

# Media failed to provide balance, fairness in Milgaard case

By Rusty Chartier

Following is the personal viewpoint of the writer, a Saskatoon resident.

Some months ago, Bill Peterson asked StarPhoenix readers to keep track of stories they felt were negative. This is the wrong question.

A story may be positive or negative depending on which side of the issue you stand. Instead, the balance and fairness of stories should be judged.

In this area, the SP has failed miserably, especially on the David Milgaard issue.

As a former Saskatoon police officer of 26 years, I am well versed on the Milgaard topic.

There is no way the Milgaard forces will ever be satisfied. When the Milgaards went to the Supreme Court, they did not get the answer they wanted. So they will go elsewhere.

And they will be accepted because they have managed to get the powerful media with their "scandal sells papers" bias on their side.

What a sad day for justice. I will be thoroughly disappointed if our government comes in to this insanity.

Because I was somewhat involved in the Milgaard investigation, reporters have interviewed me about it. They always seemed to be suggesting Joe Penkala or Gerry McCorrison had reason to cover something up and were trying to do so. The reporters had come to this uneducated conclusion and were going to get the answers they thought were correct, no matter what.

They have never succeeded, nor will they, because there was no cover-up.

I was the first police officer to be told Milgaard could be considered a suspect. Shorly Cadrain, whom I knew personally as well as his mother and brother, came to the detective office one evening. He told me Milgaard and some of his friends had come to his door the morning of Gail Miller's death. He said Milgaard had blood on his pants and Cadrain's mother had washed it out for him. Later the same day, he said, they all left for Calgary.

Cadrain told me he had talked to his mother about his suspicions and she advised him to speak with the police. I explained it was not my file but I would pass this information to the investigating officer.

The next day, officer Ray Mackie and I went to Cadrain's home, picked him up and brought him to the police station. I had nothing further to do with Cadrain.

That was the first piece of concrete information the police had.

Many other sex offenders had been looked at prior to this but they could not be connected to the crime.

Police are seldom at the scene of any crime. When they get information, they develop it without any prejudices. That happened in this case. Every bit of information thereafter led back to Milgaard. A jury agreed.

For months, the media has given the public misinformation about this case. Some Saskatoon media have referred to Penkala as the investigator of the Milgaard case and implied that after he became police chief he tried to cover things up about this file. Penkala was no more than the identification officer at the scene. All he would have done is develop physical evidence for court.

While Penkala and I disagree on methods of policing, his honesty and integrity as an identification officer was beyond reproach.

The investigating officer on the Milgaard case was Mackie. I got to know him even before I became a policeman. He was a people-oriented person who often stopped to talk to young people as he drove around on his police motorcycle. Later, I worked with him and often sought his advice. He was always professional in his work.

I recall talk of the investigation and the possibility of charging Milgaard if police were convinced the witnesses were telling the truth. To that end, Art Roberts of the Calgary police was asked to perform a polygraph test on Ron Wilson.

I was involved in setting up the test. When it was completed, Roberts advised us it indicated Wilson was telling the truth in his statement to the police.

The evidence police gathered satisfied prosecutor Bobs Caldwell and he advised us that Milgaard should be charged. Although Milgaard did not give a statement, all evidence pointed to him. A jury agreed.

Eddie Karst, another target of derision by the Milgaard forces, was one of the most effective investigators the Saskatoon police had.

Milgaard forces question why Karst would travel to Winnipeg to interview Larry Fisher about certain rape cases when he was a homicide detective.

At the time, this was common practice. Because of his competence, Karst was sent to many jurisdictions to interview or escort prisoners back to Saskatoon.

Milgaard's lawyers also ask why Fisher's victims were never told charges had been laid against him. This, too, was not unusual.

The system for keeping victims informed about progress in their cases has improved

since introduction of a restitution program in the 1980s. As community policing and victims' services are put in place across the country, this problem will be eliminated.

I was involved with Serge Kujawa on a different criminal case. He was a tough task master who insisted that, if we in the system did things right, the best justice system in the world would serve us well.

Although I did not see it at the time, I have learned Kujawa was right, as I am sure he is in the Milgaard case. He will never be compromised.

I agree the justice system has to become more contemporary. This is slowly happening. There are signs of it, especially in Saskatoon's police service.

Incarceration, to a point is necessary. However, we as a society have gone overboard. When the Young Offenders Act was proclaimed, Milgaard should have been released. The chances of his rehabilitation would have been better.

With regard to balance and fairness, the media have to get their house in order, just as the justice system must. When that happens, democracy will again be seen to work. I am sure the media do not want to keep their public image on the same plane as car salesmen and politicians.