Interview: Ken Burns on Justice for ‘The Central Park Five’

Submitted by PatrickMcD [1] on December 4, 2012 - 4:06pm

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CHICAGO – Mention “documentary,” in word association, and the next response is often “Ken Burns.” Burns brought a new voice to the documentary, and re-engineered the art form so much, that his technique is the “Ken Burns Effect.” His latest feature film, “The Central Park Five,” was co-directed by his daughter Sarah Burns and his son-in-law David McMahon.

The film is about a severe miscarriage of justice. In New York City in 1989, a female jogger was sexually assaulted in Central Park. Five men of color – Antron McCray, Kevin Richardson, Raymond Santana, Kharey Wise and Yusef Salaam – merely boys at the time, were in proximity of the incident and arrested for the crime. Despite no evidence that they committed the assault, confessions were coerced and used against them at a hastily assembled and highly publicized trial. When the inevitable guilty verdict was rendered, the boys were unjustly incarcerated during a crucial period in their lives.

Raymond Santana, Antron McCray, Kevin Richardson, Kharey Wise and Yusef Salaam are ‘The Central Park Five’
Photo credit: Sundance Selects

Ken Burns again steps into the fray and effectively crushes the weak evidence and prosecution against the Five. And like the best of Burn’s famous PBS documentaries, he explores the larger themes of race relations, Caucasian fear and authoritarian politics. As a society, we want to believe there are better and wiser persons above us to determine the innocence or guilt of our fellow citizens. But the power of making such decisions can also cause a cancer of injustice based on prejudice and expedition, in which we can all end up guilty.

Burns and his co-directors are currently embroiled in a legal wrangling with the City of New York, whose authorities in September subpoenaed the outtakes and filmmaker records of the documentary. New York City wants to use the filmmaker’s work to defend itself against the wrongful prosecution suit brought by the Five. This came after years of city officials repudiating requests to tell their side of the story in the documentary. The city’s position maintains that all authority acted in good faith regarding the case.

Ken Burns spoke by phone to HollywoodChicago.com, and one of the most influential filmmakers of the last generation is still fighting to

expose the truth against a prejudice that resides in a place called the Home of the Free.

HollywoodChicago.com: 'The Central Park Five' is inevitably a wrestling match between fear versus truth. How did you want that illustrated?

Ken Burns: In this case, the truth and justice thing is never more evident. Oftentimes events are relatively and seemingly safely in the past. Of course, as we know from the Civil War is that the past is never past, and 'The Central Park Five' reminds us that it is visited upon us again.

HollywoodChicago.com: I want to talk about the legal wrangling that you have with the City of New York regarding the footage in the documentary. Why can't a governmental bureaucracy, in your opinion, admit when they're wrong and evolve from there?

Burns: I assume that they and everyone else would worry that hell would freeze over. I want to go on record and say that our legal issues, important as they are, isn't the eyes on the prize that should be the settling of the case with the wrongly accused men.

The City of New York, on September 12th of this year, subpoenaed all of our outtakes and records, and we moved last week to squash that subpoena. It's going to cost us a lot of money that we don't have, and yet we feel it's a hugely important to do. Also that it is part and parcel of an gigantic institutional bureaucracy who finds itself incapable of apologizing, just to essentially say we've made a mistake and how do we make this right.

HollywoodChicago.com: This is another poignant true story regarding the racial stereotypes that divide us when it comes to the justice system in America. How do you think an incident like this defines the character of this country?

Burns: When I went to the Cannes Film Festival, the French press would declare rhetorically that America is a racist country, and in that sense could this kind of incident happen again? I said yes, a young boy named Trayvon Martin wouldn't be dead if the color of his skin was lighter. They responded again with cries of 'America is so racist.' I countered with 'wait a minute, we have an African American President. When your country has an Algerian, Turkish or West African president, you come and see me.' That's never going to happen, talk about hell freezing over.

So America is in motion, we've made a lot of progress. But we're still fighting the same old battles. The language in the newspapers at the time of the Central Park jogger crime was the same language as Jim Crow America. And that's where the importance of this story becomes paramount – that we understand within all of us is the seed of racism, the suspicion of the other. Part of the obligation of civilization is to work to repair the illness of racism, an illness each of us suffers from.

