

*Commission of Inquiry*  
*Into the Wrongful*  
*Conviction of David Milgaard*  
*before*  
**THE HONOURABLE MR. JUSTICE**  
**EDWARD P. MacCALLUM**

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Transcript of Proceedings  
and  
Testimony before the Commission  
sitting at the  
Delta Bessborough Hotel at  
Saskatoon, Saskatchewan

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On Monday, January 23rd, 2006

Volume 110

Inquiry Proceedings



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**Appearances :**

*Ms. Joanne McLean,*                         **for** Ms. Joyce Milgaard  
*Ms. Lana Krogan,*                         **for** Government of Saskatchewan  
*Ms. Catherine Knox,*                       **for** Mr. T.D.R. (Bobs) Caldwell  
*Mr. Garrett Wilson, Q.C.,*               **for** Mr. Serge Kujawa  
*Mr. Pat Loran, Esq.,*                      **for** the Saskatoon Police Service  
*Mr. Chris Boychuk, Esq.,*               **for** Mr. Eddie Karst  
*Mr. Bruce Gibson, Esq.,*                 **for** the RCMP  
*Mr. Eamon O'Keefe, Esq.,*               **for** Mr. Larry Fisher  
*Ms. Jennifer Cox,*                         **for** Minister of Justice  
  (Canada), The Hon. Irwin Cotler



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THOMAS VANIN, CONTINUED

- BY MR. HODSON

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1 Transcript of Proceedings

2 (Reconvened at 1:35 p.m.)

3 COMMISSIONER MacCALLUM: Good afternoon.

4 ALL COUNSEL: Good afternoon.

5 MR. HODSON: If I could ask Mr. Tom Vanin  
6 to return to the stand, please.

7 THOMAS VANIN, continued:

8 BY MR. HODSON:

9 Q Good afternoon, Mr. Vanin. You are still under  
10 oath. We'll continue on from where we left off on  
11 Thursday.

12 And, if you remember, Thursday  
13 just when we adjourned I had gone over your Court  
14 application and your dealings with Chief Penkala,  
15 as he then was, and just finished off going  
16 through the Court decision that talked about your  
17 application and the fact that once you returned to  
18 work you were sent to, I think, platoon, is that  
19 right, by Mr. Penkala, we talked about that, and  
20 then you took issue with that; is that correct?

21 A Yes sir.

22 Q Yeah. And I just want to touch on a couple of  
23 other documents here that talk about some of the  
24 issues that -- and I think you told us, please  
25 correct me if I'm wrong, that in this time frame,



1           1990 and certainly early and into mid-1991, that  
2           you had a number of ongoing issues and disputes  
3           with Saskatoon Police administration and in  
4           particular Chief Penkala; is that correct?

5           A           Yes sir.

6           Q           If we could call up 223644. And, again, this is a  
7           document that was part of the RCMP file from their  
8           review in 1993, and this relates to a complaint or  
9           it outlines a complaint that you made September 4,  
10          1990 against an Inspector Grabowski, three  
11          grounds; carrying on personal business, sale of  
12          golf clubs, misusing police equipment, being  
13          chauffeured around, and you alleged perjury  
14          against him; is that correct that you would have  
15          made those allegations around that time?

16          A           Yes sir.

17          Q           And then this is actually a letter from Chief  
18          Penkala, we will see this on the next page.

19          A           Can I deal with this particular document a little  
20          further?

21          Q           Sure. I'll tell you what, if I could just through  
22          and touch on a couple of points, then I'll ask you  
23          about it; okay?

24          A           Okay.

25          Q           And so here in the letter Chief Penkala says,



1           'Your allegations have now been fully investigated  
2           and I am obligated to advise you that none of your  
3           accusations are realistic or substantiated to the  
4           degree that the conduct of Inspector Grabowski is  
5           in question.'

6                           And if you could just scroll  
7           down, they talk about the two incidents here,  
8           about the golf clubs and the police ride, and  
9           then -- or use of the police car, and then on the  
10          next page it says, 'In respect to your third and  
11          very serious allegation, which accuses Inspector  
12          Grabowski of perjury, you are advised that there  
13          are no grounds for such an accusation or charge.  
14          A copy of Mr. Kenneth McKay's,' it should say,  
15          'letter is enclosed for your more specific  
16          information.'

17                           And just before I get you to  
18          comment, Mr. Vanin, I simply point this out, this  
19          is a letter that the RCMP had in 1993 when they  
20          were looking at the matter. And I appreciate that  
21          what you told us Thursday, there were a number of  
22          disputes between you and the police, and that you  
23          had a version of events and they had a version of  
24          events, and my purpose in raising this is not to  
25          have this Commission get into a determination of



1           who was right and who was wrong, but simply to  
2           make known the fact that you had some issues  
3           ongoing at the time. So do you understand my  
4           purpose in asking you about it?

5           A           Yes sir.

6           Q           And so let me ask you a question and then I can  
7           have you comment; would this be an accurate  
8           representation of what happened to your  
9           allegations at the time, in fact you made these  
10          allegations, and this is how the administration or  
11          Chief Penkala responded to them?

12          A           Yes sir.

13          Q           And did you take issue with the way in which  
14          Mr. Penkala responded to them?

15          A           I --

16          Q           Did you disagree with his response?

17          A           I don't recall what happened after that.

18          Q           Okay. Now, I'm sorry, did you earlier want to  
19          make some comment about this letter?

20          A           Yes. If you can back up to the first?

21          Q           Sure.

22          A           At that time I wasn't the only one that was having  
23          problems with Penkala, the police association was  
24          having a lot of problems with him. Jim Cox was  
25          the president of the association, and in respect





1 to the first two charges against Grabowski, it was  
2 at the urging of Cox that I filed those  
3 complaints. In respect to the perjury one, Mr.  
4 Allbright was acting for me and we, when he heard  
5 Grabowski's evidence it was his opinion that  
6 Grabowski perjured himself and he suggested to me  
7 that I file a complaint against Grabowski.

8 Q And was Mr. Allbright your lawyer at the time?

9 A He was, sir.

10 Q And was this incident with Inspector Grabowski  
11 part of your dis -- was it him giving evidence at  
12 your disciplinary hearing where you had concerns  
13 about what he said? In other words, the evidence  
14 given under oath at a police hearing, was it in  
15 fact a police hearing dealing with your  
16 disciplinary matters?

17 A Mr. Allbright certainly had concerns about his  
18 evidence, about Grabowski's evidence.

19 Q No. My question is, Mr. Vanin, that the sworn  
20 evidence that Inspector Grabowski gave that you  
21 had concerns about, it's my understanding that it  
22 was evidence that he gave in the course of your  
23 disciplinary hearing, in other words a matter  
24 relating to you; is that right?

25 A Yes sir.



1 Q Yeah. And so it was evidence he gave against you,  
2 if I can call it that, at your disciplinary  
3 hearing; is that fair?

4 A Yes, yes.

5 Q And that's what you took issue with? And I  
6 apologize, and you indicated what your lawyer said  
7 to you at the time, but that's -- it was at your  
8 hearing; is that right?

9 A It was at my hearing, at the urge, and at the  
10 urging of Mr. Allbright that I filed this  
11 complaint against Grabowski.

12 Q Okay. And then next if we can just -- this is a  
13 reference to -- was there anything else about this  
14 document?

15 A No, sir.

16 Q If we can call up 223646. And in Chief Penkala's  
17 letter he referred to a letter from Ken MacKay,  
18 who was with Saskatchewan Justice, and this is a  
19 letter that was attached to the letter from Chief  
20 Penkala to you, and it goes on to explain his view  
21 that -- and it goes on to talk about Grabowski's  
22 answers, if they could be construed as being  
23 false, and they cannot, could not have realized  
24 they were false. And then if we go to the next  
25 page, and concludes, had no intent to mislead the



1 inquiry, there is no basis for a charge against  
2 Inspector Grabowski.

3 So I take it from that, sir,  
4 that your complaint against Inspector Grabowski  
5 was effectively dismissed by Chief Penkala with  
6 assistance from Ken MacKay; is that correct?

7 A Yes sir.

8 Q So we're done with that document. So just by way  
9 of timing, I think what the documents reflect  
10 then, the -- I think your original accident was  
11 1986, is that right, your automobile accident?

12 A That's correct. I had two automobile accidents in  
13 1986.

14 Q Okay. And were both influences in your inability  
15 to return to work?

16 A The combination of the both accidents was.

17 Q Yeah.

18 A But from the first accident I was off duty and I  
19 did not miss any work, however the second accident  
20 was a high-speed chase in which I suffered  
21 substantial injuries.

22 Q And we touched on last Thursday, then, that there  
23 would have been a lengthy time period where you  
24 were recuperating, and you talked a bit about the  
25 fact that there was a disagreement between you and



1 the administration, and in particular Chief  
2 Penkala, about whether or not you were able to  
3 return to work; is that right?

4 A That's correct.

5 Q And then from there a number of other skirmishes  
6 developed, or issues arose, where you took issue  
7 with things administration had done either  
8 regarding you or regarding other officers; is that  
9 fair?

10 A I, if I did, I'm not aware of any other --

11 Q No, I -- I'm sorry, Mr. Vanin, maybe I can be a  
12 little clearer. I think, when we went through the  
13 Court application and the decision of Madam  
14 Justice Wedge on Thursday, I think you told us  
15 that as a result of your inability to return to  
16 work you got into a dispute with administration  
17 about whether you could return to work and, if so,  
18 what duties you could perform, and we talked about  
19 the fact, when you came back, that Chief Penkala,  
20 I think you said, demoted you to patrol; do you  
21 recall telling us that?

22 A Yes. The issue was not returning to work, it was  
23 the assignment that was a concern of mine, and  
24 what he did, it wasn't a demotion, it was a  
25 lateral transfer, and he transferred me to a



1 supervisor in the patrol division, which is one of  
2 the things that the specialist highly suggested  
3 that not happen to me because of the danger of  
4 re-injuring myself.

5 Q And as well we touched on, Thursday, there was a  
6 letter that talked about issues between you and  
7 Mr. Wilton and then, today, the issues with  
8 Inspector Grabowski. So that's what I'm talking  
9 about, there was a set of issues between you and  
10 administration that would have been in the  
11 1990-1991 time period, is that fair?

12 A They might have even gone prior to that.

13 Q And perhaps a bit prior, '89-'90, certainly they  
14 were alive in April of 1991 when you filed your  
15 application with The Court; is that right?

16 A I believe so, sir, I --

17 Q And --

18 A I don't recall, it was so long ago and so much has  
19 happened that --

20 Q No, and I appreciate that, Mr. Vanin. That's why  
21 I called up, on Thursday, the actual documents  
22 that set out the dates when you brought the  
23 applications and the Court dealt with it.

24 Prior to your accident in 1986,  
25 and prior to the subsequent events where you got



1           into disputes with administration, did you have  
2           any problems, prior to the accident, any issues  
3           with administration at Saskatoon City Police?

4           A           Absolutely none.

5           Q           And so --

6           A           I was promoted way ahead of my time, I wrote all  
7           my promotional exams, I received the highest marks  
8           of all the exams I wrote and was often promoted  
9           way ahead of senior people.

10          Q           And so late '80s, early '90s when the documents  
11          show issues arose, that would be the first time  
12          that you started to have serious issues with  
13          administration about their dealings with you; is  
14          that fair?

15          A           Yes, sir.

16          Q           Now, I want to go back, on Thursday you told us  
17          that -- we went through in detail who you may have  
18          provided information to and what you told us on  
19          Thursday is that at some point you decided to go  
20          outside the Saskatoon City Police Service and  
21          provide information relating to the David Milgaard  
22          case to third parties and what you told us is that  
23          you talked to David Asper, to Hersh Wolch, Paul  
24          Henderson, David Roberts with *The Globe and Mail*,  
25          I think Timothy Appleby and Greg Rodin, a lawyer.



1 Do you remember telling us that, that those were  
2 people that you would have talked to about the  
3 case?

4 A Yes, sir.

5 Q And as well you told us that the information you  
6 would have provided certainly to Mr. Wolch, Mr.  
7 Asper, Mr. Rodin and Mr. Henderson that would have  
8 been confidential in the sense that it was  
9 information that you knew, I think you've told us  
10 that you knew the Saskatoon City Police Service  
11 would be of the view that it should not be shared  
12 outside the police service. Do you recall telling  
13 us that?

14 A Yes, sir.

15 Q And I want to get into that and have you walk  
16 through and tell us as best as you can recall what  
17 it was that you told these people, and if you  
18 like, we can start with Mr. Asper and have you  
19 tell us, to the best of your recollection, what  
20 type of information did you tell him and then  
21 we'll try and work on some dates to put it in  
22 sequence.

23 A Can you ask that in the form of a question?

24 Q Yes, I can. Can you tell us, sir, what  
25 information did you provide to David Asper about



1 the David Milgaard investigation, case and/or the  
2 Gail Miller murder case?

3 A The first thing I recall Mr. Asper asking me is if  
4 I knew Larry Fisher. I told him I didn't and he  
5 requested that I try and find out some information  
6 in respect to Larry Fisher and I talked to many  
7 senior members of the department and no one seemed  
8 to have ever heard of that name. I was also asked  
9 who went to Winnipeg to interview Fisher.

10 Q Was that by David Asper?

11 A I'm not sure, sir. I believe it was.

12 Q Okay. Carry on.

13 A And I didn't know. I phoned my good friend Eddie  
14 Karst and asked him and he said he didn't know  
15 anything about it and approximately about two  
16 weeks later Eddie phoned me back and said, Tom,  
17 I'm sorry, I forgot all about it, he says I'm the  
18 one that went to Winnipeg with Nordstrom and he  
19 says I just -- I'm not lying to you, he says I  
20 just forgot, plain forgot about it.

21 Q Okay.

22 A And I accepted that.

23 Q And what else did you discuss with Mr. Karst about  
24 that?

25 A At that time, that's the only thing that we





1 discussed.

2 Q Did you have any discussion with him, did he say  
3 anything about a statement from Larry Fisher?

4 A No, sir, and I never asked him about a statement.

5 Q And did you pass that --

6 A As a matter of fact, I don't think we even  
7 discussed Fisher. All we discussed is who went to  
8 Winnipeg.

9 Q For what purpose though?

10 A Well, I don't know what the purpose, you would  
11 have to ask Mr. Asper.

12 Q So let me back up. He said would you go and ask  
13 police officers who went to Winnipeg?

14 A Yes.

15 Q But to Winnipeg when and for what?

16 A He might have asked, you know, what was the reason  
17 of them going to Winnipeg or who went to Winnipeg  
18 to interview Fisher. I don't recall that, though,  
19 sir.

20 Q Okay. And so you would have provided that  
21 information back to Mr. Asper?

22 A Yes, sir.

23 Q And do you recall anything Mr. Asper would have  
24 said when you provided him with that information?

25 A He just asked me to keep working on this and try



1 and get as much information or any information  
2 that I could in respect to Mr. Fisher.

3 Q And what else did you provide to Mr. Asper then or  
4 what else did he ask you to do?

5 A Well, I started looking for information, any  
6 documents that the police department would have  
7 had in respect to Larry Fisher and asked the girls  
8 in Central Records and we couldn't come up with  
9 anything, they couldn't find absolutely nothing,  
10 and this went on for a considerable length of  
11 time, I would think maybe two or three weeks or  
12 maybe four weeks, and I would ask different girls  
13 in Central Records and I asked them, I says can  
14 you please think, you know, could they be  
15 somewhere else, maybe they're not where they  
16 should be, but is there another section of files  
17 where they could be.

18 Q And at the time you were doing this, what was your  
19 understanding, sir, of why Larry Fisher was  
20 important?

21 A Well, what I understood from Mr. Asper is that  
22 that was their main suspect in the murder of Gail  
23 Miller.

24 Q And what knowledge if any did you have about  
25 previous criminal conduct of Larry Fisher or



1 previous convictions?

