

## Regan Acquitted

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### Regan Acquitted

Gerald Regan waited silently for his moment of truth in a Halifax courtroom late last week. He licked his thin lips nervously, an eyelid twitched and his chest rose and fell with shallow breaths as he sat staring at the jury while the clerk read out the eight sex-related charges against the former Nova Scotia premier and ex-federal cabinet minister. Regan hardly reacted when the jury foreman said "not guilty" to the first charge. But the third time he heard those words, the lanky 70-year-old leaned forward expectantly in his chair. He started to stand, after learning he was cleared of the seventh count. And, after the foreman said "not guilty" for the eighth and last time, Regan was upright, fiercely hugging his wife, Carole, perhaps confident, for the first time in five years, that he will remain a free man for the rest of his days. "We are," he told reporters after emerging from the courtroom clutching his wife's hand, "tremendously relieved by the verdict."

It took the jury just eight hours to clear him of the charges - a surprisingly short time for a case that began so publicly in 1993 when the RCMP acknowledged they were investigating allegations of "sexual misconduct" by Regan. His new life cannot begin just yet: he has to be back in court on Feb. 19 to face another charge of indecent assault. And, of course, the Crown could also try to appeal last week's acquittal. But Regan's lawyer, Edward Greenspan - who has always contended that his client was the victim of an unfounded witch-hunt - said the Crown should take its lead from the jury's "loud, clear verdict" and say: "Let's forget about it." He may have a point: clearing Regan on all eight counts of rape, attempted rape, indecent assault and unlawful confinement, involving three women, seemed a stinging indictment of the police investigation that led to the charges. And the verdict was another huge setback for the provincial Public Prosecutions Service, already under fire for its controversial handling of a number of recent high-profile cases.

None of them, though, had the drama of the Regan trial. Greenspan, during his summation, told the jury that the case they had just witnessed "was not a Hollywood story." But he, more than anyone, knew this was a tale that had everything: the tawdry spectacle of a once-powerful man now humbled; the anguish and humiliation of his long-suffering spouse; the public pain of his three middle-aged accusers, repeatedly driven to tears by Greenspan's incessant grilling; and the open animosity between the flamboyant defence lawyer and Adrian Reid, the brooding Crown prosecutor.

There was also drama outside of the courtroom. After the 10 jurors - two were excused during the course of the trial - began their deliberations at precisely 2:25 p.m. last Thursday, a new flood of allegations against Regan appeared in the media. The RCMP's five-year investigation originally turned up 22 women who claimed the ex-premier had assaulted them. Ultimately, the police only felt confident enough to lay 18 charges involving 13 complainants. And last April, when Associate Chief Justice Michael MacDonald threw out charges relating to nine of the women, he slapped a publication ban on their evidence. But it expired once the jurors were sequestered in their Halifax hotel room. Among the previously banned evidence: a legislative page who said Regan assaulted her in his office in 1977, family babysitters who said he indecently assaulted them decades ago, and a reporter who claims he attacked her in his hotel room when she arrived to conduct an interview.

Greenspan, worried that the news would somehow be leaked to the jurors, was already talking mistrial as everyone awaited the verdict. Instead, the case stayed exactly where he wanted it - focused on hard-to-prove, decades-old allegations brought by accusers of varying credibility. The ringing question for the jury was: did the Crown prove its case beyond a reasonable doubt? As the hours passed and the jurors periodically asked the judge for guidance on points of law, it was clear they had their reservations.

The first complainant to take the stand during the trial was a white-haired, primly dressed, 56-year-old grandmother. Speaking quietly, she told of being a 14-year-old virgin who knew nothing about sex when Regan gave her a lift from Halifax to Windsor, where they both lived, one summer day in 1956. As she told it, the strapping 28-year-old lawyer and sports broadcaster pulled off the highway into a deserted gravel pit, locked the car doors and brutally raped her. "He told me that it wouldn't always be like this," she said, in barely audible words, "that some day I would enjoy it."

During cross-examination, Greenspan expounded *his* theory - that her story existed only in the imagination of a desperate woman, from a family that has long been obsessed with Regan. She has never been able to find the gravel pit again, he stressed. The reason, said Greenspan: the woman had trumped up the rape allegation to explain an out-of-wedlock child she had in 1960 - at the age of 18 - by a local hockey player. Greenspan had intriguing ammunition to bolster his case: after Regan became premier of Nova Scotia in 1970, the woman's mother spread rumors that Regan had actually fathered the child. And the complainant's sister later publicly confronted the politician, claiming that she was actually the progeny of Regan and the woman she always believed to be her sister.

