or another, I'll get it done. The picture must be seen, and if by no one else, at least by every kid in the world who's only heard there was such a thing as the Holocaust."

During the '80s and '90s, several revisionist concepts of the story of *The Day The Clown Cried* surfaced. There were rumors of remakes of the film based on the Lewis concept as well as of the O'Brien and Denton idea. Reports in trade paper's showed upcoming versions starring Richard Burton set in Russia, while others have reported William Hurt tackling the role around 1991 and 1994 respectively.

With no end in sight to this story, or to the legal obstacles the film still faces to this day Lewis had over the years maintained a very candid and open dialogue regarding the film with the media, until around 1992. With the interest in the film growing over the decades the now defunct *Spy* magazine, a national print publication published an interview with eight one time Lewis insiders that had the unique and privileged experience of seeing a rough cut of the film which was assembled together from video assistant dailies. To this day Lewis

keeps this edit of his film closely guarded in his private archive in Las Vegas, Nevada in his office safe. Those that experienced the film with Lewis close by include actor/comedian Harry Shearer, screenwriters Joan O'Brien and Charles Denton, former Lewis associates Joshua White and Jim Write, and one time Rolling Stone magazine journalist Lynn Hirschberg.

Providing detailed insights from all that experienced the film, all found the film's intentions in contempt. Actor Harry Shearer remarked that the concept and the anticipation of the idea itself was better than the actual film. Shearer also commented that the pathos on display in the film, and the comedy on the screen was severely misplaced.

It's been rumored that the cause of Lewis no longer wanting to discuss the film in the media was because of the negative feedback published in the *Spy* magazine interview. As early as 1993, journalists were now being cautioned to stay away from any questions regarding the film from his agents and publicity staff prior to all interviews.

In 2001 a reporter mentioned the film to Lewis during one of his public motivational speeches, indicating that rumors were abound that the film might actually see a release, and Lewis replied, "None of your goddamn business!" In 2002, interviewer and Lewis fan Scott Marks was given brief access to Lewis. Asking immediately when people would have the chance to experience his masterpiece *The Day The Clown Cried*, Lewis turned his head slowly and uttered, "Kid, you've got as much of a chance of seeing it as you the Chicago fire."

A year later in 2003, former Lewis publicist, Fred Skidmore sold his production used screenplay of *The Day The Clown Cried* on Ebay. It sold for fifteen dollars plus shipping. The script dated March 1972 and marked "Final Draft," featured production notes as well as detailed notation of specific actors names cast in the film. The screenplay has since traded hands, selling at a higher value than previously purchased and is rumored to be in the private collector hands of either Robin Williams or uber Lewis fan, Joe Piscopo.

During the production of the film in 1972, a documentary film crew lead by former co-host of ABC television's *Good Morning America* and former MDA telethon contributor David Hartman was in place in Stockholm to capture aspects of Lewis on set. A brief fifty-three seconds of the footage was used in the 1996 Cable Ace nominated A&E Biography of Lewis titled, *The Last American Clown*. No doubt the remainder of the documentary footage is well secured too in the vault of Lewis, as Jerry Lewis has a notorious reputation of acquiring and maintaining copies of everything he's been involved with since the start of his film and television career some 65 years ago. There are no publicity stills or lobby cards circulating, there is not a unreleased film score available via bootleg. There exists only a hand full of behind the scenes production photos that have surfaced on the internet in recent years since the shooting of film was completed in 1972 that have been taken from various international film publications published around the film's production.

While in pre-production on *The Day The Clown Cried*, Lewis had considered that a film of such subject matter could earn the attention of voters during the Academy Awards season. How ahead of his time was Lewis and his method of thinking? Conversation and comparisons to Lewis and his *The Day The Clown Cried* were brought up again in 1998, when Italian filmmaker Roberto Benigni released *La Vita E Bella* aka *Life Is Beautiful*.

Benigni's film documents an Italian family who is forced to separate during the Nazi invasion of Italy. Benigni smuggles his son into a men's concentration camp, and instructs him to hold his tongue, pushing the child off as belonging to one of the Nazi camp officials. During the United States military liberation of the camp, Benigni hides his son in a holding tank in last minute desperation, and comically entertains him in a Jerry Lewis fashion, as he's being escorted to his ultimate death. The film won Benigni an Academy Award that year.

Is the tale of *The Day The Clown Cried* really the story of art gone wrong, or misdirected pathos? Or is Jerry Lewis saving his work because it is ahead of it's time? Are his fans ready for such controversial subject matter? Or is it Jerry Lewis hiding his work because he misjudged the entire concept? Could releasing a film like *The Day The Clown Cried* today tarnish a perfect humanitarian and film auteur's 60 year reputation, if in fact it is truly a cinematic disaster? What if it is a masterpiece as Lewis and his fans have at times proclaimed?

The subject matter of *The Day The Clown Cried* will forever haunt Jerry Lewis. Lewis would only write and direct two more feature films following *The Day The Clown Cried*. The first, *Hardly Working* (1980), the story of a past his prime out of work circus clown who tries to accumulate into the normal nine-to-five world. The later, *Cracking Up* aka *Smorgasbord* (1983), the story of a clown like klutz whose many attempts at committing suicide fail because of the laws of fate and nature.

At the end of a amazing career like that of Jerry Lewis, what is it about the mythos of *The Day The Clown Cried* story that has rare film collectors and Lewis fans of all ages still obsessed all these years later? While no one may ever be able to figure out the mystique of the concept or the true intention of Jerry Lewis the comic or director, current Google search results for the film provide over one hundred and twenty-five thousand hits upon searching the words, "*The Day The Clown Cried*." As interest continues to grow only time will tell if the clown decides to come out from under his elusive big top.