

The search for truth never ends.

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Tributes to David Milgaard all highlight the strength of an individual who persevered through more than two decades of imprisonment for a murder he never committed. His mother Joyce Milgaard, Lloyd Axworthy, and the lawyer who believed his story, Hersch Wolch, deserve recognition for their efforts in righting a wrong.

Circumstantial evidence, having a certain lifestyle and behaviour, and most importantly, manipulated eyewitness testimony, all converged to convict Milgaard. He was in the wrong place at the wrong time even though he had turned himself to clear his name. He was a freewheeling “hippie” with few roots in the community. Finally, the police coerced false testimony from witnesses under the promise of dropping charges, triggering the conviction that resulted in 23 years in prison.

DNA evidence finally exonerated Milgaard, clearly pointing to another individual who had sexually assaulted and murdered Gail Miller.

While the work of family, lawyers, and personal perseverance are inspirational for me these are not the key theme of this story. Rather, it is that exculpatory information dominated the constructed reality of eyewitnesses. DNA evidence revealed the failure in the justice system and the full extent to which flawed evidence perpetrated the injustice on Milgaard.

The Milgaard conviction is a lesson for our times. Beyond the courts, we often rely on personal accounts or “lived experience” as if that gives one deeper insight and adds credibility to any account. Anecdotal evidence abounds in alternative medicine and everyday language. In casual conversation everyone offers personal experience and one-off anecdotes to buttress an argument.

We are in an age where everyone has a lived experience, where personal truth has validity, and where one person’s truth is as good as anyone’s. Rather than collectively searching for new evidence, we wrap ourselves in personal realities.

At the very least “my truth” is the height of conceit. More problematic is that my truth becomes a touchstone I defend at all costs. I select evidence to support my position and ignore information that creates threatens.

Social media and news feeds co-conspire in burnishing my chosen world view by selecting stories based on my past reading. This surreptitious tuning of what I see and read, has the insidious effect of reinforcing my truth. It takes conscious effort to read against the grain.

I am reading two histories of England. The first is the History of the English-Speaking Peoples by Winston Churchill and the second is The Anglo Saxons by Marc Morris. Churchill’s book is a rollicking romp with the expected redolent prose, but a little short on facts. Churchill speaks with the confidence of a Victorian gentleman.

Morris' book is much more satisfying. By sifting through folklore, writings from the age, and archeological evidence, he presents a plausible account of a time when we lack definitive evidence of what happened in the Dark Ages. His history compels because we have the sense that we are one archeological find away from revising our provisional understanding of what went before. Morris conveys the idea that truth never settles and active openness to new evidence paves the way to deeper insight.

Looking back, we like to imagine had we been on the jury listening to the evidence against Milgaard that we would see through the deceit and free a guilty man. Similarly, I like to imagine that had I been born fifteen years earlier in Germany, I would have resisted joining the Hitler youth. This is yet another conceit ... imagining we would behave better than those who came before.

Yet reality does intrude. After two decades, the DNA deposited on Gail Miller's clothing in January 1969 destroyed the lies advanced by the eyewitnesses and reframed the narrative. The notion that I have a valid truth reflects the narcissism of our age and creates a collective delusion. But the truth is out there; we just need to look, and then look again.

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