2 A Absolutely none, never even heard of the man  
3 before, before Asper brought it to my attention.  
4 Either Asper or I read it in the newspaper. I  
5 read one statement in here that the RCMP took and  
6 they asked me where did I first hear of Larry  
7 Fisher and I said in the newspaper and maybe I did  
8 read it first in the newspaper and then shortly  
9 after that Asper contacted me, but I wouldn't lie  
10 to the RCMP and I didn't lie to them and if I had  
11 heard it first from Asper and not read it in the  
12 newspaper, I would have just told the RCMP I'm  
13 refusing to answer that question.

14 Q And so is it your memory today, sir, that you  
15 think you heard Larry Fisher's name first from  
16 David Asper?

17 A That's what comes to mind, but yet there's a  
18 document here that suggests something different.

19 Q Okay, and we'll touch on that a bit later. So if  
20 we -- so Mr. Asper tells you about Larry Fisher.  
21 What does he tell you about Larry Fisher? I think  
22 you said that he was a suspect, or their number 1  
23 suspect; is that right?

24 A Yes.

25 Q And why would you expect to find anything in the



1 police records about Larry Fisher?

2 A Well, apparently he had pled guilty to several of  
3 the rape files we had.

4 Q Okay. And where did you get that information  
5 from?

6 A From Mr. Asper.

7 Q And so was that what you were looking for in the  
8 police files?

9 A Yes. He also supplied me of the names of the  
10 victims --

11 Q Okay.

12 A -- of the rapes and I was looking for any  
13 documents on Larry Fisher and the victims and we  
14 couldn't find any files whatsoever, or I should  
15 say the people that worked in Central Records  
16 couldn't find anything.

17 Q So just so that I have this straight, please  
18 correct me if I'm wrong, Mr. Asper would have said  
19 okay, will you please go to Central Records and  
20 see if you can find any police files that relate  
21 to the rape convictions of Larry Fisher back in  
22 1968 to 1970? Does that time frame sound right?

23 A I'm not certain about the time frame, but he  
24 didn't ask me could you go to Central Records, he  
25 just asked me could you find out information. He



1           didn't direct me to go any specific place.

2           **Q**       Okay. So he wanted to know any information the  
3           police had about those files?

4           **A**       Or that I could find out.

5           **Q**       Yeah. And what would you have done if you would  
6           have -- and I think you said you didn't find any  
7           files; is that right?

8           **A**       That's correct.

9           **Q**       What would you have done if you would have found  
10          files, would you have given them to Mr. Asper?

11          **A**       Yes, but eventually we did. I kept this up for,  
12          like I said, maybe three weeks or four weeks and  
13          one night a young lady in Central Records, she  
14          came across two documents with Larry Fisher's name  
15          on it.

16          **Q**       Okay. Can you tell us what the documents said and  
17          what you did with them?

18          **A**       One document was an index card and it had Larry  
19          Fisher and it had about five or six numbers beside  
20          it similar to what we would see here and I took  
21          that to mean occurrence numbers that were  
22          associated to Fisher.

23          **Q**       Okay.

24          **A**       The other document was one page of an  
25          investigation report of a rape and I don't know



1           who the victim was, I don't recall who the victim  
2           was, but Larry Fisher's name appeared on that one  
3           sheet of paper.

4           Q        Okay.

5           A        So I knew then we were onto something and I  
6           immediately called Asper back and told him, bingo,  
7           we've got something here, something is wrong,  
8           something is wrong in this department.

9           Q        And why is that?

10          A        Well, the files are missing, but, you know, after  
11          searching and searching we find two pieces of  
12          paper.

13          Q        Okay. Let's just go back again. Do you recall  
14          the names of any of the clerks that you would have  
15          talked to in Central Records?

16          A        No, sir. I didn't -- I wasn't familiar with them  
17          and it was apparently in their union the lowest  
18          paid job and the staff circulated through there  
19          frequently.

20          Q        And so did you yourself go into Central Records  
21          and look for documents?

22          A        Absolutely not, sir.

23          Q        So you would go to whoever was there and say can  
24          you -- tell us what you would have -- basically or  
25          generally what would you have told them to look



1 for?

2 A Outside the major crime office is a door and a  
3 hallway and across from the hallway is a counter  
4 that's about four and a half feet high, there's no  
5 door, you walk up to this counter, one of the  
6 young ladies would come over and you would ask her  
7 for whatever you needed and she would get you the  
8 file or the documents or run a check or a CPIC  
9 check or whatever you needed.

10 Q Okay. And so tell us, though, what it is that you  
11 asked the clerks to look for?

12 A Anything pertaining to Larry Fisher, any criminal  
13 record, any files associated to him, anything that  
14 he could come up as an associate or as a witness  
15 or --

16 Q Okay. And --

17 A I don't know how their filing system worked, I had  
18 no idea how it worked.

19 Q No, and I appreciate that, I want to know what  
20 information you gave them. Did you give them the  
21 names of any of the victims to search?

22 A I believe I did.

23 Q Okay. And why do you say that?

24 A Well, because --

25 Q Let me rephrase that. You say you believe you



1 did. Is there some doubt that you may not have?

2 A No, I'm reasonably certain that I asked them for  
3 files pertaining to those particular victims, but  
4 I'm not absolutely certain. It's a long time ago,  
5 sir.

6 Q No, and that was just the point I was trying to  
7 make, Mr. Vanin, to try and find out again the  
8 best of your recollection. So the first time you  
9 went you think you would have certainly -- would  
10 it be fair to say that every time you went back  
11 you would have used the name Larry Fisher for sure  
12 to search?

13 A Absolutely, plus the names of the victims.

14 Q Plus the names of the victims?

15 A I'm reasonably certain I would have asked for a  
16 search on all of them.

17 Q Okay. And then how many times did you go and ask  
18 for that search?

19 A To the best of my recollection, this took place  
20 maybe over a period of three or four weeks. I  
21 didn't want to draw attention to myself and I  
22 would make sure it was different staff that were  
23 on duty, I never asked the same girl, and like I  
24 said, several weeks later two pieces of paper  
25 showed up with Fisher's name on it.





1 Q And so at least a couple of times where nothing  
2 came back; is that correct?

3 A More than a couple of times.

4 Q And so then at the time you then got these two  
5 pieces of paper, did you actually see, physically  
6 see the index card yourself?

7 A Yes, sir.

8 Q And did the clerk provide that to you?

9 A Yes, she did.

10 Q And what did you do with it?

11 A I would have asked her for a photocopy of it.

12 Q And did you obtain a photocopy of it?

13 A I don't know, but I just can't see myself walking  
14 out of there without having a photocopy. I would  
15 have never taken the original or a copy of that  
16 investigation report, but I don't think I would  
17 have left without having had them make me a  
18 photocopy of those two pieces of paper.

19 Q And so the one, just so that I have this clear,  
20 one was an index card, and would it be about what,  
21 a four by six inch index card; is that what we're  
22 talking about?

23 A Yes, sir.

24 Q And that had Larry Fisher's name and I think you  
25 said five or six file numbers; is that right?



1 A I believed them to be file numbers.

2 Q And you would be familiar with occurrence reports  
3 and how each incident and each occurrence is filed  
4 with a separate file number, that's something you  
5 knew as an officer?

6 A Yes, sir.

7 Q And when you looked at the card, did you conclude  
8 that these were file numbers that related to Larry  
9 Fisher?

10 A No, I just was satisfied that we finally had  
11 something, and again, I didn't want to draw any  
12 undue attention to myself.

13 Q But what did you think the numbers on the card  
14 were about?

15 A I think they were occurrence numbers that Larry  
16 Fisher was associated to, and I'm only guessing,  
17 but I'm assuming that they were the occurrence  
18 numbers related to the rapes.

19 Q Did you ask the clerk to go search for the files  
20 for those occurrence numbers on the index card?

21 A I don't recall, sir. I recall asking them about  
22 the names of the victims.

23 Q Okay. And so -- and you think you would have got  
24 a photocopy of the index card; is that right?

25 A Yes.



1 Q And then the second piece of paper was a part of  
2 an investigation or an occurrence report; is that  
3 right?

4 A It wasn't an occurrence report, it was one page of  
5 an investigation report.

6 Q And I think you said that Larry Fisher's name was  
7 on it; is that right?

8 A That's correct.

9 Q Okay. And do you know if it related to a rape or  
10 was it possibly related to the Gail Miller file?

11 A To the best of my recollection, it was related to  
12 a rape, not to the Gail Miller file.

13 Q Okay. And do you have any recollection of what  
14 rape or what was on the file that might have  
15 identified that for you?

16 A No, sir.

17 Q I think you told us you believe that you would  
18 have got copies of this; is that right?

19 A Yes.

20 Q And what did you do with those copies?

21 A I showed them to Mr. Henderson. Mr. Asper was  
22 supposed to come to Saskatoon, but he couldn't  
23 make it and he phoned me and asked me, that  
24 Henderson was a private investigator with him and  
25 I would still have the lawyer/client privileges



1 with him and I would have showed those to Mr.  
2 Henderson.

3 Q Okay. Did you ever send a copy of them to Mr.  
4 Asper?

5 A No, sir. I never -- I never sent anything written  
6 or by mail. All of our dealings were over the  
7 phone.

8 Q Okay. And so did you show these two pieces of  
9 paper to Mr. Henderson?

10 A I believe I did.

11 Q And then what did you do --

12 A I want to correct myself --

13 Q Sure.

14 A -- about sending documents. I only sent one  
15 document, it was a letter to Mr. Rodin later on.

16 Q Yeah, and I'll go over that with you.

17 A Okay. I just --

18 Q So again, would you have told Mr. Asper then what  
19 you found, these two pieces of paper, would you  
20 have called him and said, reported back on what  
21 you found pursuant to his request?

22 A Certainly.

23 Q And I think your words were when you found that  
24 you said you, I think your words were you knew you  
25 were onto something?



1 A Yeah.

2 Q What did you mean by that?

3 A Meaning that there actually was a Larry Fisher  
4 that was very active in Saskatoon at one time and  
5 when I made inquiries nobody had ever heard of him  
6 and yet he had pled guilty to these rapes, but  
7 then I found out that somehow the charges were all  
8 transferred to Regina and how rapes could have  
9 happened in Saskatoon and charges were laid in  
10 Saskatoon, but yet he pleads guilty to them in  
11 Regina. Till this day I still don't know how that  
12 happened.

13 Q And where did you learn of that from, who from?

14 A Oh, probably from Asper.

15 Q And so he would have told you then that Larry  
16 Fisher pled guilty to the charges in Regina; is  
17 that right?

18 A I think so, yes.

19 Q And did that strike you as being unusual?

20 A Yes, and when it became public it became unusual  
21 to everybody.

22 Q And why did you find it to be unusual?

23 A You commit an offence in this jurisdiction, it's  
24 usually dealt in this jurisdiction. I know there  
25 are sometimes exceptions, but that's very rarely.



1 Q We've heard some evidence from others, officers  
2 and others that from time to time an accused, when  
3 pleading guilty, would have charges waived out to  
4 another jurisdiction or another city. Did you in  
5 your career as a police officer, did that ever  
6 happen on files that you were working on or did  
7 you see that happen?

8 A Oh, I'm sure I did.

9 Q Okay. And again is that something different than  
10 what you thought had taken place with Larry  
11 Fisher?

12 A Yes, because apparently he was transported from --  
13 he was in custody and transported from Prince  
14 Albert all the way down to Regina to plead guilty  
15 to these charges.

16 Q And so that is something that in your mind was  
17 suspicious; is that correct?

18 A Yes, and I don't know if that's correct, whether  
19 he was in Prince Albert and transferred, this is  
20 what I had heard.

21 Q Okay. Other than information from David Asper,  
22 did you find out any information from any other  
23 source about the circumstances under which Larry  
24 Fisher pled guilty to his charges in Regina?

25 A No, I didn't, and I really wasn't that concerned



1           because I turned over what I had to Asper, he had  
2           a whole -- Mr. Wolch was an excellent law firm and  
3           they had a number of private investigators and it  
4           was just something that was, I wasn't going to  
5           work on, I had my own work to do, and I did my job  
6           as far as I'm concerned.

7           Q       When you found these two pieces of paper on Mr.  
8           Fisher, did you ever go back to Central Records  
9           and make any further requests?

10          A       Not that I recall.

11          Q       Did you ever come to the conclusion in your mind,  
12          or did you when you found these documents, or make  
13          inquiries as to where the original police  
14          investigation files were?

15          A       Did I ever come to any conclusion?

16          Q       Yes. Let me back up. I take it, sir, when you  
17          were looking in Central Records, what you were  
18          looking for in part was the original police  
19          investigation files relating to the four rapes and  
20          one attempted -- three rapes and one attempted  
21          rape that Larry Fisher pled guilty to; is that  
22          correct?

23          A       Yes, sir.

24          Q       And I take it, sir, you didn't find them in the  
25          records?



1 A That's correct, sir.

2 Q And did you -- what did you conclude from that, if  
3 anything?

4 A I concluded there must be something wrong here.

5 Q And why is that?

6 A The files weren't where they should be, and if  
7 they were signed out to somebody, there should  
8 be -- there's a sign-out sheet where these files  
9 go.

10 Q Did you ever, ever verify -- let me just back up,  
11 and again, are you able to tell us, and I'll show  
12 you some documents a bit later, the time frame  
13 when you would have been making these requests,  
14 what year it would have been in?

15 A I don't remember, sir.

16 Q I will show you some newspaper articles, and do  
17 you recall there being an issue, a public issue  
18 about the missing files and the Saskatchewan  
19 Police Commission undertaking an investigation  
20 when it came to light that the files were missing,  
21 do you remember that happening?

22 A Yes, sir.

23 Q And I think that would have been in the fall of  
24 '91, and I'll show you some documents on this a  
25 bit later. The time frame when you were making





1 the inquiries, would it be in the time period  
2 prior to that or in and around that time, is that  
3 possible?

4 A It would have been before that.

5 Q Yeah.

6 A I think because of my information to Mr. Asper,  
7 which eventually went to the news media, that I  
8 was told that they had a number of inspectors  
9 working after midnight looking for these files.

10 Q And who told you that?

11 A I don't know who told me that.

12 Q Okay.

13 A And I understand that when they did do this  
14 search, they did find one complete file.

15 Q Okay. Is it possible, and again --

16 A And I may be wrong on that, but that's just my  
17 understanding.

18 Q -- that it was your information to Mr. Asper, and  
19 did you also provide this information or some of  
20 it to David Roberts with *The Globe and Mail*?

21 A If I did, it would have been just general  
22 information.

23 Q And is it possible, Mr. Vanin, or to your  
24 knowledge is it this information that may have  
25 caused the Police Commission -- caused the



1 newspaper article which in turn caused the Police  
2 Commission to commence the investigation, is it  
3 your understanding that what you found in records  
4 conveyed to Mr. Asper was the genesis or the start  
5 of the Police Commission's investigation? Are you  
6 able to tell us?

7 A Yes, sir.

8 Q And do you believe that it was your information  
9 that sparked that; is that correct?

10 A Yes, sir.

11 Q So did you ever -- so let's assume that it's  
12 around 1991, in the summer of '91, it was I think  
13 September 12th, 1991 that the Police Commission  
14 started the investigation. Did you ever, during  
15 that time frame, make any determination that those  
16 files had in fact existed within the year prior,  
17 for example?

18 A No, sir.

19 Q And so when you found that they were missing, were  
20 you able to say whether they had been there, maybe  
21 had been destroyed, for example, 10 years ago or  
22 20 years ago or two years ago, were you able to  
23 make any determination as to when the files would  
24 have gone missing?

