

Cultural Daily

Independent Voices, New Perspectives

Ken Burns When Conventional Wisdom is Wrong

Sophia Stein · Wednesday, November 28th, 2012

On April 4, 1989, a white woman was beaten and raped and discovered comatose in New York City's Central Park. Five teenagers – Raymond Santana, Antron McCray, Kevin Richardson, Yusef Salaam, and Korey Wise – ‘The Central Park Five,’ as they came to be known during the media storm of their trial, were convicted and incarcerated for the crime. Each of the teens pled not guilty to the charge of rape, but they were convicted based on taped confessions they had made at the time of their initial arrest and detention. It was not until thirteen years later, when the actual perpetrator of the crime, Matias Reyes, stepped forward and confessed that the five men were exonerated.

In 2003, the men who had been wrongfully convicted (some of whom had served up to thirteen years in prison for a crime they had not committed), filed a civil lawsuit against the City of New York, which has yet to receive a hearing.

✖ Filmmaker Ken Burns, along with his daughter Sarah Burns, and her husband David McMahon co-directed the documentary ‘The Central Park Five,’ based on Sarah’s book about the case. Ken refers to the collaboration as “a family affair,” in which each of them contributed everything to the making of the film “because it had meant so much, made us so angry, and we really hope it makes our audience angry.”

Defendants for the City of New York recently filed a subpoena requesting all video and audio recordings and outtakes gathered by Florentine Films in its research for the documentary. Invoking journalistic privilege, the filmmakers have objected to the city’s demands, and Florentine Films has filed a motion to quash the subpoena.

The City of New York contends that the filmmakers are “not independent journalists subject to reporter’s privilege, but rather ... agents of plaintiff’s attorneys.” As the motion filed by Florentine Films attests, the filmmakers “undertook, researched and produced The Central Park Five independently, without any financial or editorial control or input by the plaintiffs or their attorneys.” Notable perhaps is the fact that City officials had previously declined every interview request from the filmmakers.

Raymond Santana claims of the film, “It’s been therapeutic for us in every sense of the word. It gives us a chance to finally say, ‘We told you we were innocent.’ To say, ‘we’re not rapists, we’re not wolf-pack, we’re not urban terrorists, we’re human beings.’”

Cultural Weekly’s Sophia Stein spoke with Ken Burns and Raymond Santana about the ‘The Central Park Five,’ which has been nominated for an Independent Spirit award, and the serious vulnerabilities of the justice system that the documentary exposes.



Sophia Stein: “The Central Park Five” is an expose of racism that seems acutely relevant in light of the recent elections. Ken, what do you make of racism as a factor in politics in the United States?

Ken Burns: Well, I have said this for a long time, that the election of President Obama was supposed to be the beginning of a “post-racial era”... but that was only trumpeted by those people who hid behind that claim in order to find new and more sophisticated ways to perpetuate the same racial code words that we’ve heard in much uglier and more overt terms during Jim Crow, the Civil Rights era, and beyond. “The Birther Movement” wouldn’t have existed — or calling the President Obama a Muslim, and many other things — if Obama was white. Race is always a factor in American life. I do want to stress that while it is a huge and important part of this story, fundamentally, this is just a story about a human mistake, and people being unable to own that mistake. And that’s not a black and white issue. There are many, many black and white issues in this story that complicate it, give it undertow and real dimension. But I want to make sure that we understand that first and foremost: there were five human beings, a victim of a horrible rape, and that perpetrator (who did not get blamed for this). And the cops, and the media, and the prosecutors made a huge, gigantic, colossal mistake. They stepped in it! This is why we are here. Otherwise, if they had done their job, we would vanish from this table, and you would be interviewing some other good filmmaker.

S2: In a recent interview, you quoted President Truman, who said: “The only thing that’s really new, is the history that you don’t know.” What elements of this story were personal revelations?

