

Mr Paul McKenna v Daily Mirror

Clauses noted: 1

Mr Paul McKenna complained to the Press Complaints Commission through solicitors The Simkins Partnership that an article published in the Daily Mirror on 18 October 2003 headlined "It's a load of doc and bull" was inaccurate in breach of Clause 1 (Accuracy) of the Code of Practice.

The complaint was rejected.

The article was a comment piece on the subject of doctorates. It contained allegations that the complainant – a well-known stage hypnotist – had received a 'bogus' degree from Lasalle University, an 'obscure degrees-by-post' establishment based in Louisiana. The article also included reference to the fact that the principal of the university had pleaded guilty to federal fraud charges. The columnist indicated that he had been informed by that establishment that a doctorate could be obtained within months for money.

The solicitors made clear that, although not accredited, the University was a fully licensed, recognised academic institution. The complainant, having made a formal application, completed a very substantial doctorate – assessed in the appropriate academic fashion – before being awarded his degree. The degree was not therefore 'bogus' – which meant 'spurious' or 'counterfeit'. When the complainant applied to the course, he believed that the university was properly accredited. When it emerged that it was not, he was refunded half his course fee, and at that point the complainant ceased to refer to the degree in his publicity, although reference to the degree was not removed from his CDs. He was not aware of the investigations into the university described by the article.

The newspaper said that the complainant's degree could be fairly described as 'bogus' given that, as the article made clear, a doctorate from the university could be bought. Indeed, the complainant had received compensation as a result of the fraud at the university – something that would not have happened had the complainant's degree been genuine. The newspaper supplied details about the university's background and its connection with the World Christian Church; information that had been published in American newspapers about the fraud at the university; the factual background to the principal's conviction for fraud and his custodial sentence; an extract from a hearing before the US House of Representatives Banking Committee; and a statement of support from the Louisiana Board of Regents which was given to the author of the article. It said that all of this corroborated its view that both the establishment and its degrees were bogus. Finally, it said, the central allegations had appeared in previous articles by the journalist on the subject without apparent complaint.

The solicitors – accepting the force of the newspaper's argument about the university itself, which had raised evidence of which the complainant had been previously unaware – made clear that the complaint now rested on one issue: the article's suggestion that the complainant claimed to have a PhD that he knew was 'bogus' and, indeed, that he had merely bought his degree in the first place. In fact, the complainant had had no knowledge of impropriety at the university, which appeared at the time of his application to be officially recognised and accredited, and had submitted a substantial thesis. Indeed, the fact that he was compensated for the fraud perpetrated by the establishment indicated that he was a victim of, rather than complicit in, that fraud. The solicitors said that the complainant's thesis has been recognised as a legitimate academic work and submitted to the Commission two positive appraisals from respected academics to that effect.

Adjudication

There were two provisions of Clause 1 especially relevant to this case: that newspapers must take care 'not to publish inaccurate, misleading or distorted material'; and that newspapers 'whilst free to be partisan, must distinguish clearly between comment, conjecture and fact'.

In this instance, the article was clearly presented as the individual opinion of the journalist concerned – to the effect that the complainant's degree was 'bogus' and obtained from an 'obscure degrees-by-post' establishment. Readers would not have been misled into believing that this represented anything other than a partisan view of the matter. Nonetheless, the Commission also had regard to whether the opinion was reasonably based upon fact.

The Commission was impressed by the detail of the newspaper's submission and considered that it had demonstrated that the columnist had grounds to summarise his views about the university and, therefore, the degree in the way that he did. This was not, of course, to take a view about the merits of the complainant's thesis itself. In these circumstances, there was no reason for the Commission to interfere with the columnist's right freely to express his view of the matter. The complaint was rejected.

In coming to this decision, the Commission noted that the article itself did not state that the complainant was complicit in the fraud perpetrated by the university, or that he had obtained his degree knowingly in a bogus fashion or as a direct result of monetary payment. It did not agree with the solicitors' inference to the contrary, which seemed to be at the heart of the complaint.

Relevant rulings

Tolkien v Sunday Mercury, 2003

Miller v Daily Mail, 1998

Crompton v The Sun, 1998

Adjudication issued 2004