



Photo courtesy of the Asper family

David Asper

a life saver

by Aliza Davidovitz

David Asper has saved the entire world—at least by Talmudic standards. For according to rabbinical teachings, one who saves even a single life, is considered as if he saved an entire world. Although Asper couldn't save the life of murder and rape victim Gail Miller, he did save the life of the wrongly convicted man who had served 23 years in prison for a crime he didn't commit.

In 1986, a closed case was plopped on Asper's desk for review just one week after the young associate began practicing criminal law at the Winnipeg law firm of Wolch, Pinx, Tapper, Scurfield. It was the 1969 case of David Milgaard, a young hippie who at the age of 16 was found guilty of murdering and raping a 20-year-old woman during a holiday he was taking with three friends in Saskatoon, Canada. Milgaard had already served 18 years, consistently professing innocence and jeopardizing every chance of parole, when Asper first opened his file. His family had always believed in him and rallied national support to re-open Milgaard's case. The Canadian bureaucratic justice system denied every appeal. As a result, the young inmate found himself in an unimaginable nightmare, one from which he tried to escape many times—by “fleeing the coop” and attempting suicide.

David Asper, who was 27 years old at the time, son of billionaire media mogul Israel Asper of CanWest Global, probably had every reason to be apathetic to the plight of a prisoner whose 18-year-old case seemed a dead end, and to a case which his own boss didn't even make time to look at initially. But when Asper reviewed the case something hit him: things just didn't seem right. He drove to the penitentiary to meet with Milgaard and asked him a simple question, "Did you do it?" When Milgaard pleaded innocence, Asper embarked on what became a six-year campaign involving hundreds of hours and about \$1 million worth of free legal services that culminated in Milgaard's liberation.

Asper spurred on the media, who themselves brought forth new evidence in the case. With the assistance of public pressure, a dedicated legal team, and the tireless efforts of Milgaard's mother—who was referred to on *Hard Copy* as the "gumshoe mom"—Asper finally succeeded in reopening the case and bringing it before the Supreme Court of Canada. He exposed contradictory evidence from witnesses, confessions by witnesses of police coercion, DNA evidence, and the name of the alleged real suspect—a man named Larry Fisher, a convicted serial rapist who lived in the same house that Milgaard had visited that fateful night. Testimony from Fisher's wife, professing her belief that her husband was involved in the murder and that she had noticed a knife missing from their kitchen the night the young girl's throat was slashed, had been ignored by police. In 1992, after 23 years, Milgaard was escorted by his family and his attorney to liberty, and to life.

It was quite a feat for such a young man who said that his first year in law school was hell on earth. "I spent a lot of time on the phone with my family that first year," Asper confesses. "They had to convince me to stay."

Asper says that he was fortunate that his own father had been through it him-

self and could relate to how brutal the first year could be, especially for wandering minds, a characteristic that both father and son shared. But there was another Asper trait that spurred him on: persistence. David Asper stuck with his studies at California Western School of Law and by his second year, he was excelling and



Seated: Gail Asper.
Standing (l-r): Leonard and David Asper.

loving every minute of it. He clerked at the New York law firm Scholer, Hayes and Handler, as well as at his father's former law firm Buchwald, Asper & Henteleff. After graduating from law school in the United States, Asper underwent a Canadian law equivalency course of study at the University of Manitoba and concentrated on corporate and commercial law. Although his father wanted his son to stay in commercial law, David opted for criminal law, an area that would give him greater opportunity to go to court and to take on injustices carried out by the State. "The State can be a big bully," Asper declares. "I thought I had enough talent and skill to serve the needs of poor, helpless, innocent people who are getting pounded by the system."

Asper was right about his own talent and skill, for he not only liberated David

Milgaard, but also blew open the whole issue of wrongful convictions in Canada and forced a reexamination of the current system. It is no wonder that Asper greatly admires attorneys such as Barry Scheck and Alan Dershowitz, two advocates who he says have a real sense of mission and purpose and have the moxie to take on big powers.

Asper's legal triumph in the Milgaard case not only earned him prominence and self-fulfillment, it also earned him a Harley Davidson motor cycle. As a young attorney, Asper used to drive up to the penitentiary to visit Milgaard on a motorcycle. Milgaard was always amused by David's means of transportation and promised the young advocate that if his innocence was proven, he would buy Asper a Harley with the compensation money. Asper says he'll never forget the smile on Milgaard's face when he was standing at the dealership next to the bike, which Milgaard did, as promised, buy for him after recovering \$10 million for his wrongful conviction case.

David Asper was born in Winnipeg, Canada in 1958. He is 44 years old and the eldest of three siblings. He describes himself as someone with expansive life and social experiences, who was the rebel of his family. "I was the trail blazer as to what my brother and sister should not do," Asper reveals, "And if they would do it, how not to get caught."

One of the trails he "blazed" was with the dirt bike and bright orange helmet he bought before he was of legal age. He had paid for the bike with the remainder of his bar mitzvah money after donating part of it to Israel.

