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By Ed Rampell, December 1, 2012



America's preeminent television documentarian, Ken Burns, returned to the little -- and big -- screen in November with a proverbial bang. The two-part *The Dust Bowl* -- about what Burns calls "the greatest manmade environmental catastrophe in the history of the United States, if not the world" -- aired Nov. 18 and 19 on PBS. On Nov. 23 the theatrical release of *The Central Park Five* began in New York, where the tragic tale about the wrongful imprisonment of five Black and Latino teenagers for supposedly gang raping Tricia Meili, the Caucasian so-called Central Park Jogger, unfolded.

With *The Central Park Five* the prolific Burns returns to the recurring theme of race found in many of his made-for-TV documentaries, including 1990's *The Civil War*, 1997's *Thomas Jefferson*, 2001's *Jazz*, 2004's *Unforgivable Blackness: The Rise and Fall of Jack Johnson* and the 11 episode *Baseball*, which aired in 1994 and 2010. In *The Central Park Five* this chronicler par excellence of U.S. history has, with David McMahon and Sarah Burns, co-made what may be his most contemporary doc. The riveting feature-length nonfiction film takes us from the vicious 1989 assault of the Central Park Jogger to the interrogation, arrest and conviction of what a racist press dubbed a "wolf pack." Antron McCray, Kevin Richardson, Raymond Santana, Korey Wise and Yusef Salaam served hard time for this so-called "wilding" -- a crime they did not commit. In 2002 serial rapist Matias Reyes confessed to brutally raping and beating Ms. Meili.

This resulted in the exoneration of the quintet of Harlemites. However, their \$50 million civil lawsuit against the City of New York, NYPD and prosecutors has languished in the courts for almost a decade. And now Burns is involved in an epic First Amendment battle, refusing to handover outtakes and notes which City attorneys subpoenaed as *The Central Park Five* made the film festival rounds and neared release. On Nov. 7 Burns's attorney filed a motion to quash the subpoena on the grounds that it, among other things, "fails to overcome the qualified reporter's privilege that applies to these unpublished, non-confidential newsgathering materials under federal common law and the state Shield Law."

The Progressive caught up with Burns at a Beverly Hills hotel; he was in L.A., along with his co-directors and three of the Central Park Five, to present the documentary about them during the AFI Fest at the Egyptian Theatre, where a sold-out crowd gave the doc, filmmakers and ex-defendants an enthusiastic standing ovation. In person the bearded Brooklyn-born Burns, who now lives in New Hampshire, dresses casually and is passionate about the topics in his work. He speaks much the same as his documentaries are told, in a studious, well thought out manner rich in details. Meanwhile, the 59-year-old filmmaker is at the top of his game, reportedly working on another seven documentaries, including films about Jackie Robinson, the Roosevelts and the Vietnam War.

Q: What does it say about race in America that 150 years after the Emancipation Proclamation the Central Park Five are still experiencing what they are going through?

Ken Burns: The saddest news is that the progress is still incredibly slow. And here we are, in the early 21st century, and we're still arguing over a case, a miscarriage of justice, that took place in April of 1989. And was compounded for 13 years until the real evidence came forward and we realized that those we had prosecuted were actually innocent -- those who had served out their full terms were actually innocent. And still a decade later we're still trying to pretend like we didn't find out what we found out. So, there's a lot of work to be done since Abraham Lincoln suggested later in 1863 at Gettysburg that we "had a new birth of freedom." That birth is taking a long time; the gestation is way too long.

Q: It seems that even if you make a movie about sports like Baseball, or a documentary about music, such as Jazz, race is a theme interwoven into most, if not all of your documentaries.

Burns: Most -- not all. And I don't go looking for it; it's always there. Because we were founded on this idea that "all men are created equal." Yet the guy who wrote that owned other human beings. Thomas Jefferson didn't see the hypocrisy, didn't see the contradiction, and most importantly, never saw fit in his lifetime to free any of those human beings that he said ought to be free, with certain "inalienable rights," of "life, liberty and the pursuit of happiness." And so our American narrative is a constant dialogue with

race. The Civil War, the most important event in our history, came because 4 million Americans in 1861 were owned by other Americans. Doesn't sound right.

On the other hand, the only art form that is recognized as American-created around the world is an art form that was born in a community that had the peculiar experience of being unfree in a free land: That's jazz. So, everywhere you look, race is around us. And we don't look for it; it's just there. If you're going to do more than a superficial, cursory view of American history, whatever the subject is, usually you bump into race as a significant subtheme.

Q: Why did the Central Park Five originally confess?

Burns: They were interrogated for 30 hours. And you say, "Look Ray [Santana], you're a good kid. We know you didn't do it. We know you want to go home. But he's saying, 'you did it.'" You're going, "Who's he?" And he goes, "And if you just say that he did it it'll be all right." So he goes, "Well, okay, maybe [I] can do that." And then all of a sudden [the interrogator] is saying, "You've got to make it believable, right?" So they want to put you closer and closer, and all of a sudden it's a circular firing squad. They all wake up and they suddenly realized that they've implicated not only others, who they didn't know, but themselves, out of self protection and just a desire to go home. Remember the jury member [in the film] who held out 10 days? What did he want? He just wanted to go home. Ten days? Thirteen years?... They just wanted to go home -- they're kids, and they had no idea about Miranda [rights], they had no idea they could ask for a lawyer... Everyone would have confessed!... [False confession] is a science.

