

## BOOK REVIEW

### *Cardinal Pell, The Media Pile-On & Collective Guilt*

Author: Gerard Henderson

Publisher: (Cleveland, Qld: Connor Court Publishing, 2021)

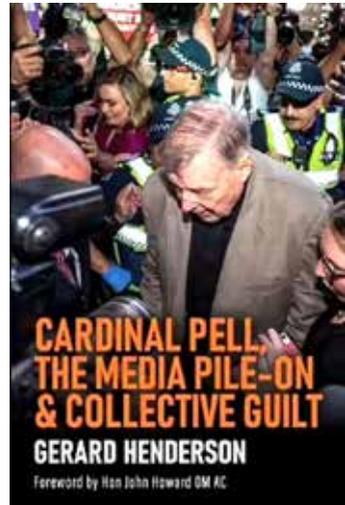
ISBN: 9781922449818

Paperback, 440 pages

Price: \$39.95

Reviewed by Damian Grace\*

Some Australian bishops treated child sexual abuse as though it were none of their business. Others regarded it as though it were no one else's business. Both attitudes damaged victims, the Church and Australian society. Australians were deeply shocked that Catholic priests and religious could have sexually abused children and had their crimes concealed by the Church. Historically, the unwillingness of authorities to believe children who complained of abuse has coloured investigations into child sex abuse. Now the presumption has changed to believing that complainants, historical and contemporaneous, are telling the truth. That presumption lay behind the fury that enveloped Cardinal George Pell's trials and appeals. The complainant – or 'victim' as he was often called – had to be believed, not only for his sake but for the sake of all those children who suffered because adults were deaf to their cries. Taking children seriously should have meant more diligent and thorough investigation of their complaints. In the case of George Pell, it led to credulity and an investigation that could most charitably be described as perfunctory.



Gerard Henderson tells the story of the unjust prosecution of a man who,

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because of his traditionalism and his position became a scapegoat for the transgressions of the Catholic Church. *Cardinal Pell, The Media Pile-On & Collective Guilt* covers similar ground to Keith Windschuttle's groundbreaking *The Persecution of George Pell*, with a strong emphasis on the role of the media and activist journalists. Henderson's work supports other assessments of the poisoned atmosphere surrounding the Cardinal and the malign roles of police and media commentators. A good deal of this book draws from Henderson's previous work and consolidates it. It is pacey, well written and free of technicalities.

Until Pell, the Chamberlain case was the textbook example of the grip of prejudice upon rational judgment. Pell's case showed a tenacity of belief in the incredible that is even more confronting. This was illustrated when the High Court overturned the decision of the Victorian Court of Appeal. Pell's detractors performed marvels of hermeneutic contortionism. The High Court had attacked the jury system in an unprecedented way; it had let Pell off on a technicality; its judgment did not mean Pell was innocent, only not guilty; the victims of child abuse had received a blow; survivors' memories of not being believed had been revived; the decision would prevent future disclosures; the jurors had been sold short. In this welter of opinion, Pell's innocence or guilt seemed beside the point. And this is Henderson's case: Pell was a scapegoat, chosen to bear the burden of collective guilt.

Then it all went wrong. Pell was acquitted by the High Court, confounding his principal antagonists – the media. The image of a stupefied television journalist outside St. Patrick's Cathedral struggling with the decision to acquit 'Mr Pell' – the Cardinal's prison title – captured the media response that day. Professor Greg Craven, in a blistering interview with a hapless Karina Carvalho, accused the ABC of campaigning against the Cardinal. Suddenly the tables had turned; professionalism in the media was the issue.

If someone is accused of a crime it seems a good idea to find out whether that crime happened. In the case against Pell, the prosecutors overlooked massive obstacles to accepting that it did. The first is the missing six minutes in which the offences are alleged to have occurred. They don't exist. Then there is the convenient but inexplicable disappearance of the altar servers and seemingly all other witnesses from the alleged crime scene. Before the High Court, the Victorian DPP was unable to explain where they could have gone. Then there is the archbishop, newly installed, who supposedly and

inexplicably deviated from the routines of a Solemn Mass without attracting attention. Two key witnesses – Jean Cornish and Lil Sinozic – were in the Cathedral on the day in question and though not interviewed by police, attested at the time of Pell’s High Court appeal that he was at no point alone, and that incursions into the priests’ sacristy could not have escaped notice. The Archbishop was remembered as speaking to parishioners on the front steps of St. Patrick’s at the time he was supposedly making his way back to the priests’ sacristy and assaulting the choristers. No one but the complainant remembers it differently, but that failure to remember nothing out of the ordinary was used against Pell. The second crime supposed that the Archbishop left a procession to assault a choirboy in a public place. No one saw it happen.

Despite these obstacles and the complainant changing his story a number of times, his testimony was regarded as “compelling”. Judge Kidd warned jurors that credibility was not to be confused with reliability. Credibility means being able to show that the alleged events occurred or, in a court, are not only possible but beyond reasonable doubt. This was the problem: the complainant could not and did not show this. None of those who asserted they believed the complainant and demurred at the High Court’s decision has shown how it was possible for Pell to have done what was alleged. And yet they persist in saying that only the jury saw the complainant’s evidence and that it was compelling, as though this makes the impossible possible. Credibility is established by the truth of the testimony, not by a convincing witness.