25 A I had a conversation with Dave Roberts and we were



1 talking about the files missing and according to  
2 Roberts he interviewed Gus Weir and Gus Weir told  
3 Roberts that he was looking for those files more  
4 than two years ago and even at that time they were  
5 missing and Mr. Roberts relayed this information  
6 back to me.

7 Q Okay. In fact, I think Mr. Weir testified before  
8 this Commission that in the mid or late '70s he  
9 looked for the files and they were gone?

10 A I'm not aware of that.

11 Q Okay. So put it this way, Mr. Vanin, there was  
12 nothing -- is it fair to say there was nothing  
13 that you saw or heard in 1991 when you were  
14 looking for the Larry Fisher files that suggested  
15 they had just vanished or just gone missing?

16 A No. It appeared to me that they had been missing  
17 for a considerable length of time.

18 Q Okay. And would you have conveyed that  
19 information to David Asper?

20 A Certainly.

21 Q Would you have conveyed that information to David  
22 Roberts?

23 A I probably did.

24 Q The document, or the copy that you have, or those  
25 two pieces of paper you got from Central Records,



1 I had asked you prior to testifying to see if you  
2 could locate them and I understand, sir, that you  
3 don't have them or can't locate them; is that  
4 fair?

5 A That's correct.

6 Q And just on the file card --

7 A If I can just --

8 Q Sure.

9 A -- state, I would have never given them to Mr.  
10 Asper or Henderson or Mr. Roberts, I would have --  
11 I know I let Mr. Henderson look at those documents  
12 and I must have destroyed those two documents.

13 Q Okay. Now, do you know what happened -- I think  
14 you said that the clerk showed you the file card  
15 with Larry Fisher's name and the file numbers on  
16 it; is that right?

17 A Yes, sir.

18 Q And what would you have done with it once you were  
19 done with it, did it go back to her?

20 A Yes.

21 COMMISSIONER MacCALLUM: What was that that  
22 went back to her?

23 MR. HODSON: The file card.

24 A The index card.

25 COMMISSIONER MacCALLUM: What did you mean



1           when you say you must have destroyed the two  
2           documents?

3           A           I had them make photocopies of the two documents.

4                        COMMISSIONER MacCALLUM: All right. And  
5           that's the photocopies you destroyed?

6           A           Yes, sir.

7                        COMMISSIONER MacCALLUM: Thanks.

8           BY MR. HODSON:

9           Q           Now, the file index card, what happened to that,  
10           when was the last time you saw the original index  
11           card?

12           A           The first time I saw it. I just simply returned  
13           it to the Central Records staff.

14           Q           Okay. In this -- in the work of the Police  
15           Commission, and certainly with the documents that  
16           we have been presented before this Commission of  
17           Inquiry, Mr. Vanin, we have heard evidence that  
18           police practice, and this is certainly in the  
19           Police Commission report, and I'll show you parts  
20           of this a bit later, that the practice was once a  
21           person was convicted of an offence, that his name  
22           would go on an index card with a cross-reference  
23           to the file numbers and that there should have  
24           been in the system a card with Larry Fisher's name  
25           and the occurrence numbers on it. When the Police



1 Commission did their investigation in the late  
2 1991 time period, they could not find an index  
3 card with Larry Fisher's name, and I don't believe  
4 in the 350,000 pages of documents this Commission  
5 has, we have never seen a copy of that index card,  
6 and I'm wondering, sir, if you have any knowledge  
7 or explanation as to where that card may be?

8 A Absolutely none, sir. I was shown the card, I  
9 probably asked for a photocopy of it and it was  
10 returned to the Central Records staff and that's  
11 the last I saw of the actual card.

12 Q Okay. Did you -- I think you mentioned earlier  
13 that you heard at some point that the Police  
14 Commission ended up finding one of the files; is  
15 that right?

16 A That's what I heard, yes.

17 Q And do you remember where you heard that from?

18 A Oh, somewhere in the police station. I have no  
19 idea who I heard it from. Maybe even read it in  
20 the paper.

21 Q So let's just go back to your communications with  
22 Mr. Asper. So then after you conveyed this  
23 information about the index card and the one page  
24 investigation report, what further information, if  
25 any then, did you provide to Mr. Asper?



1           A           It was either to Mr. Asper or to Mr. Rodin. I had  
2                       received information that they were electronically  
3                       listening to David Milgaard's and Mr. Tallis'  
4                       conversations.

5           Q           Okay. And where and when did you hear that?

6           A           I don't know when I heard it, but I heard it from  
7                       Rusty Chartier.

8           Q           Rusty Chartier?

9           A           Yes.

10          Q           And was he on the force at the time that he told  
11                      you this?

12          A           I'm not certain if he was still on or retired, but  
13                      he went on to say that he wasn't involved, he was  
14                      just a technician and he was just, he did what he  
15                      was told and there was tapes made and the tapes  
16                      should still be around the police station  
17                      someplace.

18          Q           And those would be conversations between David  
19                      Milgaard and Mr. Tallis at what time, at what  
20                      point?

21          A           I'm assuming that that's shortly after Mr.  
22                      Milgaard was arrested and transported to  
23                      Saskatoon.

24          Q           And --

25          A           But that's only an assumption on my part.



1 Q And where was it, did Mr. Chartier tell you where  
2 it was that they listened in on these  
3 conversations, what building or what room?

4 A No, and I didn't ask. I was surprised, and as  
5 long as he kept talking I kept listening, and I  
6 never said any more and --

7 Q How did this conversation happen between you and  
8 Mr. Chartier, how did the subject come up?

9 A Oh, I'm sure somewhere along the line I brought up  
10 the Milgaard file and was just generally asking  
11 questions, you know, as to what evidence they had,  
12 you know, that pointed to his guilt.

13 Q And would be part of -- and if I'm using the wrong  
14 words please tell me -- would this be part of the  
15 'work', if I can call it that, that you were doing  
16 to try and assist Mr. Asper or Mr. Rodin or on  
17 behalf of Mr. Milgaard?

18 A Right. As I stated the other day, I started  
19 making inquiries on my own in 1970, you know, as  
20 to what evidence they had, and I -- at that time I  
21 was in patrol, I wanted to work in detectives, I  
22 wanted to work in homicide, and I was curious to  
23 know how they pinned this down to Mr. Milgaard,  
24 and --

25 Q When you had your discussion with Mr. Chartier was





1           it your intent, when you started the discussion,  
2           to try and gather information for the purpose of  
3           providing the information to either Greg Rodin or  
4           David Asper?

5           A       Well, it depends on what they volunteered.  If I  
6           thought it was useful to either one of them I  
7           would have passed it on.

8           Q       But then I guess that's my question; were you  
9           at -- were you at -- at -- do you know what time  
10          frame this was?

11          A       I have no idea, sir.

12          Q       Okay.  And would it be -- it would be after, after  
13          you went looking for the Fisher documents?

14          A       I don't know, sir.

15          Q       And, after you got this information from  
16          Mr. Chartier, did you then immediately phone  
17          either Mr. Asper or Mr. Rodin; who first?

18          A       I'm certain I did.

19          Q       And so certainly it was at a time where you had  
20          already had contact with either Mr. Asper or  
21          Mr. Rodin; is that fair?

22          A       That's fair.

23          Q       And I'm, what I am trying to understand Mr. Vanin,  
24          were you -- let me go back.  After you had  
25          initially talked to Mr. Asper did you -- did he



1 ask you to go out and be his eyes and ears in the  
2 police force and go gather information, or what,  
3 if anything, did he ask you to do?

4 A Just to obtain any information that could assist  
5 him in proving that Mr. Milgaard was innocent.

6 Q Okay. So then, when you went and had the  
7 discussion with Mr. Chartier, what I am trying to  
8 understand; would it have been part of your  
9 efforts, at Mr. Asper's request or Mr. Rodin's  
10 request, to gather information for David Milgaard?

11 A This information, Mr. Chartier just volunteered it  
12 to me.

13 Q No, I appreciate that. What I am trying to  
14 understand, Mr. Vanin, is whether you were  
15 actively going out to beat the bushes and try and  
16 ask people to get information, with the view that  
17 if it was helpful to David Milgaard or not, you  
18 would then provide it to Mr. Asper or Mr. Rodin;  
19 that that's what you were doing, is that fair?

20 A Yes sir.

21 Q Okay. And that, in the course of that work that  
22 you were doing, you learned information that  
23 Mr. Chartier -- that he volunteered to you?

24 A Yes.

25 Q And I think you said, and please correct me if I'm



1 wrong, that you thought it would have come about  
2 when you asked him about what evidence they had  
3 against David Milgaard or something like that;  
4 that's what would have prompted him to provide  
5 this information to you?

6 A Probably.

7 Q And do you recall what -- and I think you said you  
8 either gave it to Mr. Asper or Mr. Rodin; is that  
9 right?

10 A Yes sir.

11 Q Do you recall their reaction when you told them  
12 about what Mr. Chartier had told you?

13 A I believe I passed that information on to  
14 Mr. Rodin and he said that he would arrange a  
15 flight and come down to Saskatoon to see me.

16 Q And did that happen?

17 A Yes.

18 Q And what happened at the meeting with him?

19 A We discussed, we discussed the information that I  
20 had.

21 Q And did he ask you to do anything further in  
22 connection with Mr. Chartier or this information?

23 A Not with Mr. Chartier, but the -- he asked me  
24 that -- if it was possible for me to arrange to go  
25 and interview Larry Fisher.



1 Q Okay. And where was Larry Fisher at that time; do  
2 you know?

3 A I understood that he was incarcerated someplace in  
4 the Surrey, B.C. area.

5 Q Okay. We know from other records that Mr. Fisher  
6 was in prison until 1994, I believe around April,  
7 and then he was out of jail until 1997. So would  
8 it be fair to say that this discussion with  
9 Mr. Rodin would have taken place before mid-1994?

10 A Certainly.

11 Q Sorry?

12 A Certainly.

13 Q Yeah.

14 COMMISSIONER MacCALLUM: Sorry?

15 A Yeah?

16 COMMISSIONER MacCALLUM: Did you say that  
17 he asked you to interview Fisher?

18 A Yes.

19 COMMISSIONER MacCALLUM: Or he asked you to  
20 arrange for an interview by himself with Fisher?

21 A No, sir, he asked me if I could make arrangements  
22 to interview Fisher.

23 COMMISSIONER MacCALLUM: Okay.

24 BY MR. HODSON:

25 Q And so what did you do to follow up on that



1 request?

2 A I approached the chief of police at that time, who  
3 was Maguire, and I asked him if I could interview  
4 Fisher, and he totally declined it, he --

5 Q And what did you tell him were your reasons for  
6 wanting to interview Fisher?

7 A That it was my belief that Mr. Milgaard was  
8 innocent.

9 Q Okay. Would this be at a time when David Milgaard  
10 was out of jail? Was this after his Supreme Court  
11 hearing in 1992?

12 A I'm not certain, sir.

13 Q And what would you have told Chief Maguire then?

14 A I would have told him that it's my belief that  
15 Milgaard is innocent and that Larry Fisher is the  
16 responsible party, and I would like to -- I had  
17 very good success in getting statements from  
18 accused persons and I thought it would be only  
19 proper for somebody from this department to  
20 interview Fisher, and he totally declined it. And  
21 he says, as far as he was concerned, the Milgaard  
22 matter is over and finished with and Milgaard is  
23 guilty and over and done with, and I wasn't goin'  
24 anywhere.

25 Q Okay. And those were the words that Chief Maguire



1 would have used?

2 A Words to that effect.

3 Q Okay. And then would you have reported that back  
4 to Mr. Rodin?

5 A Yes.

6 Q Okay. And, again, is there anything else -- and  
7 I'll go through the documents with you, Mr. Vanin,  
8 that at least that we have -- and in the course of  
9 going through the documents things may come out  
10 that might refresh your memory, but apart from  
11 that do you remember any other information --  
12 let's just talk about Mr. Asper for a moment --  
13 any other information that you might have provided  
14 to Mr. Asper that comes to mind now? And as I  
15 said, I'll go through the documents, but is there  
16 anything else that comes to mind?

17 A Nothing else comes to mind, but maybe you can  
18 refresh my memory with something?

19 Q Sure. When we go through the documents we will do  
20 that. What about Hersh Wolch, do you have any --  
21 did you ever provide Mr. Wolch with any  
22 confidential police information?

23 A I only talked with Mr. Wolch on one occasion, it  
24 was my very first phone call, and he asked me if I  
25 would deal with Mr. Asper.



1 Q Now let's talk about Paul Henderson, I think  
2 you've told us you met with a fellow by the name  
3 of Paul Henderson, is that right?

4 A Yes sir.

5 Q And who did you understand Mr. Henderson to be?

6 A Umm, that he was a great writer, had won a  
7 Pulitzer Prize award in literature, and he worked  
8 for the Centurion Ministries and was working as a  
9 private detective for Mr. Wolch and the Milgaard  
10 family.

11 Q Okay. And I think you told me a bit earlier that  
12 Mr. Asper was supposed to come out and see you,  
13 but he couldn't make it, and he asked you to meet  
14 with Paul Henderson; is that right?

15 A Yes sir.

16 Q And do you recall how many times you would have  
17 met with Paul Henderson in person?

18 A I either met with him just one afternoon, and if  
19 it -- I might have met with him the following day,  
20 but I think it was just the one afternoon that we  
21 met.

22 Q And tell us what you remember about that meeting?

23 A Umm, showing him the photocopies of the two, two  
24 documents that were found in central records.

25 Q Yes?



1           A           And then he had a number of questions, and we  
2                       talked about my disciplinary problems with  
3                       Penkala, and that's -- that's all I can recall,  
4                       sir.

5           Q           And where did the meeting take place?

6           A           We were at my house and also in my vehicle.

7           Q           Okay.

8           A           Or -- no, I'm sure it was my vehicle.

9           Q           I think you had mentioned on Thursday that you met  
10                      Mr. Henderson and Mrs. Milgaard for coffee at the  
11                      Colonial Motel, is that -- did you tell me that or  
12                      am I mistaken?

13          A           No, that's where we arranged to meet. And I  
14                      didn't know Mr. Henderson so I had no idea what he  
15                      looked like, so he described what he would be  
16                      wearing and I described what I would be wearing,  
17                      and I walked in and he was there and Mrs. Milgaard  
18                      was there. And we went and had coffee, and  
19                      because of the arrangements that I had made with  
20                      Mr. Asper that I would only talk with Henderson  
21                      alone and not with Mrs. Milgaard present, and we  
22                      had coffee and made some small talk and she  
23                      excused herself, and then Mr. Henderson and I went  
24                      about our business.

25          Q           So you had a discussion at the Colonial Motel; is





1           that where the discussion took place?

2           A           Part of it.

3           Q           And then what, and then where did you go, or what  
4           did you do?

5           A           Probably went to my house.

6           Q           And did you -- what did you have at your house  
7           that -- or what was the purpose of going to your  
8           house?

9           A           Just, I -- just security, just safety, it was --

10          Q           I see. And did you have the, those two pages of  
11          the -- from the, from central records at your  
12          house, or did you have them with you?

13          A           I had them with me in my police file.

14          Q           And then so you went to your house and had a  
15          further discussion with him there?

16          A           Yes.

17          Q           And was anybody else present?

18          A           Not that I can recall.

19          Q           I will be showing you a memorandum a bit later  
20          that talks about a John McDonald also talking to  
21          Paul Henderson; do you know John McDonald?

22          A           There were two John McDonalds on the force, both  
23          about the same seniority, and I think you are  
24          referring to the person that we referred to as  
25          'Big John', and he was involved in the association



1 and was eventually president of the association,  
2 and he had even a bigger battle with Penkala than  
3 I did.