Q: Did you ask to interview the Central Park jogger?

Burns: Yes, I spoke to her two or three times. You have to understand that she has no memory of the events. The first people she met besides the medical team that saved her life were the cops and A.D.A.s [assistant district attorneys], who told her their version of what happened. And she spent 13 years of her life trying to repair this extraordinary damage done to her and was invested in that story, too. I think it's hard for her to -- she went public about the second time of the vacation of the convictions, in her book she sort of amended it as now it's sort of up in the air as to what really happened. So I think she's -- I understood that she wouldn't want to participate. I don't understand why the A.D.A.s and the police on one level wouldn't return phone calls even, give me the courtesy. When somebody did, they always hid behind the civil suit, saying, "Oh, we can't talk about that." In point of fact, they were unable to answer any of the questions we would have asked.

Q: How is the subpoena by NYC attorneys going?

Burns: We're in the middle of it. I don't know how it's going to turn out. But we are not going to honor the subpoena as it is. We will have to go to court; I'll let a judge tell me what I have to do, not the City of New York. It's clearly a cynical delaying tactic in a civil suit that's already been delayed nearly a decade. I mean, these guys suffered in an obvious tragedy for 13 years, with justice denied. Now it's almost 10 more years of justice delayed, which we know is justice denied. And it seems very interesting, that interviews we conducted several years ago, that they should choose now as we're in the process of going to Cannes and Telluride and Toronto and Montreal and Mill Valley and Vienna and AFI, suddenly, oh suddenly, now is the time to put a subpoena in front of us for all of our outtakes and notes.

Race is a huge part of this story... but at the end it's a universal story about just human failing. That is to say all of us make mistakes; and you either own up to your mistakes or you don't, as the [New York Times] journalist Jim Dwyer says in our film. And that's what this is. This is a 13 year tragedy that now has become almost a 23-year-old tragedy because there are some cops and A.D.A.s who cannot stand admitting that they were wrong, because of what it might do to their careers or reputations. Never mind the fact that they stole the identities, the lives, of five kids, now men, who are clearly through the polygraph that cinema is, honorable human beings, honorable human beings.

Q: What do you want to say about race relations and racism in America today?

Burns: Well, it's here. People have glossed it over, and said things like "birther" or "he's a Muslim." They would have used the "N" word a couple of generations ago. It's still complicated, but we've also made progress. The person that they're referring to happens to be the president of the United States, which a lot of people swore that they would, you know, die, rather than let that happen. And nothing's happened; he's proved to be an effective leader...

Q: Some of those people are "the birthers of a nation."

Burns: Well, it's not of a nation. What they reflect are the oldest thing: If you can't be honest with your racism, then you disguise it, you call it something else. You say, "Oh, he's not really an American." You start a "birther" movement. Because you're delegitimizing - this is what Jim Crow did, this is what slavery did. It's the same thing... In France, when we were at the Cannes Film Festival, they asked: "Could this happen today?" And we said: "Well, there's a Black kid named Trayvon Martin who's just died -- and yeah, he'd be alive if he wasn't Black."

Q: We recently witnessed in New York City, where you're from, this tremendous catastrophe. Your other new documentary, broadcast shortly after Superstorm Sandy, is *The Dust Bowl*.

Burns: Strangely enough, it is about people dying because they didn't have any water, as opposed to people dying from too much water.

Q: Although much of the Midwest has had a drought.

Burns: With climate change, we are suffering intensely from a new set of algorithms that are sending us storms of the century every couple of years, instead of every 100 years. And droughts to accompany that, as well.

Q: In *The Dust Bowl*, did you find manmade reasons for this environmental disaster?

Burns: Yes. The Dust Bowl is the greatest manmade environmental catastrophe in the history of the United States, if not the world. We turned over an area greater than the size of Ohio of grasslands, grasses that evolved over thousands of years that should have stayed there. In very marginal areas that the earliest European explorers had said was wholly unsuitable to a society based on agriculture, as the United States is based on. They turned over this dirt, and they had some wet years, and they turned over more dirt and then when the normal weather patterns came back and the constant winds were blowing you had dust storms. And not just a handful of dust storms; hundreds of dust storms for 10 years, an apocalypse of almost biblical proportions, where we moved in one day, in one storm, more dirt than it took the 10 years of excavation of the Panama Canal. A storm that blew dust all the way across -- settled inches in Chicago, in Detroit. Franklin Washington went with his fingertip across the desk in the Oval Office and came up with Oklahoma. And the next day ships out at sea were covered with a patina of dust.