Regan's second accuser was also 56 and a grandmother. She told of being a 14-year-old who accepted a lift from Regan at a Windsor skating rink in 1956. According to her story, Regan pulled the car into a wooded area, then tried unsuccessfully to rape her in the backseat. But the defence forcefully attacked her testimony: given the parallels between her testimony and the first complainant's, Greenspan suggested to the jury that the two - who were friends - had simply made the stories up. And he seemed to destroy her credibility by demonstrating to the jury how her allegations had evolved and grown more serious in the years after the police first questioned her in 1993.

The third complainant, who said Regan assaulted her in August, 1969, was much harder to discredit. By then, Regan was leader of the provincial Liberal party and the official opposition, and the accuser was an 18-year-old girl Friday working at party headquarters. One lunch hour, she claimed, Regan asked her to bring a steno pad into his office. She walked in, eyes lowered. When she looked up, she testified, Regan was standing before her with a grin on his face and his erect penis protruding from his unzipped fly. Her next memory was of suddenly being on the floor as Regan tried to pull off her panties. He ejaculated on

the carpet, she said, then tossed her \$20 for her dress, which he had ripped. The next morning, she testified, she was fired.

A gripping story - even if Greenspan made much of the fact that the woman had previously lied under oath by not admitting that she had falsified school documents some 30 years ago so she could enter Grade 10. Her credibility seemed bolstered by the testimony of now-retired Halifax policeman David Rent and his wife, Linda, who had lived next door to the complainant's family and told the court of hearing the same story of assault from her that she would, many years later, repeat to the RCMP.

But it was a short-lived victory. Later, in answer to a question from the jurors, MacDonald told them that the policeman's testimony did not, in fact, confirm the assault had taken place. And, by that point, the jury had already witnessed the trial's defining moment - Regan's own appearance on the witness stand. He testified that he did not know two of the complainants and barely remembered the third, and that he and his wife, Carole - they married on Nov. 17, 1956, in Ottawa - had been on their honeymoon when one of the assaults was supposed to have occurred. (Greenspan also introduced old newspaper clippings and memorabilia to back up the claim.)

Later, basking in the not-guilty verdict, Greenspan speculated that humanizing his client by putting him on the witness stand - while his wife and four of his six children sat together in the courtroom - likely helped sway the jury. So, perhaps, did his emotional final speech, in which the attorney asked the jurors to acquit his client and "set him free with his wife and children." When Greenspan finished, Regan and his entire family were in tears - just as they were at the end of the trial after the string of not-guilty verdicts. "We just want to go home and maybe have a drink and something to eat," an elated Regan said. Then, he left the courthouse, his remaining legal problems - for the moment, at least - put aside.

## **Flamboyance and Victory**

Everybody - even those who don't personally know Edward Greenspan - seems to call him simply "Eddie." And, to the eye, there is a warm, cuddly quality to the short, plump, cigar-chomping Toronto lawyer who, during lunch breaks from the Gerald Regan trial, could be glimpsed getting his fix of takeout at the nearby A&W outlet. But the cuddliness disappears when he steps into the courtroom. There, Greenspan shows the toughness that has made him the dean of Canadian criminal defence lawyers. Since taking Regan's case, Greenspan, 54, has threatened to ask Crown prosecutor Adrian Reid to "step outside" over remarks he made during a preliminary hearing. His in-your-face style of questioning reduced middle-aged sexual abuse complainants to tears on the witness stand - and his heartrending call to acquit his client did the same to one female juror. In the end, Greenspan turned the Regan case into a convincing courtroom victory - showing the talents that he has demonstrated with stunning regularity since graduating from Toronto's Osgoode Hall Law School (now part of York University) 30 years ago.

His cases have been varied. Once, he represented Kellie Everts, a 28-year-old burlesque queen charged with presenting an indecent performance. But Everts, who claimed to be a stripper for God, said God had told her that sex was beautiful and urged her to do her act as a method of preaching. "What if God really does talk to her?" Greenspan asked the judge. "Do you want to gamble that she's not telling the truth?" Everts was subsequently acquitted.

Along with the wins, there have been high-profile losses. Greenspan was reportedly paid \$1.3 million for his unsuccessful defence of Ontario millionaire Helmuth Buxbaum, convicted in 1986 for hiring a hit man to kill his wife. More often than not, though, the workaholic lawyer with the encyclopedic memory of legal cases leaves the courtroom victorious. His last big

case in Atlantic Canada was his defence of former provincial tourism minister Roland Thornhill, who faced 17 fraud-related charges. After the judge dismissed 14 of the charges, the rest were withdrawn by Nova Scotia's Public Prosecutions Service - the same opponents Greenspan faced in the Regan trial. "I'm feeling pretty damn good," he said after his most recent victory. And, as usual, he had every right to.

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