4 Q Okay, so this is Big John McDonald, as opposed to  
5 Little John McDonald; is that right?

6 A Yes sir.

7 Q And those were the names that the officers  
8 referred to the two of them to keep them apart; is  
9 that right?

10 A Yes sir.

11 Q And do you know whether or not Big John McDonald  
12 talked to Paul Henderson, either in your presence,  
13 or are you aware that he talked to him?

14 A I only became aware of it because of the documents  
15 in this --

16 Q That I showed you?

17 A That you showed me, yes.

18 Q Okay. And we'll go through those. So you don't  
19 recall John McDonald being present in your  
20 discussions with Mr. Henderson; is that fair?

21 A That's correct.

22 Q And did you ever talk to John McDonald about  
23 whether or not he met with Paul Henderson or  
24 anything of that nature?

25 A I -- John McDonald attended at my house to discuss



1           laying charges against Penkala, and we had a  
2           lengthy discussion, but Paul Henderson was not  
3           present.

4           Q        Would it have been in and around the time that you  
5           had your discussions with Paul Henderson?

6           A        I believe so.

7           Q        And is it possible you would have maybe shared,  
8           with John McDonald, your discussions with Mr.  
9           Henderson?

10          A        Absolutely not.

11          Q        Is it possible that you gave Paul Henderson John  
12          McDonald's name as a contact for further  
13          information?

14          A        Possibly.

15          Q        So what information would you -- do you recall  
16          having provided Mr. Henderson? And I will go  
17          through with you, Mr. Vanin, a memorandum that  
18          Paul Henderson prepared, I'll go through that in a  
19          moment, but is there anything that, just from your  
20          memory, that comes to mind as to what you would  
21          have told Mr. Henderson?

22          A        The most important thing was just showing that  
23          there was in fact a Larry Fisher, that someplace  
24          there were files at one time in that police  
25          station, and that I had photocopies of the only



1 two pieces of paper that I could find or that the  
2 central records staff could find.

3 Q Okay. And did you talk to Mr. Henderson about  
4 your concerns about Joe Penkala?

5 A Yes, we did. If I can back up?

6 Q Sure.

7 A Mr. Henderson asked me if he could have the, those  
8 particular documents, and I told him "no", and he  
9 wanted to ask me if he could make photocopies, and  
10 I said "absolutely not".

11 Q And why would you not provide him with  
12 photocopies?

13 A I was worried about being charged under *The Police*  
14 *Act* --

15 Q And --

16 A -- if it became public knowledge, or possibly even  
17 under the *Criminal Code*.

18 Q Based upon your discussions with Mr. Asper I think  
19 you've told us, or with Mr. Wolch, that you had  
20 been led to believe that your discussions with Mr.  
21 Henderson were protected by solicitor/client  
22 privilege; is that correct?

23 A Yes, but I still wanted to be cautious.

24 Q Yeah. Now, and I'll show you this document later,  
25 but Mr. Henderson has a memorandum -- and we'll



1 bring it up in a moment -- where he suggests that  
2 you gave him a copy or let him look at -- I'm  
3 sorry, he didn't say he gave you a copy -- that  
4 you let him look at the (V5)-- (V5)--- file, which  
5 is about a 60-page file, and his memorandum says  
6 that you provided that to him; did that happen?

7 A That was not me, sir.

8 Q Okay. Did you ever see the (V5)-- (V5)--- file  
9 before?

10 A No, sir.

11 Q And do you have any explanation as to why that  
12 would be in his memorandum? And certainly we will  
13 hear from Mr. Henderson, but trying to understand  
14 where else he might have got that file if he  
15 didn't get it from you, or at least an opportunity  
16 to look at it?

17 A All I can say is Mr. Henderson is mistaken, and  
18 from my -- what I understand that he spoke to  
19 several police officers, and I only learnt this  
20 recently, --

21 Q Okay.

22 A -- so if he got ahold of the (V5)-- (V5)--- file  
23 he got it from somebody else, not from me.

24 Q And at the time you met with Mr. Henderson, then,  
25 and I think you said you met one day and perhaps



1 the next day, --

2 A Yes.

3 Q -- you would have shown him the two pages that you  
4 had, being the index card for Larry Fisher and  
5 then one page from what you thought was a rape  
6 file; is that right?

7 A Photocopies.

8 Q Photocopies. And, at that time, was that your  
9 belief as the extent to which files existed  
10 relating to Larry Fisher?

11 A As I stated previously, when the Commission did  
12 their investigation and the police did their  
13 investigation, I had heard later that they did  
14 find one complete file.

15 Q And I believe that was the (V5)-- (V5)--- file,  
16 well, that's the evidence we've heard. But again,  
17 at the time you met with Mr. Henderson, did you  
18 have any knowledge that the (V5)-- (V5)--- file  
19 existed at the police station?

20 A No, sir.

21 Q Was it your belief that it did not exist, at that  
22 time, based upon the searches that you had done?

23 A My belief was that none of those files could be  
24 found.

25 Q I now want to go through some documents with you,



1 Mr. Vanin, to see if we can try and put some of  
2 this -- let me, sorry, let me just finish up.  
3 What about David Roberts with *The Globe and Mail*,  
4 and Timothy Appleby, do you have a recollection;  
5 what type of information would you have provided  
6 to them?

7 A It would be just general information, what the  
8 membership was thinking, if I had learnt any other  
9 information particularly from senior members.

10 Q What was the flow of information the other way?  
11 Let's talk about David Asper; did you get  
12 information from David Asper about what he was  
13 learning and thinking about the David Milgaard  
14 matter?

15 A I got more information from David Asper and  
16 Roberts than I got from our own department in  
17 respect to the Milgaard --

18 Q Okay. So would it be fair to say that a fair bit  
19 of information went from Asper and Roberts to you?

20 A Yes sir.

21 Q More so than went the other way?

22 A Absolutely.

23 Q Now I want to go through, as I say, some documents  
24 to see if we can put some time frame around what  
25 you have told us. And I'm going to be showing you



1           some documents, Mr. Vanin, that are not your  
2           documents, that may have nothing to do with you,  
3           but they certainly put a time frame as to what Mr.  
4           Henderson was doing, Mr. Asper were doing, and  
5           what else was going on, and to see if that assists  
6           you in fitting in where -- the things that you  
7           were doing. Do you understand what I am going to  
8           try and do then?

9           A       Yes sir.

10          Q       And so the first one is 156886, and this is an  
11          April 16th, 1991 letter from David Asper to  
12          Robinson Investigations, Mike Brecht; did you know  
13          of a Mr. Brecht?

14          A       Nope, no, sir.

15          Q       Had you heard of Robinson Investigations at the  
16          time?

17          A       Mike Robinson was a personal friend of mine, and  
18          we worked together when he was with the RCMP -- or  
19          had dealings, I shouldn't say 'worked', but had  
20          dealings or worked on the same file.

21          Q       Sure. And I just want to go through the time  
22          frame leading up to when Mr. Henderson may have  
23          come to see you. So at this time Mr. Asper is  
24          asking Mr. Brecht to try and locate the four  
25          victims of Larry Fisher, you'll see that, and do





1           these names, (V1)-, (V2)-----, (V3)----- and  
2           (V5)---; do those sound familiar?

3       A       No they don't, except for (V5)-- (V5)---, because  
4       of our discussions here.

5       Q       Okay. But as far as --

6       A       But --

7       Q       -- these names, none of them ring a bell with you  
8       today?

9       A       Except for the (V5)-- (V5)--- file because of our  
10      conversation.

11      Q       And when you say 'our conversations', that's you  
12      and I, when I asked you, before you testified,  
13      whether or not you got the (V5)-- (V5)--- file; is  
14      that what you are referring to?

15      A       Yes, sir, and our previous discussions I believe  
16      last week or --

17      Q       Yeah, okay.

18      A       Since I met you anyways.

19      Q       Yeah. So that, prior to you and I talking, the  
20      name (V5)-- (V5)--- wouldn't have rung a bell with  
21      you; is that right? I mean you wouldn't have been  
22      able to recall it as a name that was familiar?

23      A       No.

24      Q       Are you able to tell us whether these would have  
25      been the four names that David Asper provided to



1           you back in 1991 or thereabouts?

2           A           No, sir.

3           Q           Then, if we can go ahead to 156888, and this is  
4                    just the April 26th, 1991 letter back to David  
5                    Asper that has the locates. And let me tell you,  
6                    Mr. Vanin, that we will hear evidence from Mr.  
7                    Henderson later this week, and as well we have on  
8                    the Commission record a number of documents that  
9                    indicate that Paul Henderson interviewed the four  
10                   Saskatoon victims of Larry Fisher and the two  
11                   Winnipeg victims of Larry Fisher in late April and  
12                   early May of 1991, and I think the first one may  
13                   have been maybe April 27th-28th in Winnipeg,  
14                   (V5)-- (V5)--- on April 30th, and then May 1st,  
15                   2nd, 3rd, or thereabouts, so that's the time frame  
16                   when Paul Henderson and Joyce Milgaard interviewed  
17                   -- and pardon me, the seventh one included (V10)  
18                   (V10)-, so in that time frame Paul Henderson, and  
19                   he will testify that he was in Winnipeg and in  
20                   Saskatoon and area interviewing these victims.  
21                   Now let me ask you this.

22                                When you met with Paul  
23                   Henderson, do you know whether or not he had  
24                   already interviewed any of Larry Fisher's victims,  
25                   do you recall that coming up in your discussions?



1           A           It never came up, sir, and he never made any  
2                            mention that he was going to be talking to anyone  
3                            else.

4           Q           Okay.

5           A           He never shared any of that information.

6           Q           Okay. Now he -- do you remember what time of year  
7                            it was when you met with Mr. Henderson?

8           A           I believe it was in May. In the spring of the  
9                            year.

10          Q          Okay. Now I want to call up 000108. And I'm just  
11                           going to go through a couple of documents for the  
12                           record, Mr. Vanin, and tell you what they are.  
13                           And this is a document, I think prepared by Mr.  
14                           Henderson and perhaps others, that is part of the  
15                           application that David Milgaard made to the  
16                           Federal Justice Minister that was sent on August  
17                           14th, 1991, and so this is the second application,  
18                           and after they interviewed all of the Fisher  
19                           victims they put together summaries of what the  
20                           victims had told Mr. Henderson and what I am  
21                           showing you are documents that came from that. So  
22                           I don't propose to go through this, we have seen  
23                           this, this simply relates to (V5)-- (V5)---. And  
24                           if we can go to 000109, please, and just so you  
25                           know what this is, this is then -- has got her



1 name redacted, but it's the interview of April  
2 30th, 1991; do you see that?

3 A Yes sir.

4 Q And this is Mr. Henderson's documents, he talks  
5 about (V5)-- (V5)---, and then if we can go to the  
6 next page, please, and if we can just call out  
7 this paragraph. And when this was filed with the  
8 Minister of Justice these parts were redacted, you  
9 will see this here, and it says:

10 "(This was the one case in which I was  
11 given access to police reports."

12 And then a crossed-out name, a crossed-out  
13 description, and then it says:

14 "... and source for us on internal  
15 police problems, somehow managed to get  
16 into the department computer and obtain  
17 the file. I reviewed it at his home but  
18 was not allowed to keep the reports or  
19 make copies of them."

20 Blacked out:

21 "... claimed that people in the  
22 department are aware that he pulled up  
23 the reports and said he'd be fired if  
24 the brass found out he'd given them to  
25 anyone. The file is quite thick and



1 documents an extensive investigative  
2 effort by police in terms of beating the  
3 bushes for suspects and interviewing  
4 numerous persons. One of those  
5 interviewed was Albert Cadrain. It's  
6 apparent that he was not considered a  
7 suspect, however."

8 The next document I want to call up is 061393.  
9 Actually, if we could just put this on the  
10 left-hand side, and call up on the right-hand  
11 side 061393.

12 And while that's being called  
13 up, the evidence we heard from Sergeant Pearson  
14 -- if we could enlarge that, please, on the  
15 right-hand side -- the evidence we heard from --  
16 actually that's fine, no, if you can -- the  
17 evidence we heard from Sergeant Pearson is that  
18 when this application was received by the federal  
19 minister with the name blacked out they made  
20 several efforts, through Mr. Asper and Mr. Wolch,  
21 to find out who this person was, and I think that  
22 went over the course of a couple of years  
23 unsuccessfully trying to find out who this person  
24 was. And then if we can just enlarge this,  
25 please, maybe just bring it down underneath. And



1 the document on my right, at least from my read  
2 of the documents we have received from the RCMP,  
3 I believe in late 1993 the RCMP asked Jim  
4 McCloskey of Centurion Ministries to send his  
5 file to them.

6 And Mr. Commissioner, we may  
7 hear some evidence from this a bit later, but  
8 what it appears is that when that file was sent  
9 the document on the right, the unredacted  
10 version, was received by the RCMP.

11 And in fact Mr. Vanin, I'll  
12 take you to these documents later, they contacted  
13 you in late 1993, didn't they, asking if you were  
14 the person mentioned in this report; is that  
15 correct?

16 A They asked me for a statement, yes, that's  
17 correct.

18 Q Yes. And so, again, I'll take you through that.  
19 So here, I guess here on the right-hand side is  
20 what we believe to be the unredacted version --  
21 and we'll certainly hear from Paul Henderson as  
22 well -- that lists your name as the:

23 "... dissident Saskatoon Police sergeant  
24 and source for us on internal police  
25 problems ..."



1 Let me just pause --

2 COMMISSIONER MacCALLUM: I'm sorry,

3 Mr. Hodson, --

4 MR. HODSON: Sorry?

5 COMMISSIONER MacCALLUM: -- was there a  
6 date on 393?

7 MR. HODSON: No.

8 COMMISSIONER MacCALLUM: No date.

9 MR. HODSON: There's no date, it's just the  
10 one page, and I think the rest of the document,  
11 I'll try and locate what it came with, but  
12 there's various versions of the redacted report,  
13 and this is simply the unredacted, and I believe  
14 it to be the same date as the (V5)-- (V5)---  
15 memo, April 30th, 1991, but just an unredacted  
16 version.

17 COMMISSIONER MacCALLUM: Oh, sure, yeah.

18 BY MR. HODSON:

19 Q So let's just go through this. And this is Mr.  
20 Henderson's memo, he describes you as:

21 "... a dissident Saskatoon police  
22 sergeant ...";

23 would that be a fair descriptor of you at the  
24 time?

25 A No, sir.



1 Q Umm --

2 A I wasn't dissident, I was very concerned.

3 Q Okay.

4 A As I stated the other day, I loved police work and  
5 had a lot of job satisfaction, but I certainly  
6 didn't like the way the administration was taking  
7 the police force downhill. So I was not  
8 dissident, concerned certainly.

9 Q Okay. And he says:

10 "... and source for us on internal  
11 police problems ...";

12 would that be accurate?

13 A I talked to Paul Henderson about internal  
14 problems, yes.

15 Q And he says "source for us", and I'm assuming  
16 that's the Milgaard group, and would -- if we  
17 include Mr. Asper, would that be fair, were you a  
18 source to Mr. Asper and Mr. Henderson on internal  
19 police problems?

20 A I don't recall discussing any internal problems  
21 with Asper. I don't think he would be interested  
22 at all in our --

23 Q Related to Penkala perhaps?

24 A Perhaps.

25 Q Okay.





1 A But I don't recall discussing internal police  
2 problems with Asper.

3 Q Okay.

4 A His main focus was Mr. Milgaard.

5 Q Okay. What about internal police problems related  
6 to the investigation of Gail Miller's death, i.e.  
7 David Milgaard and Larry Fisher, did you discuss  
8 those matters with David Asper?