KB: We’ve lived for 23 years with the conventional wisdom about this case. In which a vast, vast overwhelming majority of people don’t know that the convictions were vacated 13 years later?! And of those who do know, a vast, vast number of them assume that they were out on some type of technicality — not that the real rapist had come forward, confessed, his DNA matched, and the district attorney who had been central in prosecuting the Central Park Five reinvestigated, and then joined with the Defense in asking for a vacation of the convictions — which happened in a nano-second by a judge, so it’s all legal! It’s not a technicality. The sad part is that the cops and the prosecutors who would have their reputations tarnished if the facts of the case are exposed, are still pushing back.

You can learn the who-what-when-where-why’s of the case, and if you’re good at your job, you triangulate; you try to question assumptions (in the way the cops and the prosecutor never did in this case). We made a factual film. It’s not an advocacy film as the City of New York has accused us, now that they have subpoenaed all of our outtakes just recently. But what we found were nuances that meant so much: a gesture, a swallow on the part of Kevin, Raymond’s eyes swelling up, pauses ... all of that reminds you that film doesn’t lie. That it was possible to extend to these five human beings a humanity that had been denied them. And you can see that. It just comes out in the film.

S2: When I read the synopsis, I thought, “Oh God, I know this painful story.” But then, to see those tapes of the false confessions, that was something that I have never witnessed before. Visceral evidence that calls into question the validity of interrogation techniques used by law enforcement and national security in this country.

KB: You bring up a really huge point. The important thing to know is that those confession tapes were made after upwards of 30-hours of interrogation. So the cop or cops who were in there doing the interrogation are standing behind Elizabeth Lederer, and making sure that these kids — two 14-year olds, two 15-year olds, and one 16-year old (with a hearing problem that has probably set him back a couple of years) — are telling the story they have just confessed to during the 30-hour interrogation ... this is a horrible situation. But if you turn the camera on from the get-go, the jury would have access to those 30-hours. They would understand the very permissible, manipulative

techniques that the cops are allowed to use. They would begin to see how you could move from kids who are picked up for unlawful assembly, to somebody suggesting that these kids can be made for this horrible crime. There was lots of stuff going on in the park that night ... and these kids got picked up, so maybe they did do this thing? But when the kids didn't know anything about the rape, and their parents aren't there, or the police are waiting until the parents leave to get really hot and heavy, and the kids don't really fully understand Miranda, because these are kids who hadn't really been in the system before. They weren't going, "I want to see a lawyer right away. I'm not saying a word" — which is what they should have said. Of all the kids that got rounded up that night, they're the ones who got in trouble, because they were trying to cooperate. As New York City Police Commissioner Ray Kelly has recently said, "videotaping from the get-go would be the best thing for justice."

S2: Raymond, where do things stand with your civil lawsuit?

Raymond Santana: What happens is that the City Attorneys, they use these stall tactics. For example, for my dad, they went back 25 years in his history: how many doctors he done seen in the last 25 years, has he ever been on public assistance, hospital records ... all this stuff that has nothing to do with the case! So they send these stacks of waivers, and we have to sign off on them. They want to go through social media, they want our old articles, they ask for letters ...

KB: Somebody has said, "drag this out." I don't know who that is. But somebody said, "drag this out."

S2: Unwillingness to admit error — on the part of the prosecutors, the police department and even the media. Why do you think this theme — that it is better to maintain a lie than to admit an error — has become so pervasive in American life?

KB: Well, I think it's a human thing. At some point, we've all told a lie. And we know what it is like to then have to maintain the lie, the extra energy that takes. And this is what we are seeing, but on a grander scale. First and foremost, it's about people unwilling to admit they made a mistake. And now a 23-year process of making their world that much more complicated by having to maintain that lie. It's a horrible thing that's metastasized in a way that we can't fully appreciate until we relive what actually took place. These guys would be registered sex offenders who couldn't live in certain places to this day had not the actual rapist, the really bad guy, had a crisis of conscience and admitted his mistake!?! So if Matias Reyes can do it, I think that the prosecutors and the police can do it. They have it in them. We're really rooting for them.

More information about the film, including where you can see it, [here](#).

Photos: Top, filmmaker Ken Burns. Below, defendant Yusef Salaam walks into courthouse flanked by police officers in Ken Burns, Sarah Burns and David McMahon's THE CENTRAL PARK FIVE. Photo courtesy of NY Daily News via Getty Images. A Sundance Selects release.

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