HollywoodChicago.com: This is your first collaboration with your daughter Sarah Burns as co-director. What elements and point-of-view did she bring to this project that surprised you during the process?

Burns: Well my daughter is an extraordinary woman, and has been that way since she was a little girl. Also one of the major domos of our enterprise was her husband David McMahon, who really ran the production day-to-day. It's wonderful to work with my daughter and son-in-law, and Sarah brought an intelligence, patience and sense of fairness. Her sense of fairness was outraged from what she learned, and that outrage has never dissipated.

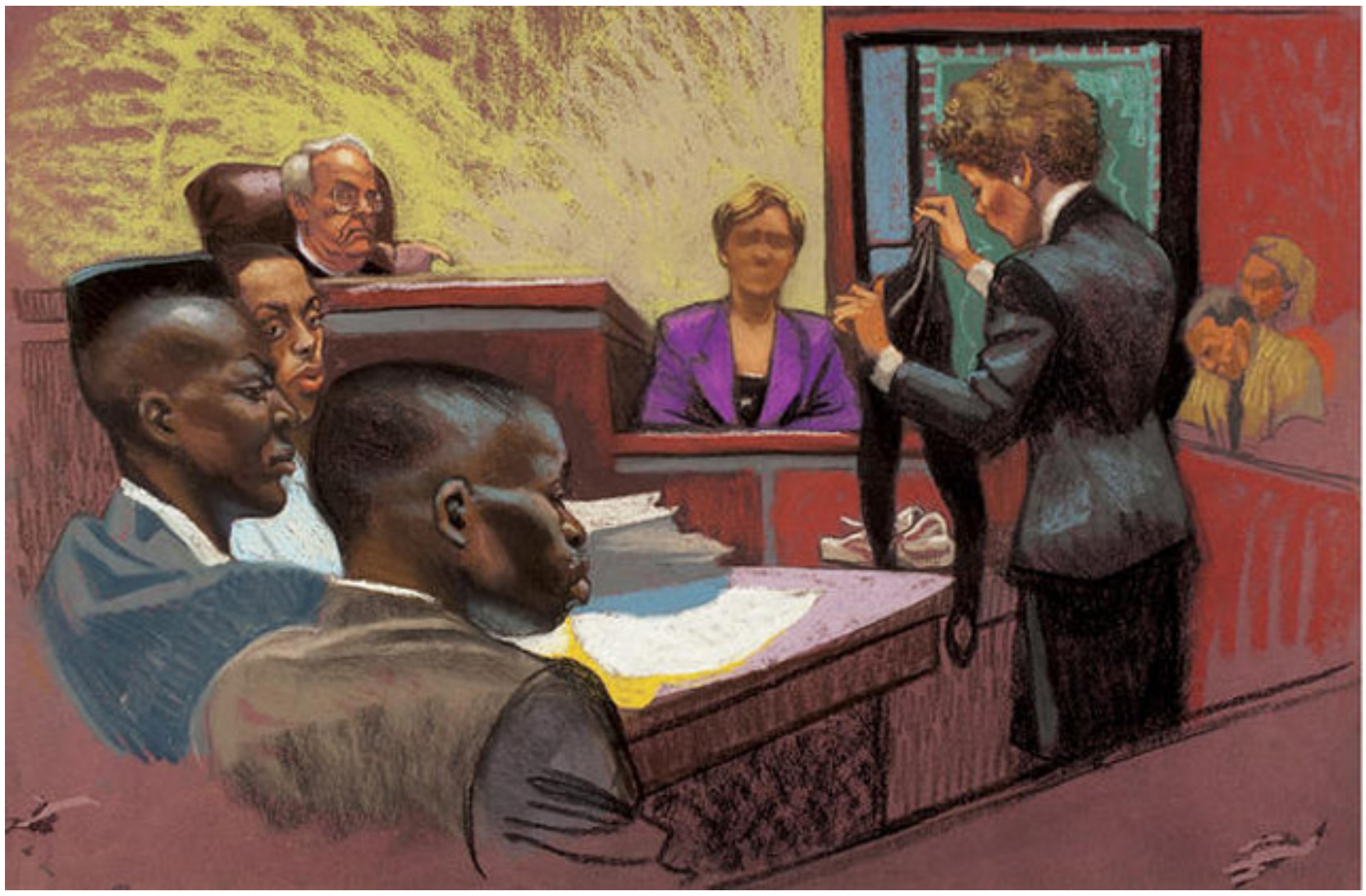
We wanted to be fair to the cops and prosecutors as well, and this film has bent over backwards to do so. It's the most journalistic film I've ever made, straightforward, and under Sarah's leadership she passed to me and David a sense of her outrage, that insistence on fairness. We want you to think in the beginning of the film that they did it, and then come to your own conclusions based on what we present. We want the benefit of doubt for the cops, and we want you to understand how many mistakes were made by them and by the prosecutors. We're disappointed that these city officials chose not to talk to us, and they hid behind the civil suit that the Central Park Five has launched against them, and by point of fact are too scared to answer the questions we would have been asking.

