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Australian Cardinal George Pell, head of the Vatican Secretariat for the Economy, on leave from duty since June 2017, arrives July 17 at Victoria's County Court in Melbourne. (CNS/EPA/Daniel Pockett)



by Michael Sean Winters

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If ever there was a time for patience, it is in the delivery of assessments about the trial of Cardinal George Pell. Australian legal culture, quite different from our own, allows a judge to place a gag order on the entire proceedings, and this was done in Pell's case because he is due to stand trial early next year on a second set of charges, and the judge did not want to poison the jury pool. Pell's lawyers have also indicated they plan to appeal the verdict in the first trial. One thing is clear: The Trial Lawyers' Association down under is not what it is in the U.S.

To be clear, there were journalists in the courtroom of the first trial, and we will eventually get their reports. I am told victims testify by video and directly to the jury, so we might not have a complete transcript of the evidence as it was presented. Certainly, the cardinal had legal representation. If some reports are to be believed, there is a latent anti-Pell, perhaps even an anti-Catholic, sentiment in many parts of Australian elite culture, and that might extend to judges and lawyers. There is some of that here in the U.S. And we know that the conviction of Adelaide Archbishop Philip Wilson on charges of covering up abuse were overturned this month.

The temptation to make a joke about kangaroo courts is too easy. Besides, Australia is not Somalia. There is rule of law, and no one should lightly dismiss a jury verdict in a country with a long-established independent judiciary. And what no one should do is rush to judgment before we at least see the trial transcripts.

But the rush is on. At Breitbart, the important thing to know about a person is not whether they are guilty or innocent but whether they are with the cause or not, and Pell was a hero to certain conservative Catholics. So it is no surprise that their pages featured an article by ex-priest Thomas Williams denouncing the verdict as a sham. "As Breitbert News reported, Pell has consistently maintained his innocence of all charges and his lawyer, Robert Richter, has said there is 'voluminous' evidence to show that 'what was alleged is impossible,'" Williams writes.

Of course, former Cardinal Theodore McCarrick maintains he is innocent of all charges, but I do not recall the rightwing bleachers up in arms about his removal from office. To date, McCarrick has not been found guilty of anything in either civil or ecclesial courts. And why would anyone be surprised that the lawyers of a man who plans to appeal his conviction insist he is innocent? Williams, you may recall, was a flack for the Legionaries of Christ when they were still denying Fr. Marcial Maciel was a pedophile, so his credibility is not too high to begin with.

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Ed Condon at Catholic News Agency similarly rushed to Pell's defense. He cites an unnamed source who "attended the entire trial in person" as saying: "It was absolutely clear to everyone in that court that the accusations were baseless. It wasn't that Pell didn't do what he's accused of — he clearly couldn't have done it." Apparently it was not "absolutely clear" to the 12 men and women on the jury. Perhaps Mr. Condon is new to this beat, but even in non-ecclesial circles, powerful people sometimes surround themselves with sycophants who are incapable of believing anything untoward about the object of their adulation.

The Pell case also sparked the ire of my colleague Jamie Manson. She thinks Pope Francis has treated him with kid gloves and that such treatment evidences Francis' clericalism. "Amid these years of questioning, charges and trials, Francis has chosen to remain silent and keep Pell in his positions on the C9 and in the Curia," she writes. Some of us consider "years of questioning, charges and trials" as the very stuff of due process, and are glad the Holy Father has let things run their course. Due process is one of the things that separates us from barbarism.

Tweet from Lucie Morris-Marr on Dec. 14, 2018

Lucie Morris-Marr is a reporter CNN has sent to the trial. She was in the courtroom. After the verdict leaked and people began pontificating, she posted on her Twitter account: "It's interesting how suddenly so many newspapers overseas are so interested in an Australian subject matter which none of them spent a single dollar sending staff to. And now they are trying to wade in, interfere with and judge with absolutely NO knowledge or background." I wish to associate myself with her remarks in toto.

A debate about a judge's right to inflict a gag order on the media is worth a debate, and I hope our Aussie friends have one. I confess to a partisan preference for the media to have free rein, but I am not so devoid of self-criticism as to recognize that even the media need to be checked at times. There was a time when you could rely on journalistic ethics to provide such a check, but now journalistic ethics is too often reduced to the ethics of journalists. As for those who are quibbling with the verdict or with the trail process itself, I commend to them the great scene in "A Man for All Seasons" in which Thomas More explains to his putative son-in-law the value of law and legal processes over against his enthusiasm for justice. I will close with that scene from the marvelous 1966 film adaptation of the classic, with Paul Scofield as More.

[Michael Sean Winters covers the nexus of religion and politics for NCR.]

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