



THE CHURCH 1973
Fr. Andrew Greeley

In the past years any time a political radical came up for trial, we were informed by liberal journalists and columnists that the American judicial system was on trial. Was it possible to get a fair trial with conservative judges, aggressive, ruthless prosecutors, and "blobs" in the jury boxes? Your honest, upstanding American radical couldn't possibly get a fair trial from the "system." Indeed a distinguished president of Yale University was quite explicit on the matter: the Black Panthers couldn't get a fair trial in New Haven.

Of course, all the radicals are free either on acquittal or reversal; they did get fair trials, the system didn't fail, and the United States didn't send people to jail for their political beliefs. Quite the contrary, far from being eager to create political prisoners, American juries leaned over backwards to keep the radicals out of jail. One prosecuting attorney ruefully remarked to me, "It is impossible in our society to get a conviction of a radical." No small compliment, it seems to me, to the American judicial system, a system that has got precious little credit for its tolerance — either from the radicals, who would certainly have been jailed in any other society (including the English one), or from their worshippers in the press.

But there is another kind of political trial beginning to take place in the United States, and scarcely anyone has asked whether indicted politicians can get fair trials. Prosecuting attorneys have recently discovered, much to their delight, that once one has brought an indictment against a politician, no matter how frivolous or badly drawn, juries will routinely and quickly convict the politician whatever the evidence.

I hold no more brief for politicians accused of corruption than I do for radicals, but I do believe that both deserve to be presumed innocent until proven guilty in the American legal system. The national press has delighted over the conviction of Judge Otto Kerner and Edward Barrett and the indictment of Alderman Thomas Keane in Chicago. I have no idea whether the three men did in fact engage in the behavior of which they are accused, but I have some considerable questions as to whether this behavior was proven in court.

The complex Kerner indictment of 15 counts was decided in six hours, scarcely evidence of serious deliberation. Barrett was convicted in a trial presided over by an old political enemy who made cheap jokes

throughout the proceedings and virtually said in the presence of the jury that he believed Barrett was guilty. The Keane indictment, according to the best sources of information I have, was demanded by the State's Attorney's public relations man over the protests of his chief legal assistants.

I would not want to be identified as a defender of all the words and behavior of Edward Hanrahan. It is nonetheless true that he was indicted on the basis of testimony that was clearly perjured, mostly because newspapers, the Bar Association, and the liberal elite of Chicago chose to believe the perjured testimony.

The Cook County Democratic party organization may indeed be corrupt; all the newspapers say so, and they are always right. But as I read the Constitution of the United States, even people who are "corrupt" still have a right to be presumed innocent before the law until they are proven guilty. I am fully prepared to concede that Daniel Berrigan's freedom is my freedom. When he is convicted without a fair trial, I suffer, as does everyone else in American society. His loss of freedom diminishes my freedom. But in the same way, everyone is on trial when Eddie Barrett is on trial. When he loses his freedom and his job in an atmosphere marred by the jokes of a vindictive judge, then my freedom is diminished. And when the press defends the freedom of one kind of political prisoner and does not defend other political prisoners who are being prosecuted by a group that seizes political power in the courts when they couldn't obtain it in the polls, the press fails in its duty and all of us suffer.

Similarly, what chance for a fair trial do the various Watergate conspirators really have? When Ehrlichman and Haldeman face the jury, is their fate not already decided? Will the ordinary laws of evidence hold, or are men like them guilty the moment they walk into the courtroom?

If the American judicial process was on trial when the Berrigans were before the bar, it is even more so when Ehrlichman and Haldeman are before it. The judicial system survived the trials of the radicals; whether it will survive the trials of the politicians remains to be seen.

SETON 19

Mrs. Thomas H. O'Connor of 428 Magee Ave. will entertain members of the 19th Seton Branch at lunch Thursday noon, Aug. 23.

Auburn Nun Teaching In Marshall Islands

Sister Esther Donovan, a Maryknoll missionary from Auburn, wrote recently to headquarters on progress in the Marshall Islands in the Central Pacific, where she has been for the past three years. The isolated Majuro mission is a challenging contrast to busy Honolulu, where Sister Esther worked for 33 years. Maryknoll commented in releasing the following report:

"We have a teacher training program, and this year the Majuro Extension of Chaminade College in Honolulu offered courses to interested adults. I found myself teaching logic to 18 people from educational and medical fields.

"Another expansion of our work is in our catechetical program to the outer islands. There are Catholics scattered throughout the atolls and this year two Sisters were assigned to this work. Transportation is so sporadic that sometimes, they have to wait as long as six weeks to get off one of these islands."

Sister Esther, daughter of the late Thomas and Mary Esther Donovan, received her early education at St. Mary's School in Auburn, and completed high school in Clarks Summit, Pa. She earned a bachelor's degree in education from Rogers College, New York. She entered the Maryknoll Sisters from St. Mary's parish in 1929 and, upon completion of her studies was assigned to Hawaii as a teacher. From 1958 to 1970 Sister Esther was regional superior of the Central Pacific missions.

Sister Esther has a sister, Mrs. Ethel Cain, and two brothers, Joseph and Harry, in Auburn. Another sister, Agnes, is a Maryknoll missionary serving in Guatemala.



SR. ESTHER DONOVAN

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