HollywoodChicago.com: There is a Kafka-esque atmosphere to this whole trial and error within the system and how it treated these individuals. How do you define the fear that is present in almost every level of the story, and which of the law and order or morality systems of America do you think deserves the most blame?

Burns: It is Kafka-esque, and I've stood in back of recent screenings, even though I've seen it countless times, and I still get the same knot in my stomach. It's the same sort of anxiety that I always have had, which is the essence of the Kafka-esque thing. As much as we as a country have to acknowledge that this happened here in the recent past, and can happen again today, it is each one of these private hells for the falsely accused that is unique in every way.

I think we can see the breakdown of circumstances in not picking up Matias Reyes on April 17th – two days before the Central Park event – and then ignoring the similarity between his crime on that date and the Park crime two days later. You can see further a failure in recognizing the inconsistencies between the Five's statements, as they had been coerced into confession. You can see the public pressure and the idea that someone could get a feather in their cap for prosecuting the case – which blinded these cops and prosecutors.

The irony of course is what would these authorities lose if they entertained an alternative narrative? They still could have clung to the fact that the Five were guilty, but if they only would have entertained it, somebody might have picked up on the fact that the East Side strangler may have a connection to Central Park, then you and I wouldn't be talking about this film right now, it wouldn't have been made. And more importantly, the early lives of these five innocent boys would not have been blasted. That's where you have to assign the blame, I believe.



Courtroom Drawing from the Trial of 'The Central Park Five'
Photo credit: Sundance Selects

HollywoodChicago.com: You have a poignant empathy for the trials of the underdog, especially the African American culture as it has jouneyed from slavery. What in your childhood or young life development can you trace to that empathy, and when did it flower and mature?

Burns: I'm interested in telling good stories, and quite often telling good stories is an understanding that the least among us are also the strongest and the most heroic. My mother was dying of cancer from the moment I was aware that I was alive, from about 3 or 4 years old. She died just short of my twelfth birthday, and during that period in the early 1960s I remember watching with great anxiety the dogs and the fire hoses let loose on African Americans in Selma, Alabama. It took me many decades to realize that this cancer of racism that was killing my country and the cancer that killing my family were very similar. And with those similarities I ended up transferring a heightened sensitivity to the African American experience.

If you love your country, you love it from the minute it was born. When Thomas Jefferson articulated in the famous second sentence in the Declaration of Independence, that became our creed, 'we hold these truths to be self evident that all men are created equal.' But then you stop mid-sentence, and realize that Jefferson owned over 100 human beings. He never saw the contradiction or hypocrisy, and never saw fit in his lifetime to free any of his slaves.

This makes African American history not something you relegate to February, the coldest and shortest month of the year, but as something that is at the heart of the American experience. It is what created the reason for the Civil War. It was there to create the only purely American art form, that of jazz. And it was involved in the finest point in baseball history – Jackie Robinson's integration. It has propelled so much of our national narrative that I have been interested in, and have turned my camera towards.

HollywoodChicago.com: How does this all relate back to 'The Central Park Five'?

