

A black and white photograph showing three men. On the right, a man in a light-colored trench coat and dark tie stands with his hands cuffed in front of him. He is looking directly at the camera. To his left are two men in dark uniforms with peaked caps and sunglasses. They are looking down at the man in the trench coat. The background shows bare tree branches.

# **THE BAVARIAN AL CAPONE**

**A film by Oliver Herbrich**

# The Bavarian Al Capone

Fiction – Non-Fiction  
Film Edition

***The Bavarian Al Capone*** is the autobiographical portrait of Theo Berger, a man who spent most of his lifetime behind bars. His records of criminal exploits as house- and jail-breaker register more than 150 criminal offenses committed since turning eighteen. Theo Berger was sentenced to some 30 years in prison, terms twice superseded by stints of preventive detention. Footage was shot during the half year parole Theo Berger received once prison doctors arrived at his medical verdict: leukemia. Soon after the participation in this film Theo Berger - not yet prepared for freedom - planned to rob a bank, got arrested and was sentenced to another 12 years. A telling tale on guilt and expiation, describing the justice system in Germany at the end of the 20th century.

*Already a legend in his own lifetime: Theo Berger is not the hero, but the main character in Oliver Herbrich's film. The Munich director wrote the script together with Berger, so as to keep this cinematic portrait of the ace burglar and escape artist as close as possible to reality. So criticism of the justice system is inevitable. Relying on the power and magic of his authentic images and characters, he achieves nearly thriller-like suspense.*

(Frauke Hank, TZ)

Oliver Herbrich .....	screenplay and director
Theo Berger .....	author auto-biography
Ludolph Weyer .....	cinematography
Benedikt Röskau .....	sound recording
Jan Betke .....	technical support
Petra Vonhausen .....	still photography
Romy Schumann .....	editing
Detlef Kügow, Oliver Herbrich .....	narration
Alfred Lohmaier .....	re-recording mixer
Cornel Faltin .....	archive research
Frank Niepel .....	legal advice
Oliver Herbrich	
Filmproduktion .....	production company
Katja Naumann .....	production manager
Meinrada Pfitzner, Isolde Herbrich .....	production assistants
Harald Kissling .....	production accountant
Fiction – Non-Fiction	
Film Edition .....	digital remastering

[> Website](#)

[> Restoration](#)

[> Making of](#)

# The Bavarian Al Capone

## Synopsis

On January 22, 1968, the 26-year-old defendant Theo Berger was sentenced to 15 years' imprisonment followed by 10 years' preventive detention on over 70 counts. It took more than an hour merely to read out the indictment, with crimes ranging from the destruction of a vending machine to bank robbery.

Three of his brothers were also indicted as accomplices. This marked the end of the story of the head of the "Berger gang". The king of housebreakers now evolved into the king of jailbreakers. A mere one-and-a-half years later, the crimes committed in the meantime brought him another 15 years imprisonment plus another 10 years' preventive detention.

***"I was simply not able to kill a person in cold blood."***

*In this situation and given the crimes that I had already committed I should simply have shot them both down to achieve my goal. But I was not the person I thought I was. Consequently, my only choice was to end my career as a criminal. I now had time to think about all my failings. In my situation, there was little hope for my future even though I was only 27 years old. So I passed through the gate of gates to the inside."*

*(Theo Berger, Autobiography)*

Even though his development as a criminal appears today to be almost symptomatic, Theo Berger does not fit the cliché of a cold-blooded criminal acting out of base motives. Rather, he had a subjective sense of justice and a determination not to put up with anything. A further key aspect setting Theo Berger apart from other criminals was his love to his home region. Whereas the real Al Capone left his homeland to build an empire in America, Theo Berger never strayed far from where he was born. Even the Bavarian robber Mathias Kneissl wanted to emigrate to America. Theo Berger, by contrast, committed his first bank robbery within the Bavarian Donaumoos, less than 500 meters from his parents' farm.

In this way, the *Bavarian Al Capone* became something of a folk hero; overnight the "wanted" posters would be torn down and a student commune in Berlin took on his name. Whereas the press sees him in a line of Southern German anarchists from Schinderhannes to Andreas Hofer, the court views him as an incorrigible criminal and makes a warning example of him by sentencing him to 50 years of imprisonment.

After several escapes during which he no longer commits any further crimes, he is released on suspended sentence in June 1985 after more than 22 years



as he is now suffering from leukaemia. Gravely ill and without any prospects of resocialization, Theo Berger is released with a monthly allowance of 360 marks (rd 160 US \$).