This is dust that killed their crops; dust that killed their cattle; and more importantly, killed their children, with this phenomenon called dust pneumonia. This whole panoply of respiratory diseases that people started getting sprang up, that would take the youngest or oldest of a family, and sometimes somebody strapping and in good health. It was almost unbelievable in its scope and shape and it is filled with cautionary tales about human hubris, about greed, about always thinking that the real estate bubble is going to last. It's about, obviously, lessons today about climate change.

Q: Was the Dust Bowl caused in part by climate change?

Burns: No, not at all. There were cycles of drought and more wet periods, but this was an area that didn't need to be turned over. And we've helped to mitigate it by putting 1,000 million straws into the Ogallala Aquifer, which is a not sustainable reservoir -- it's mining water. And when that runs out, you have the problem of the Dust Bowl coming right back. Right now, technology is permitting us to continue to wash, with borrowed water, which will never be replaced. Keep that topsoil on it. But when that water runs out, when the Ogallala runs dry, which it will do -- some Cassandras say it's 20 years, Pollyannas say it's 50 years. But in 50 years, that's the lifetime of our children and our grandchildren. It's going to run out and it may be that the Southern Plains of the United States will turn into, as they feared in the Dust Bowl, into an American Sahara.

Q: What was the response of FDR's New Deal to the Dust Bowl?

Burns: Yeah; what was so extraordinary is that one of the causes of this disaster was the United States government, which had encouraged homesteading in the last unsettled area in the Continental United States. But it was the government that could be the only entity that could possibly offset the devastation that Mother Nature was wreaking. Either the surplus commodities programs that kept people alive; the W.P.A. [Works Progress Administration] which gave people jobs and built highways, bridges, airports and high schools that are used to this day. But also, they planted hundreds of millions of trees in shelter belts, they convinced farmers to try new ways of plowing, of using an old fashioned kind of plow that made a deeper cut. To contour plow; to rotate the crops. They bought backland and turned it into grassland. They were the agency of a great deal of the salvation of this. But it was not climate change then; it was just some wet years that fooled people into thinking that maybe they could make a go of it, but they couldn't.

Q: Discuss the use of Pare Lorentz's 1936 film in *The Dust Bowl*?

Burns: The United States government, in addition to all these programs, also initiated an amazing documentary project, sending through the Farm Security Administration hundreds of photographers out into the field to catch the human cost of not only the Depression, but the Dust Bowl. They also underwrote the first documentary films, like [Lorentz's] *The Plow that Broke the Plains*, which is about the Dust Bowl and the causes of it, and this was man-created: The plow that broke the plains.

Q: There was the famous John Steinbeck novel and film, *The Grapes of Wrath*.

Burns: There's conventional wisdom that says: "Oh, I remember that Dorothea Lange photograph of the migrant farm worker. I've seen a picture of a storm -- this is *The Grapes of Wrath*." Well, *The Grapes of Wrath* is about the Joad family, which were tenant farmers in eastern Oklahoma on the border with Arkansas. They had to leave their land because of the Depression and the collapse of the cotton crop and join that great Diaspora that moved to California. And most of the novel takes place in California. Well, we visit California a couple of times in our series, but in *The Dust Bowl* we focus mainly on the landowners in western Oklahoma, in the panhandle, as well as the panhandle of Texas and southwestern Kansas, southeastern Colorado and northeastern New Mexico. And that is the geographical center of the Dust Bowl, a place once called "no man's land," because it was so inhospitable to settlers and to homesteaders. But we did it, none the less; and benefited from some wet years, people made some money. When you have a good

year you plant more; and when you have a bad year, you plant more, and that just leaves more soil exposed to blow when those ever present winds blow -- and they do blow.

...Although there are no *The Grapes of Wrath* clips in our documentary, we tell an important story: One of the people who was helping in the migrant labor camps in the Central Valley who'd come from the Dust Bowl and helped to communicate with those folks, she and her boss had brought down John Steinbeck and he was so devastated by what he saw he said, "I'm going to go back and blow the lid off this." And what it was was *The Grapes of Wrath*.

Q: Does Woody Guthrie figure in your documentary?

Burns: Throughout.

Ed Rampell is an L.A.-based screenwriter and film historian/critic who wrote the script First Landing, about the Hawaiians who occupied Kahoolawe island to stop the U.S. military from bombing it for target practice. Rampell and co-author Luis Reyes are currently writing their third book for Honolulu's Mutual Publishing about Hawaii movies and TV shows. Rampell is the author of Progressive Hollywood, A People's Film History of the United States, a co-founder of [HollywoodProgressive.com](http://www.hollywoodprogressive.com/) (<https://web.archive.org/web/20121204152741/http://www.hollywoodprogressive.com/>) and of the James Agee Cinema Circle, an international left-leaning group of critics who annually award the Progies for Best Progressive Films and Filmmakers.

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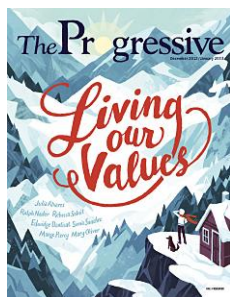
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