9 A If I did, it would be very brief, because I had no  
10 knowledge and I was not involved in the  
11 investigation.

12 Q So then Mr. Henderson goes on to say that, he  
13 attributes it to you:

14 "... somehow managed to get into the  
15 department computer and obtain the file  
16 ...",

17 and he's referring to the (V5)-- (V5)--- file,  
18 and he says he reviewed it at your home; did that  
19 happen?

20 A All I can say, sir, if Mr. Henderson is saying  
21 that he is wrong. That isn't me. He did come to  
22 my home, he did see those two pieces of paper, but  
23 I think he has got me mixed up with somebody else  
24 here.

25 Q So is it fair to say, sir, that you are fairly



1 adamant that you did not get a copy of the (V5)--  
2 (V5)--- file from the police department and show  
3 it to Paul Henderson; is that right?

4 A Absolutely, sir. And I wouldn't have any idea of  
5 how to work their computer, they were just  
6 switching over from a manual system to a computer  
7 system, --

8 Q Yeah.

9 A -- and I would have no way of being able to access  
10 their computer.

11 Q And in fairness, Mr. Henderson will give his  
12 version of events, but do you have any idea who  
13 may have provided the file to Paul Henderson?

14 A Well, until this week, it's just -- this is the  
15 first time I learned that Henderson interviewed  
16 others.

17 Q Okay.

18 COMMISSIONER MacCALLUM: So the answer is  
19 no, who could have showed it to him?

20 A No.

21 COMMISSIONER MacCALLUM: No?

22 BY MR. HODSON:

23 Q And then what Mr. Henderson writes is:

24 "Vanin claimed that people in the  
25 department are aware that he pulled up



1                   the reports and said he'd be fired if  
2                   the brass found out he'd given them to  
3                   anyone."

4                   Now obviously in connection with the (V5)--  
5                   (V5)--- file, based on what you've told us, he  
6                   wouldn't have said that to him about the (V5)--  
7                   (V5)--- file; is that fair?

8           A           I never pulled up any reports from a computer.

9           Q           But -- so let's just talk about the two pieces of  
10           paper that you showed to Mr. Henderson, being the  
11           Fisher index card and the one page rape report.  
12           Is it possible that you would have told Mr.  
13           Henderson that people in the department are aware  
14           that you pulled up those two pieces of paper, or  
15           got them, and that you'd be fired if the brass  
16           found out he had given them to anyone?

17          A           Certainly.

18          Q           So that is something you think you did say to him  
19           about the two pieces of paper?

20          A           I could have, yes, sir.

21          Q           Do you have any recollection of that or --

22          A           When he asked me for copies and I declined to give  
23           him copies or let him have those particular  
24           copies, I could have very well said that.

25          Q           Okay. And just for the record, if we could call



1 up 261590. Now, this is the first page of I think  
2 60 pages or thereabouts which represents, this is  
3 the occurrence report for (V5)-- (V5)---, this is  
4 the front page and approximately 60 pages. I  
5 showed you a copy of this document last week in my  
6 office, Mr. Vanin, and you recall looking at the  
7 (V5)-- (V5)--- file?

8 A Yes, sir.

9 Q Had you ever seen that file before I showed it to  
10 you?

11 A No, sir.

12 Q And again, is this familiar at all when you look  
13 at at least the front page, is this something,  
14 other than looking at it in my office, that you  
15 saw before?

16 A Other than your office, I have never seen this  
17 document before.

18 Q I now want to go to 185351, please. Sorry,  
19 185851. Now, this is a document, Mr. Vanin, and I  
20 think I went through this with you last week in my  
21 office, and let me just tell you a bit about what  
22 we believe this document to be and what I believe  
23 we'll be hearing from Mr. Henderson. Just let me  
24 put this time frame. April 30th, 1991 is the date  
25 that Paul Henderson interviewed (V5)-- (V5)---;



1           okay? Got that, Mr. Vanin?

2       A       April 30th, 1991?

3       Q       Yeah.

4       A       Yes, sir.

5       Q       Now, this document is not dated, this is a  
6           memorandum prepared by Paul Henderson, and again,  
7           I just want to go through parts of this. The  
8           first deals with an interview with Linda Fisher  
9           that he did I think in, and I'm going to suggest  
10          to you, Mr. Vanin, that based on what's in this  
11          document, that it was prepared on May 28th, 1991,  
12          okay, so this I think details an interview in May.  
13          If we can then go to the next page just so we see  
14          what's there, this is finishing the interview with  
15          Linda Fisher and then he talks about interviewing  
16          Lorne Huff. None of this concerns you, Mr. Vanin,  
17          I'm just showing you what's in here. And then if  
18          we can go to the third page, and this is an  
19          interview of Jake Ketler, and Jake Ketler was the  
20          individual who was Larry Fisher's foreman or boss  
21          back in 1969 and this details an interview that  
22          Mr. Henderson had with Jake Ketler, and this  
23          bottom paragraph -- by the way, Mr. Henderson will  
24          testify that he now dates all of his memorandums  
25          on many occasions, but in this he says:



1 "I spoke with Ketler again today (May  
2 28) further explore the possibility that  
3 Fisher may have been working at a potash  
4 mine --"

5 And then goes on to talk about a case, an  
6 incident in 1968, and we've already heard  
7 evidence that this incident only came to light in  
8 about May of 1991, okay, so based on that I  
9 believe, and I believe Mr. Henderson will  
10 testify, that when he says today, he's talking  
11 about May 28th, 1991. Then if we can go to the  
12 next page under note, he says:

13 "Note: Individual interviews also were  
14 conducted with Tom Vanin and John  
15 McDonald, both dissident sergeants with  
16 the Saskatoon Police Department."

17 And let me just pause there. And I think you've  
18 told us that you were interviewed by Paul  
19 Henderson, but John McDonald was not there when  
20 you were interviewed; is that right?

21 A That's correct.

22 Q And so it appears that he was interviewed separate  
23 and apart from you?

24 A It appears that way.

25 Q And again, and we'll hear from Mr. Henderson as



1 far as his estimate, whether it was around May  
2 28th, 1991. Does that sound about the time frame  
3 when you may have talked to Mr. Henderson, are you  
4 able to -- is that consistent with your memory  
5 about when it may have been, in the month of May?

6 A Yes, sir.

7 Q And I want to go through what Mr. Henderson writes  
8 about what he says you told him and get your  
9 response, okay.

10 A Certainly.

11 Q You've already talked about -- let's just call out  
12 that paragraph. And I think you already told me  
13 about the word dissident, and then -- and let's  
14 forget for a moment John McDonald and what may  
15 have come from him, I want to know what you told  
16 him, what you told Paul Henderson, okay, and he  
17 says:

18 "They -- "

19 Being you and McDonald,

20 "-- detailed corruption within the  
21 department (primarily in the past) and  
22 outlined Chief Joe Penkala's role in  
23 creating problems."

24 Did you detail corruption within the department  
25 to Paul Henderson?



1 A No, sir.

2 Q Did you ever talk to him at all about corruption  
3 within the Saskatoon City Police Service?

4 A No, sir, but if I can say, I think that was in  
5 John McDonald's affidavit and the charges that he  
6 wanted to lay against Penkala, the corruption  
7 charges.

8 Q Okay. So that's information that you think might  
9 have come from John McDonald to Paul Henderson, or  
10 are you speculating on that?

11 A I'm speculating that it -- it didn't come from me.

12 Q Okay.

13 A And if he mentions McDonald and Vanin, that only  
14 leaves McDonald.

15 Q Okay. And then it says:

16 "Penkala is soon to retire."

17 I think we heard that he did retire in 1991, is  
18 that right, and I think he, I'm not sure of his  
19 official date, I think it was the fall of '91 if  
20 I'm not mistaken. Does that sound about right?

21 A Yes, sir.

22 Q And then Henderson says:

23 "According to Vanin and McDonald, he is  
24 leaving the department with a legacy of  
25 incompetence. At the top of the





1 department there are two deputy chiefs,  
2 two supervisors and 16 inspectors.  
3 According to Vanin and McDonald, all of  
4 them got where they are by supporting  
5 the chief and virtually all of them are  
6 inept."

7 Is that something that you would have said to  
8 Paul Henderson?

9 A I could have.

10 Q And is that something you believed at the time?

11 A Yes, and as I recall, information that was passed  
12 on to me is Joe Penkala said he didn't care how  
13 intelligent a police officer was, he didn't care  
14 how many homicides he solved, the only thing he  
15 was interested in is the people that were loyal to  
16 him and those were the ones that were going to get  
17 promoted.

18 Q And to what extent --

19 A And there again, that's hearsay.

20 Q That what you are saying you attributed to Mr.  
21 Penkala you heard third hand?

22 A That's right.

23 Q Okay. And to the extent that you outline your  
24 concerns to Mr. Henderson at this time in 19 --  
25 let's assume it's May of 1991 -- to what extent if



1 any did your concerns about Mr. Penkala and how he  
2 was leaving the department, to what extent if any  
3 did that relate to anything related to David  
4 Milgaard or the Gail Miller murder investigation?

5 A Well, the way it affected me, the other day you  
6 asked me why I didn't go to Penkala, that's one  
7 way it affected, because I couldn't go to Penkala  
8 because I knew he wouldn't let me proceed with the  
9 investigation, so I had to turn to Mr. Wolch.

10 Q Were you in any way connecting, when you were  
11 talking to Mr. Henderson then, your current views  
12 of the then administration and Chief Penkala with  
13 the fact -- with anything that would affect David  
14 Milgaard or the Gail Miller murder investigation?

15 A Certainly.

16 Q And in what way?

17 A In that I couldn't go to him and express my  
18 concern that I strongly believed since 1970 that  
19 he was innocent and that there are more and more  
20 people in the department that are beginning to  
21 believe that he's innocent.

22 Q And so are you telling us then that what you are  
23 communicating to Mr. Henderson is that based upon  
24 your views of administration at the time, you did  
25 not think you could go to them with your concerns



1 about David Milgaard's innocence; is that right?

2 A That's correct, because -- and I thought that way  
3 because in my opinion he would have put a stop to  
4 everything.

5 Q And if we can go down to the next paragraph, and  
6 again Mr. Henderson says:

7 "Our sources, who also included former  
8 RCMP officer Mike Brecht and Terry  
9 Thrasher, a fired Saskatoon cop, all  
10 said they are positive that Penkala,  
11 himself, is not a corrupt cop. But he  
12 has condoned serious corruption by  
13 high-ranking officers who are friends  
14 and supporters."

15 And then goes on to talk about Vern Henderson,  
16 former deputy chief, and some issues there. Do  
17 you recall talking to Paul Henderson about  
18 anything related to Vern Henderson?

19 A No, sir.

20 Q Okay. And so again to the extent that there's  
21 information in here about Vern Henderson, is that  
22 something that would have come from a source other  
23 than you?

24 A Again, I believe that came from Big John McDonald.

25 Q And why do you say that?



1 A Well, as we saw in the other documents, he was the  
2 only other one that was interviewed, or Henderson,  
3 Paul Henderson refers to Vanin and McDonald.

4 Q Yeah. He actually talks again, in fairness, about  
5 Mr. Mike Brecht and Terry Thrasher, but again,  
6 what I'm concerned about is what you would have  
7 told him, and are you telling us that you wouldn't  
8 have told him anything about Vern Henderson; is  
9 that right?

10 A That's right, sir. I didn't tell him anything  
11 about Henderson, Vern Henderson.

12 Q Vern Henderson, right. And then if we can skip  
13 down to the next paragraph, I think that again  
14 relates to Vern Henderson, and then the next  
15 paragraph talks about John McDonald and what he  
16 told him, and again that's something that you  
17 wouldn't have discussed with Paul Henderson? You  
18 see that?

19 A Your question, sir?

20 Q I'm just wondering if the information in that  
21 paragraph starting John McDonald told me, whether  
22 any of that information, whether you would have  
23 provided that to Paul Henderson?

24 A No, sir, I wouldn't have.

25 Q And then if we can scroll down, and again that



1 previous paragraph talks about Henderson being,  
2 Vern Henderson being forced to resign, and then it  
3 says:

4 "Vanin said he also suspects that  
5 Penkala made sure Henderson received a  
6 hefty severance check."

7 Is that something you would have told Mr.  
8 Henderson?

9 A If I did, I would have no way of knowing what  
10 Henderson's severance package was. I might have  
11 said that, you know, off the cuff, but I don't  
12 recall saying it.

13 Q How would a discussion about Vern Henderson come  
14 up in your conversation with Paul Henderson?

15 A I don't know. I imagine Paul Henderson asked  
16 about it.

17 Q Do you remember Vern Henderson being discussed  
18 between you and Paul Henderson?

19 A Not really, sir.

20 Q Okay. This is probably an appropriate spot to  
21 break, Mr. Commissioner.

22 A If I can just answer that?

23 Q Oh sure, yeah.

24 A Vern Henderson was not an issue with me. My main  
25 concern was proving that David Milgaard was



1           innocent and what was happening to Vern Henderson  
2           I really didn't care.

3                   MR. HODSON:   Okay.   We'll take a break  
4           here, thanks.

5                   *(Adjourned at 3:00 p.m.)*

6                   *(Reconvened at 3:25 p.m.)*

7           BY MR. HODSON:

8           Q           If we could go back and call up 185851 and go to  
9           page 854.   Just down at the bottom, just call that  
10          out, I'll just read this, again this is Mr.  
11          Henderson's memo of conversations with you and  
12          others.   He says:

13                    "This is only part of the sordid  
14                    picture.   I also heard stories of murder  
15                    and murder cover-up.   McDonald and Vanin  
16                    cited four recent murders that were  
17                    written off as suicides."

18                    It goes on to talk about certain victims and some  
19                    incidents.   Do you recall saying to Mr. Henderson  
20                    anything of the sort stated in that paragraph?

21          A           I might have said something about Ann Leatherdale  
22                    and where it says Jack Starblanket, I have no idea  
23                    who Starblanket is, but I think they are referring  
24                    to Neil Stonechild, the one they just had the  
25                    inquiry on.



1 Q And why do you say that?

2 A I was just thinking about this and at that time,  
3 at the time of Neil Stonechild, I was the staff  
4 sergeant in charge of major crime and I was never  
5 called to that, to the scene or that file was  
6 never assigned to me.

7 Q And again in May of 1991, do you know where that  
8 investigation would have been at?

9 A When I walked into the police station, I was met  
10 by several uniformed officers and they told me  
11 that a body had been found and it was in bad --

12 Q I'm sorry, my question was at the time that you  
13 met with Mr. Henderson, which we think is around  
14 May of 1991, do you know at what stage the Neil  
15 Stonechild investigation was at, are you able to  
16 tell us time wise?

17 A No, sir.

18 Q And just to go back to the previous page, would  
19 you have used the words -- go down to the  
20 bottom -- would you have used the words "murder  
21 and murder cover-up" on the part of police in  
22 talking to Mr. Henderson, or would those be his  
23 words?

24 A No, there was no murders that the police were  
25 involved in. There might have been some -- that



1           should have been investigated as murders that were  
2           probably written off as suicides, but if that's  
3           suggesting that the police were involved in  
4           murders, no, that's not correct.

5           **Q**       What about murder cover-ups? The word there, and  
6           again these are Mr. Henderson's notes, "heard  
7           stories of murder cover-up," would you have used  
8           those words or told Mr. Henderson anything about  
9           murder cover-ups?

10          **A**       I would have never used the word "murder  
11          cover-up," I might have used words that murders  
12          that should have been investigated that were  
13          written off as suicides.

14          **Q**       Okay. And then if we can go to the next page, and  
15          it says:

16                    "Why are they doing this? Vanin said  
17                    it's because --"

18          And I think this is referring to suicides versus  
19          murders:

20                    "Why are they do this? Vanin said it's  
21                    because Penkala doesn't like unsolved  
22                    homicides and that supervisors want to  
23                    make the chief look good."

