

The Jian Ghomeshi case illustrates why we should be grateful for Canada's courts

The accusations of sexual assault against Jian Ghomeshi 18 months ago led to an instant public opinion and professional lynching. After reports of inappropriate workplace behaviour and the later criminal charges were publicly disclosed, Ghomeshi was almost universally presumed to be guilty, was dismissed by the CBC without severance and with no attempt to suggest that the question of his guilt remained to be determined, much less that he deserved the benefit of the doubt until charges were proved against him. I was, as far as I could detect, the only person in the media who expressed reservations about anonymous people who come out of the woodwork levelling very serious charges many years after the event.

I yield to no one in my desire to deter and punish the assault of vulnerable people, but the rush to judgment in this case was shameful. Ghomeshi, who as far as I know him is a very affable and intelligent man and very capable at his former job, was treated to the rather tendentious cover of Maclean's magazine: "How He Got Away With It," and the winner of the Giller Prize accepted his award with thanks and a brief lecture that the Ghomeshi complainants should have been listened to earlier.

Sexual assault is a very grievous offence, which, when proved beyond a reasonable doubt, requires that the offender be segregated from society. That charge, as we have seen again and again, does terrible damage to a person who must be presumed innocent until proven guilty. I do not accept that making such a charge promptly, under the benefit of anonymity, is an unreasonable requirement for so grave a charge to be

sent to trial. We are all severely publicly embarrassed at times; I am something of an authority on the subject, but we cannot degenerate into a society of denunciation where, as in totalitarian states, a mere unsupported allegation, in this case mainly many years after the alleged facts, can be allowed to ruin a person's career.

My wife, Barbara Amiel Black, wrote many years ago that our justice system was proceeding toward the time when the Crown attorneys would simply send postcards out to accused people instructing them when and where to report for sentencing. We saw an example of this in the Tom Flanagan affair two years ago, when a distinguished professor and media commentator said in response to a question at a university open discussion that he wondered if lengthy imprisonment is the right sentence for someone who composes or downloads child pornography but does not distribute or profit from it or enable others to profit from it. It emerged that the whole occasion was organized by Idle No More, the same group of belligerent nativist loonies that has painted us all as genocidists led by that increasingly notorious and satanic proto-Hitlerian, John A. Macdonald, whom Idle No More burned in effigy in front of his monument in his native Kingston. Flanagan said that child pornography is disgusting, but that the prison sentences dished out to the maladjusted people who passively look at child pornography bringing no harm or benefit to anyone else are mistaken and unjust. He was denounced, reviled, and fired. But he was right.

When the Ghomeshi case broke, his employer, the CBC, claimed to have conducted a thorough inquiry into the criminal accusations and allegations of inappropriate workplace conduct, judged him guilty, fired him for cause, and flooded its own airwaves with what I described at the time as "pious insipidities" about how distressed the whole corporation was and how it had agonized over what was right. I am a supporter of the concept of public broadcasting in this country, but the

hypocrisy and cowardice of CBC management strain my morale in that role. Successive governments find the CBC so irritating that they exact vengeance by cutting the CBC's budget, and the management always is able to so arrange things that the creative and talented people are squeezed and the plush sedentary officialdom clings to the furniture in the executive suites with the tenacity of limpets.

The Ghomeshi case was a perfect illustration of their failure to treat fairly a valued on-air individual (even one accused, but not convicted, of serious crimes), defend the corporation's reputation, or present even a façade of impartiality. In any organization subject to the normal requirements of responsible conduct, heads would roll. Ghomeshi still faces a separate trial in June. Should he be acquitted then, as well, perhaps those heads will roll yet.

The newspapers have been full of simpering regret by extreme feminists that it is difficult to convict someone of heinous crimes fuzzily recollected from many years ago without corroboration, a practice that could eventually terrorize the entire population if not discouraged. We should all be grateful that Canada has courts and defence counsel who impose the requirement of proof beyond a reasonable doubt for conviction. Let us certainly do everything we can to deter and punish these crimes. But if we don't require proper and convincing evidence before conviction, our entire society will sink into a mire of false accusation and routine punishment of the innocent. I know something of that too. No good is served by sending a potentially innocent person to prison.

My relations with Peggy Wente of The Globe and Mail have been quite cordial for many years, since she stopped writing nasty things about my wife and me. I want to reassure her and her readers that I am not "shilling" for Donald Trump as she wrote two weeks ago. I have known him for many years as an honest

businessman and a loyal friend. We co-developed a property in Chicago and he came in on time, on budget, built an architecturally admired building and filled it in advance with high-quality tenants. He knew what a load of codswallop the charges against me were and he volunteered to come to Chicago and testify on my behalf.

He has never been my preferred choice for president of the U.S., but the cold terror he and Bernie Sanders are striking into the political class in America, the Bush-Clinton-Obama triopoly and their servitors, is refreshing. None of them thought the country would really reject the authors of almost 20 years of middle-class economic stagnation, with the lower-income groups threatened by the departure of 60 million jobs and the influx of 11 million unskilled illegal immigrants. There would be no reckoning for scores of thousands of casualties and trillions of dollars squandered in endless Middle Eastern wars, ultimately to America's strategic disadvantage, the government-induced greatest recession in 80 years and the doubling of the accumulated national debt in seven years, shambles in education and health care, and a fascist justice system, absurd foreign policy humiliations, and the U.S. government an anthill of corruption and hypocrisy.

Neither Trump nor Sanders has all the solutions, but at least they identify the problems, and it is a sign of American strength that such prolonged misrule breeds opponents who at least believe in free elections and free speech. The U.S. could do worse than Trump, despite his infelicities, and it has in the past four or five terms. It is sad to see such a great country laid so low as it now is, but the trend of recent years is reversible.