Six weeks after the completion of shooting for this film, he and a companion are arrested after an exchange of fire with the police. He is discovered to be in possession of a pistol and dum-dum bullets. In addition, he is alleged to have broken into several banks.\*

*NB: Before his temporary release from prison, Theo Berger wrote his 300-page autobiography, which formed the basis for our joint film. Where possible, Theo Berger decided on his contribution in the film. I merely confined myself to ensuring continuity in terms of content and dramaturgy. My own input to this film included extracts from my movie "The Proud and Sad Life of Mathias Kneissl". However, when the lights go up in the cinema after Mathias Kneissl is shot down and Theo Berger talks about how his brother was shot dead by the police in 1981, it comes clear that reality has caught up with this cinematic element.*

*(Oliver Herbrich)*



Theo Berger, 1985



Warrant of apprehension, 1969

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\* PS: Later on, in the trial it is proven Theo Berger didn't fire a single shot.  
He is sentenced to another 12 years in prison.  
2003 after serving 39 years he committed suicide in his prison cell.

# The Bavarian Al Capone

## Film reviews

Another brilliant young prospect is Oliver Herbrich, who shot *The Proud and Sad Life of Mathias Kneissl* (Hof Film Festival, 1980) at age eighteen. He has now examined the subject of the criminal as a folk hero, in his documentary film *The Bavarian Al Capone*. This intense portrait of ace burglar and escape artist Theo Berger was conceived in close collaboration with Berger himself. (Berger would soon wind up back in prison.) His German lawyer needed an interpreter to communicate with him (in the film Berger is subtitled in High German). The true-blue Bavarian faces the camera on his parents' farm to tell of his youthful criminal offences. The result is a universally valid depiction of the conflict between a hothead, offended by society, and a justice system that makes little attempt to understand.

(Stephen Locke, *epd Film*)

Among the German films I have seen, there were three that were able to satisfy my curiosity: ... *The Bavarian Al Capone* by Oliver Herbrich, a documentary about an ace burglar and escape artist feared by the police and secretly revered by the common people; a tragic comedy, also the story of a legal scandal.

(Robert Fischer, *zitty*)

... Oliver Herbrich, whose documentary film *The Bavarian Al Capone* was screened in a marginal festival slot, yet garnered a lot of applause. It is the story of the robber Theo Berger (a political commune in Berlin once named itself after him), whose ties to his Bavarian home were so strong he committed his first bank robbery a mere five hundred meters from his parents's farm. It is a film about Southern German provincial stubbornness, about desperado romance, but also about the tragic fate of a "fossil" trapped in the machinery of the modern justice and correctional system.

(Alfred Holighaus, *TIP*)

The Hof Film Festival audience was presented a film that takes the myth out of the "Theo Berger phenomenon". *The Bavarian Al Capone* neither glorifies its protagonist nor demonizes him as an unwavering, brutal criminal. Director Oliver Herbrich draws the picture of a man whose life could take almost no other course. As Theo Berger sits in his parents' Ludwigsmoos home, talking about his childhood and youth, the audience can understand much of what made peasant boy Theo become one of West Germany's most wanted criminals.

(Cornel Faltin, *Augsburger Allgemeine Zeitung*)



Whereas Theo Berger's countless break-ins and breakouts gained him a certain recent crime-history celebrity and ambivalent yellow-press popularity, Oliver Herbrich's documentary *The Bavarian Al Capone* strips away his legendary gangster myth. The laconic soberness with which Berger narrates his own biography constitutes the actual quality of this document.

*(Hans Günther Pflaum, Süddeutsche Zeitung)*

So there he sits beside his daughter, yet unable to hold her in his arms, because twenty-two years in prison have taken it out of him; because he no longer has the strength. Yet he has instinctively preserved his caliber and dignity. You don't often see that in German films. No one ventures that much reality today.

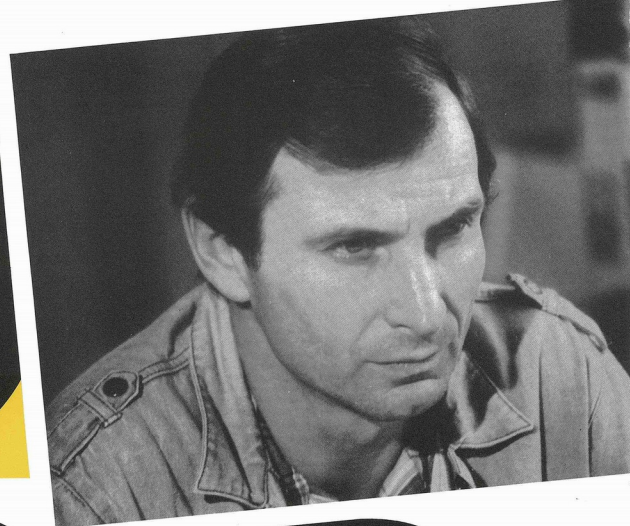
*(Michael Althen, Münchner Stadtzeitung)*

The court should have watched this film before it started to evaluate the defendant's character. Not that Herbrich transfigures Berger into some martyr, for whose crimes society is to be held responsible. Herbrich refrains from such banal assignment of guilt. Aside from the fact that a man like Theo Berger wouldn't stand for any of that, as hard and self-critical as he is toward himself.

*(Andreas Friedmann, Münchner Merkur)*



# THEO



# BERGER

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