24          Is that something you would have said to Mr.  
25          Henderson?





1 A I possibly could have said that. I don't recall  
2 saying it, but I could have.

3 Q And can you shed any light on what you would have  
4 meant by that, if that's what you said to him?

5 A Well, for example, the Ann Leatherdale, that file  
6 was not assigned to me, but later on I was asked  
7 to take a look at it and I'm convinced that it was  
8 a murder and it was not a suicide, but it was  
9 written off as a suicide.

10 Q Okay.

11 A In this particular case, it's a woman who died as  
12 a result of three deep stab wounds to her heart  
13 which I checked with a lot of medical people and  
14 they said that would be impossible. In fact, of  
15 all the research I had done, I could only find one  
16 incident, which was in Japan, where a man stabbed  
17 himself to death. However, about two years later  
18 there was an incident in Saskatchewan.

19 Q And then Mr. Henderson writes:

20 "As you know, Penkala was the lieutenant  
21 who recovered the frozen semen that was  
22 used to convict David Milgaard in the  
23 Miller murder 21 years ago. Now the  
24 forensic experts are saying it probably  
25 was dog urine that he found. But I'd



1 say it's questionable whether more  
2 recent investigative improprieties by  
3 Penkala's department had any bearing on  
4 Milgaard's conviction."

5 Would you have had any discussion with Mr.  
6 Henderson about Mr. Penkala's role in the Gail  
7 Miller murder investigation and in particular his  
8 recovery of the frozen semen?

9 A I had knowledge of his recovery of the frozen  
10 semen, but Penkala and I didn't share any  
11 information, and I knew he was the officer in  
12 charge of the forensic part of the investigation,  
13 so I had very little knowledge of that.

14 Q But is that something you would have discussed  
15 with Mr. Paul Henderson?

16 A Possibly in the general form, but I had no direct  
17 knowledge of Penkala's role.

18 Q And I think what the paragraph is stating is  
19 trying to relate your concerns about, if I can  
20 call it, 1990, '91, concerns about Penkala, and I  
21 think what Mr. Henderson is doing is commenting on  
22 what that might mean back in '69, '70. Do you see  
23 that? I think he says it's questionable whether  
24 more recent investigative improprieties have any  
25 bearing on Milgaard's conviction. Do you know if



1           you would have discussed that at all with him?

2           A           I have no recollection, no.

3           Q           Did he ever say anything like, well, the fact that  
4                       you have concerns today in 1991, what does that  
5                       mean about 1970, anything of that nature?

6           A           Not that I recall, sir.

7           Q           And then scroll down, and Mr. Henderson writes:

8                       "David Asper told me on the phone the  
9                       other day that the CBC's Fifth Estate is  
10                      really interested in his story.

11                     Obviously, there's a great deal more  
12                     information, as well as documentation,  
13                     to obtain. I suggested to Asper that he  
14                     pass on this summary to CBC (and other  
15                     media representatives, if he chooses to)  
16                     and let them take it from there."

17                     Is that something -- were you aware that the  
18                     information you provided to Mr. Henderson might,  
19                     about Penkala, Mr. Penkala and the concerns you  
20                     had about the Saskatoon Police Service, that they  
21                     might be passed on to the media outlets?

22           A           If Mr. Henderson mentioned it, I don't recall it  
23                       today.

24           Q           Would you have had any concerns about this memo,  
25                       for example, being sent to media outlets with the



1 information you provided, or attributed to you?

2 A Oh, I was assured by Mr. Wolch's firm that the  
3 information I had provided would be, for lack of  
4 better words, top secret.

5 Q Okay. And then he goes on:

6 "One final anecdote: As an example of  
7 departmental incompetence, Vanin noted  
8 that there are always detectives and  
9 uniformed cops sitting at the station  
10 twiddling their thumbs with nothing to  
11 do. This is because there aren't enough  
12 patrol cars and unmarked vehicles to go  
13 around. Regarding the department's  
14 chronic shortage of vehicles and other  
15 equipment, Vanin made two points:"

16 And then it goes on to talk about some vehicles  
17 at a local dealership, a car being two years old  
18 when it's put in service, and then lastly, that:

19 "... Penkala gave the city a \$500,000  
20 refund from his department's budget.  
21 Vanin claimed he does this each year -  
22 to make points with the city  
23 politicians."

24 Is that information that you would have provided  
25 to Mr. Henderson?



1 A That definitely sounds like me.

2 Q Okay. And I think you've told us, apart from the  
3 meeting that's described in this memorandum, and I  
4 think you said maybe you might have met with him  
5 the next day, you weren't sure, but apart from  
6 that, did you have any further dealings with Mr.  
7 Henderson?

8 A Not to my knowledge, except in the last few  
9 minutes we just said hello to each other, that's  
10 the first time I think I've seen him since that  
11 date.

12 Q So that details the meeting with Paul Henderson.  
13 I now want to move ahead to a little bit later in  
14 1991 and deal with the timing of the Police  
15 Commission investigation into missing documents,  
16 okay, and I think you told us, Mr. Vanin, that you  
17 were asked by Mr. Asper to check into the records,  
18 you did on a number of occasions and on the last  
19 occasion you found Mr. Fisher's index card with  
20 some file numbers and a one page report. You  
21 reported that to Mr. Asper, I think you said you  
22 also talked to Mr. Roberts, and that you stated  
23 that this information is what prompted the Police  
24 Commission investigation into the missing files;  
25 is that right?



1           A           With one exception, Mr. Asper never asked me to  
2                        check into the records or to check Central Records  
3                        for information, he just asked for information.

4           Q           I see. And information, would that be, like,  
5                        police files?

6           A           I'm sure it included anything and everything.

7           Q           Okay. So I want to just go through some documents  
8                        over this time period and see whether, Mr. Vanin,  
9                        this can assist you at all. The first is 000184,  
10                      and this is an August 14th, 1991 letter, and just  
11                      so you know, I'll show you some documents in a  
12                      moment that the two key dates on the Police  
13                      Commission review are August 29th, 1991 when *The*  
14                      *Globe and Mail* ran a story suggesting files were  
15                      missing, and September 12th, 1991 when the Police  
16                      Commission, based upon *The Globe and Mail* article,  
17                      ordered an investigation, so this is August 14th  
18                      and this is a letter from David Asper's law firm,  
19                      it's from Hersh Wolch to Kim Campbell, and this is  
20                      the second application to the minister for relief,  
21                      and I just want to refer you to one part here, if  
22                      we can call that out, and Mr. Wolch writes that:

23                                "Once your decision was brought to our  
24                                attention --"

25                      Which was February 27th, '91,



1                   "-- we were determined to proceed  
2                   further in ascertaining Larry Fisher's  
3                   possible guilt and we were somewhat  
4                   surprised to learn that there was ample  
5                   material available, including at least  
6                   one police report concerning previous  
7                   victims of Fisher."

8                   And then goes on to talk about Centurion. So at  
9                   this time this letter suggests that there was one  
10                  police file in existence, or at least one. Do  
11                  you have any recollection of discussions with Mr.  
12                  Wolch or Mr. Asper where they might have told you  
13                  that they had one of the police files, and this  
14                  would be prior to the investigation into the  
15                  missing files?

16           A           No, sir, unless they are referring to that one  
17                  investigation, one page of that investigation  
18                  report.

19           Q           Okay. And again we'll hear from, well, at least  
20                  from Mr. Asper about what they had, so again, you  
21                  have no recollection of what they -- do you  
22                  remember what Mr. Asper or Mr. Wolch might have  
23                  told you about what they knew about what police  
24                  files existed with respect to Larry Fisher?

25           A           No, they never shared that information with me.



1 Q The next thing I want to show you is a newspaper  
2 article, 220357, and this is an article in *The*  
3 *Globe and Mail*, you'll see it's David Roberts and  
4 Timothy Appleby, and those would be, at least Mr.  
5 Roberts and I think you said you thought Mr.  
6 Appleby, they were reporters that you talked to, I  
7 think you said on many occasions at least in the  
8 case of Mr. Roberts?

9 A Yes, and I also said on one occasion both Roberts  
10 and Appleby were at my house.

11 Q And was that before or after Mr. Henderson was at  
12 your house; do you remember?

13 A As far as I recall, that was before I met Mr.  
14 Henderson.

15 Q Okay. And then if we can just go down, so the  
16 date here is August 22nd, and so this is eight  
17 days after Mr. Wolch filed his application with  
18 the minister, and I just want to show you a couple  
19 of quotes at the bottom, if you can just call out  
20 that part. And it says the killing rocked the  
21 city of about 120,000. In those days, a rape or  
22 even an attempted rape was very, very big news,  
23 one veteran Saskatoon investigator recalled.

24 And then to the top of the next  
25 column, 'But the big pressure came from 1962 with





1 the murder of nurse Alexandra Wiwcharuk, who was  
2 beaten to death. That murder was never solved and  
3 there was so much goddam pressure because of it.  
4 They needed the arrest (in the Miller case) and  
5 they needed it bad?'

6 Is that something that you would  
7 have said or provided to David Roberts or Timothy  
8 Appleby?

9 A I don't recall makin' that statement, and when  
10 Alexandra Wiwcharuk was murdered I wasn't on the  
11 force yet, I started in '64.

12 Q And, again, does this, having read those quotes --  
13 and I don't know, and maybe we'll hear from Mr.  
14 Roberts, well we will hear from Mr. Roberts, he  
15 may be able to tell us who he is referring to  
16 here -- does it sound likes words that you would  
17 have used or that you may have provided to him?

18 A I don't think so, sir.

19 Q If we can then go to 220403, which is the second  
20 page of that, again August 22nd. And I want to  
21 call up -- and it says here, 'Through  
22 conversations with Saskatchewan police officers,  
23 including retired Saskatoon investigators, *The*  
24 *Globe and Mail* has learned that not only were Mr.  
25 Fisher's four Saskatoon victims never told of Mr.



1 Fisher's arrest, but his name was not mentioned in  
2 their police files, even after he was convicted of  
3 the crimes. For several months after his  
4 confession, investigators continued to make  
5 routine inquiries.'

6 And, again, this article  
7 suggests that the four, that Mr. Fisher's name was  
8 not in the four police files, which I think  
9 suggests that someone must have looked at the four  
10 police files. Is that something you would have  
11 discussed with Mr. Roberts, do you ever have a --  
12 did he ever tell you that he saw the four police  
13 files relating to Larry Fisher?

14 A Mr. Roberts never told me that he saw any police  
15 files.

16 Q And, again, would you have told him that, number  
17 1, Mr. Fisher's four Saskatoon victims never --  
18 were never told of Mr. Fisher's arrest, and would  
19 you have told him that Fisher's name was not  
20 mentioned in their police files?

21 A No, I had no idea of those files or the names.  
22 That's definitely not my statement.

23 Q Okay. If we can then go just back to the main  
24 page, and it says here, 'But Saskatchewan police  
25 sources said handling Mr. Fisher's case by way of



1 direct indictment was highly unusual.' Quote:  
2 'The normal course would be for the police in  
3 Saskatoon to lay an information in Saskatoon,' one  
4 officer said, 'they are the force investigating.  
5 Fisher would be arrested and a charge would be  
6 laid there.

7 Mr. Asper said yesterday he was  
8 baffled.'

9 Do you know if, this Saskatoon  
10 Police source, do you know if that was you?

11 A No, sir, that's definitely not me.

12 Q Okay. If we can then go ahead to 220340, yeah,  
13 220340. And this is an article from the *Globe and*  
14 *Mail* on August 29th, 1991, and I'll show you the  
15 Police Commission minutes later, this is the  
16 article referred to in the Police Commission's  
17 minutes that prompted them to order the  
18 investigation. And so the heading is *Police can't*  
19 *find rape files*, and let's just go through this.  
20 And do you remember generally discussing, with  
21 David Roberts, what you had found when you went  
22 looking for the Fisher files, and your concerns  
23 that they were missing; that's something you  
24 discussed with him I think you told us?

25 A Yes sir.



1 Q And it says here, 'Files that may have a crucial  
2 bearing on whether David Milgaard is guilty of  
3 murder have disappeared from the Saskatoon Police  
4 Department's computerized records system and an  
5 internal investigation is underway, *The Globe and*  
6 *Mail* has learned.' Top of the next column.

7 'Something went on, it's very  
8 bizarre, it's something that just shouldn't  
9 happen, for every detail like that to vanish, a  
10 Saskatchewan police source said.' Quote,  
11 'Somebody's tampered with the system?'

12 Would that police source have  
13 been you, Mr. Vanin, are those your words do you  
14 think?

15 A No, sir.

16 Q And why do you say that?

17 A Well, I had no idea -- I have no idea whether  
18 anybody would have tampered with them, or --

19 Q Okay. So what would you have told -- I think you  
20 told us earlier, when you went and checked and  
21 found out they weren't there, I think you've said  
22 that 'we were onto something', and that that  
23 caused you concern because they were missing, or  
24 words to that effect; is that right?

25 A Yes.



1 Q And you told Mr. Asper and Mr. Roberts that, that  
2 you had concerns about the fact the files were  
3 missing?

4 A Yes.

5 Q And did you not say words to the effect that that  
6 made you suspicious?

7 A Yes.

8 Q And in what way? What were you suspicious of?

9 A That the files were missing.

10 Q Okay. Were you suspicious that someone had  
11 destroyed them deliberately for some reason  
12 related to David Milgaard or Gail Miller?

13 A Well, I had no way of knowing, but they were not  
14 where they should have been. That doesn't mean  
15 that they weren't in the police station somewhere.

16 Q Okay. So that they either could have been in the  
17 police station somewhere, was one option, or if  
18 they weren't and really had been destroyed --

19 A That's another option.

20 Q -- would it be fair to say there could be an  
21 innocent explanation, in other words they had been  
22 destroyed in the normal course, and nothing to do  
23 with David Milgaard or Gail Miller; that's one  
24 possibility, is that right?

25 A Yes.



1 Q Another possibility might be that they were  
2 deliberately destroyed by someone because the  
3 police, or whoever else, didn't want people to see  
4 them for some reason related to David Milgaard or  
5 Gail Miller; that's -- is that something that  
6 crossed your mind or you discussed with --

7 A That's another possibility, yes.

8 Q Yes. And when you found the files were missing,  
9 was that something that either you considered or  
10 discussed with Mr. Asper or Mr. Roberts, the fact  
11 that you could not find the Larry Fisher files  
12 when you went looking for them might mean that  
13 someone destroyed them deliberately?

14 A I definitely discussed it with Mr. Asper, but I --  
15 I didn't think about the files being destroyed.

16 Q You thought they were somewhere else and you  
17 couldn't find them?

18 A Yeah.

19 Q Well what, you said you were suspicious, what were  
20 you suspicious of?

21 A The fact that the files were missing and somebody  
22 didn't want other investigators to know that Larry  
23 Fisher was a suspect --

24 Q In the --

25 A Or, no, a suspect in the Gail Miller murder.



1 Q So did you believe that the four rape victim  
2 files, where Larry Fisher plead guilty to them,  
3 that there was something in the files that might  
4 suggest Larry Fisher was also a suspect in the  
5 Gail Miller file?

6 A Could you repeat your question, sir?

7 Q Yes, I can, yup. I think what you were saying is  
8 that you thought somebody may have deliberately  
9 hid them or did something with them because they  
10 might suggest that Larry Fisher was a suspect in  
11 Gail Miller, I think that's what you said, is that  
12 right?

13 A Yes sir.

14 Q And so these files were not the Gail Miller files  
15 but they were four different occurrences for four  
16 different rapes, one was an attempted rape, that  
17 Mr. Fisher end up pleading guilty to. And my  
18 question was did you think there was something  
19 in -- may have been in those files where police  
20 who investigated those rapes at the time thought  
21 that Larry Fisher may have been involved in the  
22 Gail Miller file or in the Gail Miller murder,  
23 pardon me?