Burns: When you have five kids that are falsely accused, and who end up having their lives blasted, you can't help but want to tell this story. Why were they denied their own humanity? Why were they relegated to terms like 'wolf pack'? Why did they become nobodies – just cyphers, symbols, proxies? Proxies for other agendas. Why? Why? Why? The outrage and energy that Sarah originally felt has compelled Dave and me to follow her into this breach.

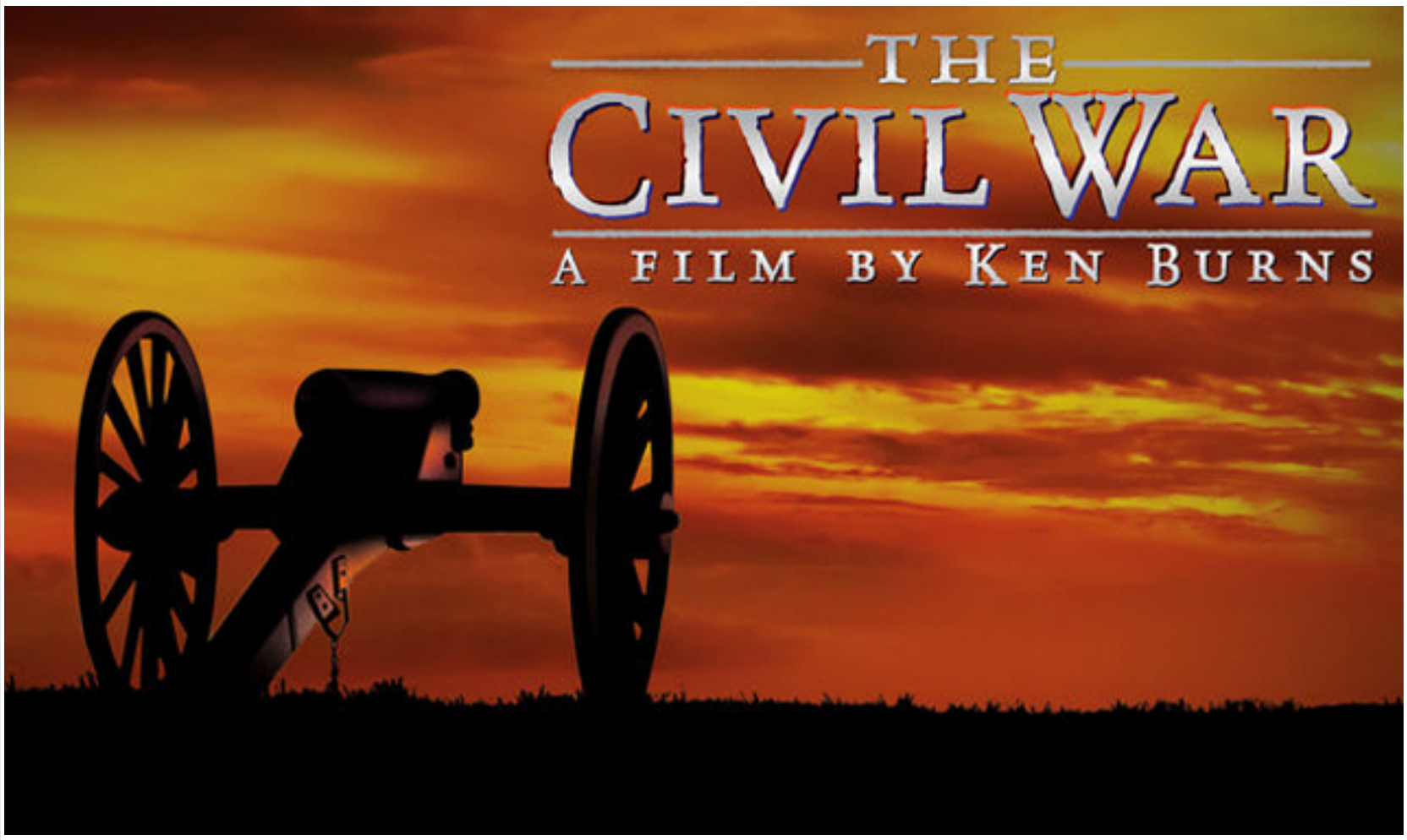
HollywoodChicago.com: You've seen massive historical archives and amassed an interaction with the American narrative that few people in history have experienced. Which discovery in the making these documentaries has personally moved you emotionally the most, and what was that moment like for you?