Pell’s defenders, by contrast, have documented errors in the prosecution case. They began with the investigations of Victoria Police which, after decades of collaborating with – and covering for – the Church took a hostile attitude to it under Commissioner Graham Ashton. Henderson argues that the police were determined to prosecute Pell. A video of Pell’s interview with them in Rome shows a detective confusing Mass and ‘choir’, and putting to the perplexed Cardinal that he had assaulted choir boys in a public and crowded place. No dates were specified. The route of the crucial procession after Mass was mistaken. The archbishop’s vestments had not been inspected. Then, potential witnesses were not interviewed. On three occasions, Victoria Police asked the Office of Public Prosecutions to prosecute and on each occasion it declined. The police case was irredeemably weak. It went

ahead anyway and the DPP took over the prosecution when it went before magistrate Wallington. Why did Wallington see merit in it; why did it take an embarrassing appearance before the High Court for Kerri Judd, the DPP, to recognise that she had no case? Why did journalists, commentators and news outlets ignore the evidence and decide that, come what may, Pell was guilty?

Henderson documents some atrocious attitudes among Pell's journalistic critics – attitudes that reveal an anti-Catholic animus. Given the ABC's hostility to Pell and its indifference to criticism, it is understandable that Henderson should provide detailed accounts of his dealings with them. Tagging journalists as 'liberal', 'leftist' and 'conservative' jars until one realises that Henderson applies a degree of transparency to the commitments of activists that they demand from the Church and other organisations. Not all of those identified as part of the Pell 'pile-on', however, were equally hostile to the Cardinal. The comments, say, of Gael Jennings add little to an already convincing story. Other minor figures in the media were probably just doing their job. On the other hand, the list of those who doubted the case against Pell is notable because it took courage to speak out in an unpopular cause. Fr Brennan was but one dissenter de-platformed for his rational but empathic commentary on the case. These courageous people have been vilified for questioning the 'pile-on'.

Yet some of Pell's most trenchant critics are hypersensitive about criticism of their work. Having enjoyed public attention, the support of colleagues and their media organisations, they reframe challenges to their work as bullying, defamation, libel or the defence of paedophiles. Henderson gives roll calls of those who denounced Pell and those who defended him. He has very good files. He argues that the objective judgment of "activist journalists" was compromised by their advocacy. He names journalists willing to use their platform to shape public opinion without troubling to inform themselves adequately about the facts. This is true of others too, particularly in the counselling and therapy professions. They clearly felt that their work with clients qualified them to assess the merits of the case. The mood amongst these various activists was captured in the repeated assertion that the complainant was a compelling witness.

Henderson argues that the Royal Commission was effectively an inquiry into the Catholic Church with Cardinal Pell at its focus. He makes a very

good case. For example, the Royal Commission tried, fruitlessly, to link Pell with the notorious Ridsdale with whom he shared a presbytery for a year. Had the Commissioner and counsel assisting not raised questions about this, a long assumed connection might have gone unchallenged. Nevertheless, the effort given to establishing a relationship fits a pattern of antipathy toward Pell. Counsel assisting, Ms Furness, brought inquisitorial diligence to her examination of the Cardinal. For all her forensic zeal, not much came of it. The Royal Commission offered a theological opinion that the Cardinal did not act in a Christian manner towards victim John Ellis – adding nothing to the Cardinal’s own opinion. It found Pell’s ignorance of abuse in Ballarat ‘inconceivable’, an opinion not supported by the testimony of any witnesses. And it found that, as auxiliary bishop of Melbourne, Pell should have done more to remove the clearly insane Fr Searson from his parish. Yet Pell had no authority to remove Searson, and no one who complained about Searson requested it. From the Commission’s transcript it is clear that Pell was not fully apprised of this priest’s conduct. On becoming Archbishop of Melbourne, Pell removed Searson’s priestly faculties. Searson appealed successfully to Rome, but Pell declined to recognise the Vatican’s decision and refused to re-instate him. It was not a lot to show for so much effort. Pell’s decisive actions have been filed under collective amnesia; his purported lapses became findings.

Henderson’s book shows the climate of prejudice that enveloped Pell threatened the rule of law – a threat made worse by unprofessional policing and activist journalism. Although the High Court has removed Pell’s convictions, the issues raised by Henderson are not fully resolved. The Royal Commission’s findings, inconsistent and contestable as they are, continue to cast a shadow over Pell. As Henderson – and Windschuttle and Virginia Miller, the author of *Child Sexual Abuse Inquiries and the Catholic Church* – have shown, these findings cannot be accepted at face value. They too need further scrutiny. As for the media, the caravan moves on to the next scandal, real or imagined, without accountability or responsibility. Henderson’s book should, however, make media consumers more wary of those shaping the message. It is a valuable addition to the rational rebalancing of Australian opinion about l’affaire Pell which should be read by every Pell opponent.