24 A I don't know if there was anything in the file  
25 itself, but at some point in time Fisher pled



1 guilty, and that guilty plea should have been  
2 attached to that file.

3 Q Okay. But, again, what I am trying to understand,  
4 sir, I think you said you had suspicions, I'm  
5 trying to identify what it was that you thought --  
6 let's just talk about improprieties. What, did  
7 you think that there might be some improprieties  
8 with respect to the four Larry Fisher sexual  
9 assault files and the fact that you couldn't find  
10 them, or that they couldn't be found at the time  
11 you looked?

12 A Yes, it certainly was a possibility.

13 Q And that it was somehow related to David Milgaard  
14 and Gail Miller?

15 A Yes.

16 Q And, again, and forgive me if you've already told  
17 me; in what way? What was in your mind that you  
18 were suspicious of?

19 A The information that Mr. Asper gave me.

20 Q And what was that?

21 A That Larry Fisher was responsible for these rapes  
22 and they suspected -- he was their prime suspect  
23 in the Gail Miller murder.

24 Q Okay. And did Mr. Asper tell you that?

25 A I believe so, yes.





1 Q And that Larry Fisher was a prime suspect in Gail  
2 Miller's murder back in '69-'70?

3 A Well certainly, that's when the murder happened,  
4 in '69.

5 Q And so, based on that information, did you have  
6 suspicions that there might be something, then, in  
7 those files that would suggest the police  
8 connected Larry Fisher to Gail Miller back at that  
9 time; was that your suspicion?

10 A Yes sir.

11 Q And, apart from what Mr. Asper told you, did you  
12 have any information from within the police  
13 department, that you had learned, that caused you  
14 to think that?

15 A The only other information was that nobody seemed  
16 to know anything about a Larry Fisher.

17 Q Okay. So back when the files, when you found the  
18 files were missing, did you have suspicions that  
19 someone may have deliberately either hid the files  
20 or destroyed them?

21 A Yes.

22 Q And was that something you discussed with Mr.  
23 Asper?

24 A I don't know if we discussed that particular  
25 point. I definitely discussed the fact that they



1           were missing, or that I couldn't locate them, or  
2           that central records staff couldn't locate them.

3           Q       Okay. And what about with Mr. Roberts, was that  
4           something you might have shared with him, your  
5           concerns or suspicions that "lookit, these files  
6           are missing, maybe there's something in there that  
7           police don't want people to see"?

8           A       I certainly could have shared that with Roberts.

9           Q       And again, Mr. Vanin, back to these words. I  
10          think you said that's not something you would have  
11          said to Mr. Roberts; is it possible you said  
12          something like that to him?

13          A       Certainly.

14          Q       And something that "this is unusual"? What is it  
15          in these quoted words that you -- causes you to  
16          say they are not yours?

17          A       'Something went on, it's very bizarre, it's  
18          something that just shouldn't happen... ', I  
19          wouldn't use words like "it's very bizarre".

20          Q       Okay. Now you --

21          A       I might have said words that were very similar to  
22          that, and that's Mr. Roberts' words, and I could  
23          have said words similar to that.

24          Q       Okay. Maybe if we could just go down to the  
25          bottom part of that page, you said earlier that



1           you heard, and I think you said from Mr. Roberts,  
2           that a number of investigators were, or inspectors  
3           were searching for the files?

4           A        No, I'm the one that told Mr. Roberts that.

5           Q        Okay. And what did you tell him?

6           A        That I was told that, after midnight, inspectors  
7           come into central records and they are looking for  
8           these missing files.

9           Q        Okay. And who told you that?

10          A        It was central records staff.

11          Q        And was this around the time that you were making  
12          inquiries about the file?

13          A        Oh, this would have been after.

14          Q        Okay.

15          A        After it already had hit the paper that the files  
16          were missing.

17          Q        Okay. Well, let's just go through this, because I  
18          think this is the first newspaper article where  
19          the files are missing. If we can just go back up  
20          to the top, to the -- no, to actually the top  
21          part, please. And it says here:

22                   "... an internal investigation is  
23                   underway, *The Globe and Mail* has  
24                   learned."

25          And what we see from the Police Commission



1 records is that it was this article that prompted  
2 the internal investigation. So I'm trying to  
3 understand or to find out, Mr. Vanin, what this  
4 reference is in this article; in other words,  
5 before this hit the newspaper about the files  
6 being missing, were you aware of an internal  
7 investigation into the files going on?

8 A Sir, can I read, finish reading this before you  
9 ask me a question?

10 Q Sure, yes, yup.

11 A Please. (*Witness reading*)

12 Q I'm sorry, Mr. Vanin, let me just read you from  
13 the bottom of the article, and then this may  
14 assist you in your answer, if that's all right.  
15 Call that out, it says, 'In addition, the *Globe*  
16 has learned that there is apparently a fifth file  
17 missing.' Let me pause there. The article goes  
18 on to describe the four Fisher assaults, it  
19 doesn't identify them by name, but it's the (V1)-,  
20 (V2)-----, (V3)-----, (V5)---. It says, 'There's  
21 apparently a fifth file missing. This involves an  
22 unsolved sexual assault on a University of  
23 Saskatchewan student, who told Saskatoon Police  
24 that on or shortly after the day Miss Miller was  
25 killed, she was attacked a few blocks away.'



1           And, again, this is referring to the (V4)--- file  
2           or the (V4)--- matter, which was not its own file  
3           but was on the Gail Miller file. It says, 'There  
4           is no indication of how long the Saskatoon  
5           force's records on Mr. Fisher's rape victims have  
6           been incomplete. Normal department practice is  
7           for the basic information on a case to be  
8           retained indefinitely on computer, with the  
9           details preserved on microfiche.

10                         Four Saskatoon Police  
11           inspectors are now involved in trying to track  
12           down the missing files, the police source said.  
13           A number of officers have already been  
14           questioned, as have civilians involved in the  
15           maintenance of the computer system.

16                         The force's internal records  
17           are distinct from the computerized Canadian  
18           Police Information Centre, to which all police  
19           offers across North America have access. That',  
20           at the top, 'data bank is broadly limited to a  
21           record of an individual's date of birth, criminal  
22           record, and the disposition of the cases of which  
23           he or she is convicted.'

24                         So if I can pause there, does  
25           that -- is this information that you would have



1 provided to Mr. Roberts?

2 A Sir, the information I provided to Mr. Roberts is  
3 I told him that "I have been told by central  
4 records staff that there are seven inspectors that  
5 are apparently searching for the missing files",  
6 this article refers to four, I never saw this  
7 article and --

8 Q Putting aside four or seven?

9 A But I did, I did tell Mr. Roberts that they were  
10 searching for the files.

11 Q And --

12 A And whether they were computerized or what, I had  
13 no knowledge.

14 Q And so you would have heard from central records  
15 staff, this would be the people at the front desk  
16 that you had dealt with when you were looking for  
17 the files?

18 A Yes.

19 Q And what did they tell you?

20 A They said that, "Tom, there's inspectors in here  
21 after midnight that are looking for the missing  
22 files".

23 Q For the Fisher files?

24 A Missing files.

25 Q Missing files. And would that be because they



1           knew you had been looking for those files a bit  
2           earlier; do you think that's why they told you  
3           that?

4           A        Yes.

5           Q        Okay. So you went looking for the files, they  
6           couldn't find them, they came back, gave you the  
7           index card, and then at some point following that  
8           they came and told you that seven inspectors were  
9           in after midnight looking for the files?

10          A        No, you missed one crucial point, Roberts' article  
11          appears.

12          Q        Well, this is Roberts' article.

13          A        Yeah, it appears, and then they start looking for  
14          the files.

15          Q        Here's the question, Mr. Vanin. This is Roberts'  
16          article, and it talks about the inspectors are  
17          looking for the files when -- if Roberts' article  
18          prompted the inspectors to go looking for the  
19          files, why does Roberts' article refer to the fact  
20          that the inspectors are already looking for the  
21          files, that's -- that's what I am trying to find  
22          out, if you have any -- can shed any light on  
23          that; do you see?

24          A        I can't answer that question, sir. All I can tell  
25          you is what central records staff told me, and I



1 relayed that information to Mr. Roberts, and then  
2 this article, or an article, appeared in the  
3 paper.

4 Q Okay. Let me give you another possibility. If we  
5 could call up -- were you aware that the RCMP were  
6 involved in looking for Fisher files as part of  
7 the Federal Justice application?

8 A I knew the RCMP were involved in the  
9 re-investigation --

10 Q Right.

11 A -- of the Milgaard file, but whether they were  
12 involved in looking for the missing files, I had  
13 no knowledge of that.

14 Q Okay. Let me just go through some documents here  
15 to see if this might assist. If we could call up  
16 -- and this is from 056743, these are from Rick  
17 Pearson's notes, and go to page 056784. And this  
18 is a year prior, this is July of '90, and I just  
19 want to go through this to see if this is  
20 something you have knowledge of. And this is when  
21 Federal Justice and others find out about the  
22 Fisher rapes being in Saskatoon and the names of  
23 the victims. And if we can go to 056787, and  
24 we've already identified that that should be July  
25 13th, 1990, and Rick Pearson; did you ever hear of





1 Rick Pearson of the RCMP or ever deal with him?

2 A I believe I solved one of his homicide files.

3 Q Okay. In relation to the David Milgaard/Larry  
4 Fisher, to this matter, did you have any dealings  
5 with him?

6 A Not that I recall.

7 Q Do you remember his name being mentioned as  
8 someone who was involved investigating for the  
9 Federal Department of Justice?

10 A No.

11 Q In this note what Mr. Pearson said, and he has  
12 testified before this Inquiry, that in July of  
13 1990 basically he and Mr. Williams met with the  
14 police to look for the Fisher files and obtained a  
15 copy of the '68 offence file and the reference to  
16 having a partial on the Fisher file. And then if  
17 I can skip ahead to 056796, and again this is what  
18 Mr. Pearson testified to, this is now August 21,  
19 1991, this is a year later, so this is a week  
20 after Mr. Wolch files his application with the  
21 minister that has the report with your name  
22 redacted, and this is right around the time of --  
23 August 21 would be a week before, eight days  
24 before David Roberts' article, and what  
25 Mr. Pearson testified and what's in his notes is



1           that he says that:

2                   "... Mr. Williams also revealed that the  
3                   report from Centurion Ministries  
4                   suggested that a source in the Saskatoon  
5                   Police Department provided certain  
6                   material which is not officially  
7                   released."

8           And it says:

9                   "Mr. Williams is also interested in  
10                  securing any old police reports on the  
11                  Saskatoon victims of Larry Fisher. It  
12                  should be noted this had been pursued  
13                  previously ...",

14           and I think Mr. Pearson said that had been a year  
15           prior, in July of '90:

16                   "... and I have been told by the City  
17                   Police officials that these reports no  
18                   longer exist."

19           And then the next page, this is now August 22nd,  
20           he writes, and this is what he testified to at  
21           this Inquiry:

22                   "Called Insp. Quinn ...",

23           and you know Inspector Quinn?

24           A           Yes sir.

25           Q           And Pearson says:



1 "I also provided him with the names of  
2 victims (V5)---, (V2)-----, (V1)-, and  
3 (V3)-----, with supporting data,  
4 asking him to again search for any  
5 possible file material on these  
6 investigations."

7 And is it possible that this investigation,  
8 requested by Mr. Pearson, may have been what the  
9 file clerks were telling you was going on, that  
10 people were looking for the Fisher files?

11 A I don't know, sir.

12 Q Did you know anything about that, that as part of  
13 the application to the Federal Minister of  
14 Justice, Federal Justice and the RCMP were looking  
15 again for the Fisher files?

16 A I didn't know they were lookin' for the Fisher  
17 files. I know they were in the police station,  
18 and they had an office of their own and they were  
19 reviewing files, but just exactly what they were  
20 doing, I had no knowledge.

21 Q So let's go back to 220340. And again, back to  
22 this comment, and you said it was seven, not four,  
23 and this is not something you saw, this is  
24 something you were told by --

25 A Central records.



1 Q -- central records?

2 A Central records staff.

3 Q And that inspectors were looking to track down the  
4 missing files; is that right?

5 A That's what I was told, yes, sir.

6 Q And that's something you think you would have told  
7 Mr. Roberts?

8 A Yes sir.

9 Q And again, if we can just go back to the main  
10 article, it says, 'In Mr. Fisher's four Saskatoon  
11 attacks, the *Globe* reported last week, not only  
12 were his victims never notified of his arrest and  
13 conviction, but his name never appeared in the  
14 rape-victims' files at all.'

15 And, again, I had shown you an  
16 earlier article from *The Globe and Mail* a week  
17 earlier that talked about the name not being in  
18 those four files. And I'm wondering, is this --  
19 again, is this information you would have given  
20 Mr. Roberts?

21 A No, sir, because I -- I never knew of it until  
22 today, I'm not aware of that article. And --

23 Q And in --

24 A -- I think I made it perfectly clear I was coming  
25 in to work and one of the girls just walked by and



1 casually told me "they are in here after midnight  
2 lookin' for files", pertaining --

3 Q To Fisher?

4 A -- to Fisher, yes, or the rape victims.

5 Q And so you would have called Asper and/or Roberts  
6 on that; do you remember who you called?

7 A I think I called both of 'em.

8 Q And would have relayed this information?

9 A Yes sir.

10 Q And is it your understanding that that's what  
11 prompted the August 29th, 1991 article, this  
12 article then, where *The Globe and Mail* reports  
13 that files are missing and there's an  
14 investigation underway?

15 A It prompted some article, which one I --

16 Q Okay. Well that, I think --

17 A Which, the article then prompted the investigation  
18 for the --

19 Q Well, that's what I am trying to get to the bottom  
20 of, sir. I --

21 A I think we both mean the same thing, we're just --

22 Q Yeah.

23 A -- not gettin' together on this.

24 Q Well I guess what I am trying to understand, sir,  
25 is if the article prompted the investigation how



1 can the article refer to the ongoing investigation  
2 when it's just prompting it?

3 A I don't know, that's not my words and I can't  
4 answer that, sir.

5 Q Okay, no, fair enough. And that's -- you tell us  
6 what you recall and what you remember telling  
7 these people, and we'll certainly hear from Mr.  
8 Asper and Mr. Roberts.

9 A Yeah.

10 Q I just want to go through a few other articles.  
11 220397. And this is the same date, August 29th,  
12 this one is *Winnipeg Sun*, it's from the CP wire  
13 service, and again you will see this quote,  
14 'Something went on, it's very bizarre, it's  
15 something that just shouldn't happen, for every  
16 detail like that to vanish'. it goes on to tell  
17 similar to what's in *The Globe and Mail* article.  
18 Call up 327582.

19 A Can I make a statement, sir?

20 Q Sure.

21 A This particular paragraph is something that I  
22 don't disagree with, I just don't ever recall  
23 making such a statement, --

24 Q Okay.

25 A -- and I just don't recall that I would ever use



1 the words "it's very bizarre".

2 Q Okay.

3 A I would -- I think I would have been more  
4 specific, you know.

5 Q So, apart from the words, would it be fair to say  
6 what's written is what you thought at the time and  
7 consistent with the information you might have  
8 provided to Mr. Asper and Mr. Roberts?

9 A Yes, sir, and I think I've been saying that all  
10 afternoon.

11 Q Okay. So then if we could go, here's another  
12 article again that talks about the -- this is  
13 August 29th as well in the *Leader-Post* that has,  
14 again, that excerpt. And, again, you said  
15 "somebody tampered with the system", that's what  
16 you thought at the time, is that right? That's  
17 what you would have told Mr. Asper and Mr.  
18 Roberts, that "somebody has gone in and  
19 deliberately done something mischievous with  
20 respect to the files"?