Burns: I do remember a moment in the Museum of the Confederacy in Richmond, Virginia. I had filmed their archival material, but thought to ask if there was any more items available. The curator brought out a cardboard box filled with secondary photos, mostly damaged. Right at the bottom of this box – under a flap – there was a photo with an enigmatic, almost Mona Lisa-like smile on the face of [Confederate General] Robert E. Lee. I remember saying 'I've never seen that before,' and the curator looked up, and said the favorite thing a filmmaker wants to hear in my line of work – 'neither have I.'

Now that's good, but there are other places to emotionally contemplate – when you look at the scar tissue of a beaten slave, when you see the manacles put around human beings in America and when you look at the fact that in 1861, the beginning of the Civil War, four million Americans were owned by other Americans, and there wasn't one law in the country that protected them.

When you see that tangible, non-sanitized evidence of our nation's complicated past – you really don't diminish what Abraham Lincoln called,

'the last, best hope of earth' – you just wish that the idea of American Exceptionalism wouldn't always be shouted out by people who are unwilling to tolerate those complexities. I believe we're an exceptional country, I believe what Lincoln said, but that also requires me to be that much more critical of my country. Not just love it or leave it or accept everything that it does. Lincoln was saying if we are this bright beacon, this so-called shining city on a hill, that we should start acting like one.



The Iconic Image from Ken Burns Documentary, 'The Civil War'
Photo credit: Florentine Films

HollywoodChicago.com: You made an earlier comment on Jackie Robinson. Given the fact that baseball pays tribute to him every year and has retired his uniform number on every major league team, does that seem hypocritical to you, especially since Robinson himself went through some tough hatred and the continuing uneasy relationship in America with its racial relations?

Burns: No, not at all. It's very important we understand how central Jackie Robinson is to our national life, the first real progress in civil rights after the Civil War. That progress wasn't in the barracks of our military or a bus in Alabama or a lunch counter in Virginia, it was on the baseball diamond of Brooklyn.

Sarah, Dave and I are working on a stand alone, two part biography of Jackie Robinson because of that centrality. It's important that baseball have these markers, and remind everyone who is on baseball's Mount Rushmore. That with Joe DiMaggio, Mickey Mantle, Ted Williams, Ty Cobb and George Herman Ruth, there is Jack Roosevelt Robinson – the grandson of a slave who integrated the modern era of baseball on April 15, 1947.

HollywoodChicago.com: On your filmography, I see that you are tackling Vietnam next…

Burns: Yes, we've just completed principal photography on that, and are beginning to edit in the spring. It's coming out in 2016 and it's a seven part, 14 hour series that interviews North Vietnamese soldiers, American soldiers, generals and draft dodgers – every point of view will be represented.

HollywoodChicago.com: What myths do you hope to puncture regarding this nation's relationship with that war, and how do want to honor both the warriors and the movement that pressured the government regarding that conflict?

Burns: When you tell a complicated story – and 'complicated' has been an adjective I have evoked a number of times in our conversation – then everybody's story gets told, because you understand there is an undertow as well as an apparently placid surface to this narrative.

It's not that we set out like a crusader to puncture myths, but just to tell a complete story. If that story includes the protesters at the college campuses, the draft dodgers that live in Canada, the generals who think we still should be fighting the Communists, the POWs, the North Vietnamese, the South Vietnamese, so be it, that's the story we're going to tell. And we hope at the end, we don't have to point lines and arrows at what people believe, but that we've told a complicated enough story successfully, so that the audience can form their own mature judgements about what they think took place.

"The Central Park Five" continues its limited release in Chicago on December 7th. See local listings for theaters and show times. Written and directed by David McMahon, Sarah Burns and Ken Burns. Rated "R"

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Source URL (retrieved on *Mar 18 2024 - 9:38pm*):
http://www.hollywoodchicago.com/news/20748/interview-ken-burns-on-justice-for-the-central-park-five

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