

National Affairs by Claire Hoy ? Duffy deserves recompense

During the lengthy brouhaha over Senator Mike Duffy's public lynching, er, trial, a prominent newspaper cartoonist portrayed the veteran television newsmen wearing a mask and striped prison garb making off with a bag crammed with public funds.

He was alongside two other Conservative senators, Patrick Brazeau and Pamela Wallin, both of whom were accused, along with Duffy, of fiddling their Senate expenses for their own benefit.

Even though Duffy wasn't the only one charged, he clearly fared the worst. Everybody simply knew that the avuncular senator for Prince Edward Island was guilty of stealing from the public treasury and the Liberals knew it was a great opportunity for them to portray the Stephen Harper government as corrupt.

Ultimately, the three Senators ? having not been found guilty of anything ? were suspended from the Senate, without pay, and barred from access to their offices or the Chamber, all without the benefit of a hearing at which they could have pled their case.

But hey, the general feeling in the media ? and, sadly, the public too ? was that, ?who needs a hearing? Obviously they're crooks. Boot 'em out.?

This view seemed to be cemented in the public mind when the RCMP hit Duffy with 31 separate criminal charges in July, 2012, including fraud, breach of trust and bribery, all stemming from claims for living expenses, travel, consulting contracts and a controversial \$90,000 repayment of expenses by Nigel Wright, then Harper's top man in the PMO.

Why the police did this ? with the agreement of prosecutors ? raises a terrible question in a democracy of political pressure being brought to bear, since at the time an audit from Deloitte concluded that, given the existing Senate rules, Duffy's living expense claims were not even administratively inappropriate, let alone criminal.

The whole sordid mess had begun with an Ottawa Citizen story in December, 2012, which implied Duffy made inappropriate claims for living expenses because, even though he had a home in Ottawa, where he had lived for years, he designated his P.E.I. home as his primary residence.

What that initial story ? and subsequent media coverage and partisan mudslinging ? failed to report is that the Senate rules require no particular span of time spent in residence in order to be declared a primary resident. Duffy, in fact, was following the rules, the same as several other Senators who did exactly the same thing with impunity.

You might have a case that the rules themselves are a tad loose. But they are the rules and Duffy didn't break them.

But that didn't matter. The feeding frenzy was on. Duffy, the former journalist, and a guy who campaigned hard for Harper and no doubt helped him win votes, was a lowdown crook and that was that.

Full disclosure. I have known Duffy as a friend and former colleague for a long time. When all the furor was happening, given the reportage and the charges from political enemies, I must admit it didn't look good for him.

Quite apart from the financial hit and public shaming for Duffy in particular, the ordeal greatly affected his health. He endured a round of open heart surgery, depression, severe anxiety, insomnia and loss of vision from his diabetes. As his lawyer put it last week, he ?near died? from the stress.

Yet after his highly publicized trial in April, 2016, Judge Charless Vaillancourt acquitted Duffy of all 31 charges, calling him a ?credible witness? whose conduct was ?reasonable and honest.? As for Duffy's much-maligned travel claims, the judge ruled they were in fact ?appropriate.?

Duffy had said all along that he ?violated no laws? and ?followed the rules.? But nobody was listening. But Duffy was right. He did no wrong.

Yet he suffered extraordinary public and political censure from the media, the politicians, academia and the public at large, becoming a whipping boy for those who hated politicians in general, and Conservatives in particular. Even his fellow Conservatives shamefully went along with the persecution of Duffy to save their own political skins.

The whole episode is a national disgrace.

And now, dear hearts, it's Duffy's turn to strike back.

He is now suing the Senate and the RCMP for \$7.8 million in lost income and damages and, given the aforementioned court ruling, his chances of winning are pretty good.

A Toronto Star story headlined ?Duffy got a raw deal ? and that could cost us? compared Duffy's case with that of Omar Khadr, who was handed a \$10 million cheque by the Trudeau Liberals for his mistreatment.

False comparison. Khadr was fighting our allies, killed one, wounded another, and made roadside bombs for the enemy. He didn't deserve the payout.

Duffy, on the other hand, didn't kill anybody. But the ordeal almost killed him. Somebody has to pay for that.