21 A I wouldn't have used the words "tampered", I would  
22 have -- like, "missing", the files are missing, I  
23 -- "somebody removed the files or they are not  
24 where they should be", and I don't think I would  
25 have used the word "bizarre" or "tampered".



1 Q Okay. But --

2 A But I generally agree with the entire paragraph.

3 Q Okay. So you agree that somebody tampered with  
4 the system?

5 A The files are missing, it's --

6 Q Yeah. So that's what you believed at the time,  
7 that somebody had done something inappropriate,  
8 deliberate to either destroy the files or move  
9 them to a spot where people couldn't find them?

10 A Yes sir.

11 Q Yeah, okay. Then if we can go to 324934, and this  
12 is the *StarPhoenix* article again of the same date,  
13 would it be fair to say that you would have talked  
14 to Mr. Roberts and that his story would have  
15 somehow got into all of these newspapers, as  
16 opposed to you talking -- I think it's a CP wire  
17 story -- as opposed to you talking to reporters  
18 from the various newspapers?

19 A I talked to reporters almost daily from all over  
20 Canada, but I never reported anything like this  
21 other than to Roberts.

22 And I stated the other day a  
23 fella named Karp called me and wanted information  
24 for a book he was writing, and I wasn't interested  
25 in dealing with him because he was interested in





1 writing a book, and I thought "he's not interested  
2 in freeing David Milgaard, he's interested in  
3 makin' money for himself", so I never dealt with  
4 him.

5 Q Okay. And again in the *StarPhoenix* article it  
6 does, it recites, and I won't go through it again,  
7 but the same quote, but then at the bottom, I  
8 think this may have been on the front page, it  
9 says police files on Larry Fisher are missing, the  
10 police began an investigation and then:

11 "Supporters of Milgaard, convicted of  
12 murder over 22 years ago, claim his case  
13 has been covered up to cloak faulty  
14 police work."

15 Is that something you would have said at the time  
16 to either Mr. Roberts or Mr. Asper or would have  
17 thought?

18 A No, sir. I've never used the word cloak.

19 Q But again, does that -- is that a sentiment that  
20 you would have held at the time?

21 A Give me one second and let me read the paragraph  
22 again, please.

23 Q Sure.

24 A I have no way -- that's not my statement. I have  
25 no way of knowing whether there was a cover-up or



1           faulty police investigation, and I certainly  
2           didn't fault any investigator, it's just when I  
3           started my own personal, for lack of better words,  
4           investigation, I couldn't, I was looking for hard,  
5           physical evidence that pointed to David's guilt  
6           and I never -- all the officers that I talked to,  
7           and there was many, and Inspector Mackie,  
8           Superintendent McCorriston, many, many officers, I  
9           think it got to the point that they were getting  
10          upset. McCorriston's face would get red when I  
11          would keep hounding him about the Milgaard file.

12          Q       Did you ever in any of those discussions hear any  
13                  officers say to you that they believed that David  
14                  Milgaard was innocent back at the time, that he  
15                  had not committed the crime?

16          A       No.

17          Q       Was it the belief of the officers then that they  
18                  felt they had the right person convicted?

19          A       I think that's the impression they tried to leave  
20                  me with.

21          Q       And with all of your discussions with all of these  
22                  people, did you ever hear anything that either  
23                  directly or indirectly or suggested some type of  
24                  cover-up by any member of the Saskatoon City  
25                  Police Service during the course of this



1 investigation or after?

2 A No, I never heard of any cover-up. There was lots  
3 of talk about the forensic being improper or not  
4 -- modern methods weren't used and that sort of  
5 thing, but --

6 Q But did you hear --

7 A But nothing about a cover-up.

8 Q And did you hear anything in your discussions that  
9 the police, once Larry Fisher came to light in  
10 1971, that the police would have known that he was  
11 the killer of Gail Miller and took steps to  
12 deliberately cover up the fact that Mr. Fisher  
13 pled guilty to those crimes or had committed those  
14 crimes or anything of that nature, did you hear  
15 any of that in the course of your inquiries over  
16 the years that you did with the various officers  
17 involved in the original investigation?

18 A I didn't know anything about Larry Fisher until  
19 Asper mentioned it to me.

20 Q But I'm wondering, did anything, did you hear  
21 anything from anybody that caused your antenna to  
22 go up and say hey, maybe the police knew it wasn't  
23 him and they knew it was someone else and they  
24 deliberately covered up the conviction of an  
25 innocent person?



1           A           No, I never heard that. I -- I always felt that  
2                        Mr. Milgaard was innocent and these officers felt  
3                        that he was the responsible party and we had a  
4                        difference of opinion.

5           Q           Okay. If we could go to 004492, this is an  
6                        article the next day, this is now August 30, so  
7                        *The Globe and Mail* article is August 29th, the one  
8                        we went through, this is a *StarPhoenix* article, I  
9                        think it may have been carried in a number of  
10                      other publications, and it says:

11                      "Within days of a private investigator  
12                      alleging the Saskatoon Police Department  
13                      framed David Milgaard for the 1969  
14                      murder of Gail Miller, police files on  
15                      Larry Fisher's brutal attacks on city  
16                      women have apparently disappeared from  
17                      the police department."

18                      And just in context, on or about August 16th,  
19                      1991 James McCloskey made statements to that  
20                      effect in the media in conjunction with the  
21                      filing of David Milgaard's application to the  
22                      minister, so that's what's referred to there.  
23                      And then it quotes Mr. -- it says:

24                      "This is unbelievable," Milgaard's  
25                      lawyer, David Asper, said from Winnipeg.



1 "The files did exist prior to  
2 Aug. 16."

3 Sometime between Aug. 16 and  
4 this past Tuesday, the files went  
5 missing, Asper charged."

6 And I want to pause there. And August 16th is  
7 the date the application was received by the  
8 minister and the date of Mr. McCloskey's press  
9 conference I believe, and I'm wondering, did you  
10 give any information to David Asper to suggest  
11 that the files did exist prior to August 16th,  
12 1991?

13 A No, sir. I would have no way of knowing that.

14 Q Prior to August 16th do you think you talked about  
15 searching for these on two or three occasions, do  
16 you think any of those occasions when you searched  
17 for the files and were told they weren't there,  
18 would that have been prior to August 16th do you  
19 think?

20 A I don't know.

21 Q How long prior -- I think you told us earlier it  
22 would have been prior to the Police Commission  
23 investigation; is that right?

24 A Yes, sir.

25 Q Do you know how long prior to that?



1 A I have no idea.

2 Q And then it goes on to say:

3 "Sometime between Aug. 16 and this past  
4 Tuesday --"

5 Which would be August 27th,

6 "-- the files went missing."

7 Did you give any information to Mr. Asper to  
8 suggest that between August 16th and August 27th,  
9 1991 the Larry Fisher files had existed and had  
10 disappeared during that time frame?

11 A No, sir, and I don't agree with that statement.

12 Q What don't you agree about it?

13 A Well, that what I had heard from Roberts, that I  
14 believe it was from Gus Weir, that Weir had  
15 searched for these files years before that, or at  
16 least a couple of years before, and the files were  
17 already missing.

18 Q Was it your understanding, sir, then at about this  
19 time in 1991 when you had your discussions with  
20 Mr. Roberts and Mr. Asper, that the Larry Fisher  
21 files had been missing for some time?

22 A That's my belief, yes, sir, and for many years.

23 Q Do you know where Mr. Asper might have got this  
24 information from referred to in the article?

25 A I have no idea, sir.



1 Q Did he ever share any of this information with you  
2 in his discussions with you?

3 A No, sir.

4 Q If we can then go on back to the full page, the  
5 article goes on to say:

6 "Information in those files may have  
7 been so damning that whoever might bear  
8 the brunt has taken the risk so they  
9 won't get out," Asper said.

10 Asper heard rumours late last  
11 week the files had gone missing. The  
12 Toronto Globe and Mail reported Thursday  
13 the files had, in fact, vanished."

14 Again, would you have had any discussion with Mr.  
15 Asper about those rumours? Is that something you  
16 would have told him?

17 A Well, at one time I certainly did tell Mr. Asper  
18 that I couldn't find the files. Whether that  
19 pertains to that particular conversation I have no  
20 way of knowing. Only Mr. Asper will be able to  
21 answer that question.

22 Q If we could then go to 039314, and this is now the  
23 *Winnipeg Free Press* the same date, August 30th of  
24 the article, and it says:

25 "Quoting unidentified police sources,



1                   *The Globe and Mail* said Saskatoon police  
2                   have assigned four inspectors to track  
3                   down the files, which cover four  
4                   Saskatoon rapes to which Miller pleaded  
5                   guilty."

6                   I think that should say Fisher. And then --  
7                   again, that's the August 29th article, and it  
8                   says:

9                   "I just find it highly suspicious they  
10                  go missing," Milgaard's Winnipeg lawyer,  
11                  David Asper, said yesterday.

12                  Asper said he has sources which  
13                  lead him to believe the published  
14                  reports are accurate."

15                  Again, would you be one of those sources that led  
16                  him to believe, or told him that the published  
17                  reports are accurate?

18                  A            I don't recall discussing a published report with  
19                  Asper.

20                  Q            No, no, I think what he's saying, that the  
21                  published reports that say the files have gone  
22                  missing and have vanished, Mr. Asper is saying  
23                  here he has sources which lead him to believe the  
24                  published reports are accurate, so in other words,  
25                  what the newspapers were saying about a couple of





1 things, one, the fact that *The Globe and Mail*  
2 reported that the four files didn't contain  
3 Fisher's name, the fact that they existed on  
4 August 16th and went missing between August 16th  
5 and August 27th, those published reports, would  
6 you have been the source that would have provided  
7 that information to Mr. Asper?

8 A No, sir. All I told Mr. Asper is that I could not  
9 find any of the files and I told him what I did  
10 find, one index card and one page of an  
11 investigation report.

12 Q If we can go back to the full article, and sorry  
13 to belabour this, but I simply want to put where  
14 references are to sources, it says:

15 "Asper said he has heard that only  
16 Fisher's files are missing, and that  
17 there has been no large-scale loss of  
18 older police files in Saskatoon.

19 He has his own sources who say  
20 the files were in the computer system  
21 before Milgaard requested a retrial Aug.  
22 16, Asper said.

23 He was unaware whether other  
24 copies of the Fisher files exist on  
25 microfiche or even on paper somewhere.



1 "I was reeling when I saw  
2 this," --

3 And again, could you be the source, or would you  
4 have provided this information to Mr. Asper?

5 A That's not something I would have said. I have no  
6 way of knowing whether the files were in the  
7 computer system or not.

8 Q I think you told us what you found out, that there  
9 was an index card that had the files listed, but  
10 actually the files weren't there, that was your  
11 understanding wasn't it?

12 A Yes, an index card, and numbers that were beside  
13 it which I believed were occurrence numbers, and  
14 I'm not certain about that, but there was a Larry  
15 Fisher card and on the right-hand side several  
16 numbers which I believed were occurrence numbers  
17 associated to Mr. Fisher.

18 Q But the files referred to on the index card though  
19 were not there when you checked, I think that was  
20 your evidence?

21 A That's correct, sir.

22 Q If you can then go down to the bottom, and they  
23 also talk about searching for a fifth file of an  
24 unsolved sexual assault the day after Miller was  
25 killed. I think that should be the day of. Do



1           you have any recollection of making inquiries  
2           about a (V4)---- (V4)--- file, and let me --  
3           (V4)---- (V4)--- was a woman who called the police  
4           on January 31, 1969, the day of Gail Miller's  
5           murder, and indicated that she had been assaulted  
6           at 7:07 a.m. about seven blocks from where Gail  
7           Miller's body was found. Do you have any  
8           recollection of that, being involved in looking  
9           for that?

10        A           I never looked for that file, but I became aware  
11        of that information about (V4)---- -- we  
12        pronounced it (V4)---.

13        Q           You may be -- I can't remember what she told us.  
14        Whatever it was, I used it wrong. (V4)--- or  
15        (V4)---.

16        A           I understand it to be (V4)---.

17        Q           Okay, (V4)---.

18        A           And I got all of that information from Dave  
19        Roberts.

20        Q           I see. So this is information you would have  
21        learned from Mr. Roberts as opposed to you getting  
22        it out of the police files?

23        A           That's correct, sir.

24        Q           And what did Mr. Roberts tell you about (V4)----  
25        (V4)---?



1 A Well, there was an attempted sexual assault and  
2 the woman was able to get away and later on Gail  
3 Miller's body was found and the area it was solved  
4 I think was about Avenue K and 22nd Street and  
5 this would have been, where they found the Gail  
6 Miller body was much closer to where Fisher was  
7 living at that time, so their theory was (V4)----  
8 (V4)--- was attacked --

9 Q Sorry, their theory being Roberts' or whose?

10 A Roberts', and maybe Asper's.

11 Q Yeah.

12 A (V4)---- (V4)--- was attacked, Fisher then makes a  
13 B-line towards home down the railroad tracks, runs  
14 into Gail Miller, murders and rapes her and then  
15 it's only a short distance from his house.

16 Q And as far as --

17 A That information I did not get from any police  
18 source, I got that from Roberts.

19 Q And as far as a file about this information, were  
20 you involved in any way in looking and trying to  
21 locate file information about (V4)---- (V4)--- and  
22 her complaint to the police?

23 A Not that I remember.

24 Q If you could call up 220383, and this is a report,  
25 again August 30, 1991, this is the *Winnipeg Sun*,



1 and Mr. Asper is quoted here about sources, and  
2 it's a little bit different than the other two  
3 articles, I just want to ask you about it, it says  
4 here:

5 "Follow the bouncing ball. That was the  
6 game initiated by the Saskatoon Police  
7 Department yesterday following media  
8 reports that police files linked to the  
9 David Milgaard case have vanished since  
10 a new application was made for a retrial  
11 earlier this month.

12 And the timing of the  
13 disappearance likely isn't coincidental,  
14 Milgaard's lawyer said yesterday.

15 "Shortly before filing the  
16 application Aug. 16, the reports were  
17 there. Within days, they disappear. To  
18 say that it's coincidence may stretch  
19 credulity," David Asper said. There  
20 must be something very damning in those  
21 reports for someone to take such a risk  
22 and tamper with the computer system."

23 And again, and I appreciate I've asked you this  
24 question with different words, but again, I take  
25 it, Mr. Vanin, is this anything that you -- would



1           this information that I just read to you that Mr.  
2           Asper has stated, would any of this information  
3           have come from you to him?

4       A       No, sir, and I don't agree with Mr. Asper's  
5           statement.

6       Q       In what way?

7       A       Well, that they appeared, or disappeared, the  
8           files disappeared just shortly before their  
9           application. I -- my belief is that the files had  
10          been missing for a long, long time.

11      Q       And is that something you think you would have  
12          discussed with Mr. Asper?

13      A       I don't remember discussing it with him. I could  
14          have. I don't remember discussing it with him.

15                   MR. HODSON: This is probably a good spot  
16          to break, Mr. Commissioner.

17                   COMMISSIONER MacCALLUM: Okay.

18                   *(Adjourned at 4:28 p.m.)*

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1 OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATE:

2 We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,  
3 Official Queen's Bench Court Reporters for the Province of  
4 Saskatchewan, hereby certify that the foregoing pages  
5 contain a true and correct transcription of our shorthand  
6 notes taken herein to the best of my knowledge, skill, and  
7 ability.

8  
9  
10  
11  
12 \_\_\_\_\_, CSR

13 Karen Hinz, CSR

14 Official Queen's Bench Court Reporter

15  
16 \_\_\_\_\_, RPR, CSR

17 Donald G. Meyer, RPR, CSR

18 Official Queen's Bench Court Reporter



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