Keeping curfew was another problem for David. If he was told to be home at 11 p.m., he'd be home at 12:30 a.m. Today, as a husband and a father of his own three kids, David can't help but laugh and appreciate what he put his own parents through, especially when he looks at his eldest son, Daniel, who is exactly like him. "That is the circle of life," he adds.

“I’ve learned from my mother and father that it’s not enough to just take up space in this world. When you look back at your life and read the book of your life, you have to matter both professionally and philanthropically.”

But if David Asper gave his parents a bit of a hard time as a kid, he was put through a hard time himself. Asper’s father had gone into politics just about the time David was bar mitzvah. His father’s prominence put the whole family in the spotlight and kids at school started to pick on David in a serious way.

“I started to feel my share of anti-semitism at around the age of 12 or 13,” Asper recounts. “It was an insidious attack. A lot of it was being promoted by political opponents in the newspapers and the media.” The provocations were so bad that Asper couldn’t concentrate on his studies and changed schools a few times until he could bear it no longer and actually dropped out for a while. “I remember hearing, ‘You dirty Jew’ in seventh grade,” Asper recalls. “It went right through my soul. I could really feel the pain. I didn’t dwell on it, but I absorbed it and took it personally.”

David finally found refuge on Vancouver Island where he was just able to be himself and wasn’t subject to who his family was.

Despite the difficult pressures of youth, David has emerged successfully in life just as a piece of coal withstanding the pressures of the earth emerges as a diamond. He has a strong character and radiant personality. He believes that his personality is an amalgam of his life experiences. He says that he has been able to accomplish a lot because he has always been ready to be a rabble-rouser. Although he no longer stirs the political pot as a lawyer, he continues to do so in his positions at CanWest Global Communications Corp., the media empire his father started. There he serves as executive vice-president, chairman of the Publications Committee of the board of directors and co-chair of the Canadian Media Integration Team.

In March 2001, David took issue with the media and other detractors of Canadian

Prime Minister Jean Chretien for continually attacking the leader without backing up allegations made against him. Asper wrote the following editorial in the *National Post*:

“This newspaper and others across Canada have had a remarkably unfair go at the Prime Minister...the media’s coverage of the accusations against the Prime Minister has crossed a line that delineates solid investigative reporting from adjective driven innuendo. The time is now long overdue for Mr. Chretien’s accusers to ‘put up or shut up, with facts and hard evidence.’”

Asper’s column was attacked by newsrooms and conservatives across the country. Asper welcomes the criticism, which certainly didn’t end with that issue. He says that as owners of newspapers neither he nor his family is trying to make people think like them, but rather they are taking full advantage of a democracy where controversy and open discussion are supposed to be its supporting tenets. If they publish their opponents’ positions, David’s father, Izy Asper rightly asks, “Is there freedom of speech for everyone but the owner of a newspaper?”

In his positions at CanWest Global, David oversees the editorial content of all the company’s newspapers and the content sharing across different media platforms such as TV, radio, on-line and print. He also oversees the editorial content on Global Television Network and in particular Canada’s number one weekly public affairs show, *Global Sunday*. He is also the managing director of Creswin Properties, a private real estate enterprise of the Asper family that predominantly acquires and develops shopping centers. He additionally sits on several boards including The Canada West Foundation, the Asper Foundation, and is director and past chairman of the Winnipeg Blue Bombers Football Club.

Asper says that on most days he loves what he does. “There are days that I don’t love what I do,” he admits. “But the lesson is

if the good days outweigh the bad days then I should be content. I’ve had to learn that.”

It’s debatable, however, how happy David will be over the next few months as his very fit and athletic wife, who is also a businesswoman and a personal trainer, trains him for an upcoming half-marathon. As step one, she’s trying to get him to stop smoking, somewhat unsuccessfully. The couple has purchased a countdown clock and is prepping for the big day.

But if the marathon has plotted an exact running course for David Asper, his life course is not so certain. He is plagued with the same character trait as his father, the need to keep accomplishing more and finding the unknown variable that will lead to self-fulfillment. David’s father often compares him to Pippin in the Stephen Schwartz play where the young character, son of the Roman Emperor Charlemagne, constantly seeks to find himself.

David admits that he does not know what would make him feel self-fulfilled. He has often contemplated going back into law which he regards as a mission, not a profession. He tells how his mother had tremendous insight when she gave him a birthday card when he was 11 years old in which she quoted Shakespeare’s *Hamlet* and wrote, “To thine own self be true.”

This self-driven, funny, warm, charming man says that it is uncharacteristic of him to admit that he has learned from his parents, but concedes that he is old enough to fess up. “I’ve learned from my mother and father that it’s not enough to just take up space in this world,” Asper says. “When you look back at your life and read the book of your life, you have to matter both professionally and philanthropically.”

And as David Asper pursues his quest, perhaps it is symbolic that he claims that his wrist watches are always running fast. He may not be running quite as behind as he thinks. [EfratSini]