

***Viscount Monckton of Brenchley v The Guardian***

Clauses noted: 1, 12

Viscount Monckton of Brenchley complained to the Press Complaints Commission that a blog on the Guardian website, headlined 'Has UKIP got more than it bargained for in recruiting Viscount Monckton?' and first published on 11 December 2009, contained inaccurate information in breach of Clause 1 (Accuracy) of the Editors' Code of Practice and discriminated against him in breach of Clause 12 (Discrimination).

The complaint was not upheld.

The blog entry, by George Monbiot, commented on the announcement that Viscount Monckton had joined the UK Independence Party. The complainant said that the piece listed a number of claims that he had made and wrongly cast doubt on their validity. These included the following: that he had read the Copenhagen Treaty and that the Treaty would create a 'world government'; that he was a member of the House of Lords; that the IPCC had taken account of his contribution to its 2007 report; and that he had filed patents for treatments for infectious diseases. The complainant maintained that all of his assertions on these points were true, but the journalist had suggested otherwise. The article also ascribed statements to him that he had never made: that he claimed to have won the Falklands war; that he had claimed to have made himself a gold pin to prove his Nobel-prize winning credentials; and that he had previously 'boasted' of telling untrue stories.

In addition, the piece referred to the complainant as a 'swivel-eyed maniac', which he said was a discriminatory reference to a physical disability (proptosis) he suffered as the result of having had Graves' disease.

The newspaper defended most of the disputed points. While the complainant may indeed have read the draft Copenhagen Treaty, he could not have known with certainty, when speaking in mid-October, what precisely would be signed in mid-December. It was legitimate, therefore, for Mr Monbiot to jokingly refer to the complainant as a clairvoyant. As to whether the Treaty referred to 'world government', the newspaper acknowledged that it did but said it was clear that the Treaty was not envisaging a supranational government to replace national governments. It was fair, therefore, for Monbiot to take issue with the complainant's expressed fears about the creation of a world government.

With regard to the complainant's claim to be a member of the House of Lords, the newspaper pointed out that, while the complainant may have a hereditary title, this had been irrelevant to membership of the Upper House of Parliament since 1996. The complainant himself accepted that he had no right to sit or vote in the House of Lords. The question of whether the IPCC had taken account of the complainant's 'contribution' to its 2007 report was irrelevant - the blog was simply, and within the bounds of fair comment, taking a swipe at Viscount Monckton's claim that he could be reasonably termed a Nobel Prize winner because certain statistics in the report had been amended as a result of his intervention. As to the claim that he had 'boasted' of telling untrue stories, the newspaper pointed to an article from the Scotsman (to which the blog had itself linked) in which the complainant admitted to telling a tall tale for personal benefit. The blog had not disputed the complainant's claim to have filed patents in relation to treatments for various diseases; it was simply raising questions about their efficacy.

The Guardian accepted that the complainant had not made himself a gold pin (it had been made for, and presented to, him by a third party) and it offered to place a clarification on the blog. It also noted that he disputed having once claimed to have won the Falklands War, contrary to a reported comment in an Observer article from 2007, to which the blog linked and which had not been the subject of a PCC complaint. The Guardian said that it was willing to clarify publicly the context in which the remark had previously been reported. But, since there had been no complaint to the PCC

about the Observer piece, and since the Observer journalist stood by his article, it did not consider additional action to be reasonable.

As to the complaint about discrimination, the Guardian said George Monbiot had been unaware of the complainant's illness. The blog had used the phrase 'swivel-eyed maniac' as part of a direct quote from another blog (about which there had been no complaint) and the author had intended it as a comment on the complainant's personal views, not appearance. Nonetheless, it understood the complainant's concerns and offered to remove the description from the blog.

The complainant said these measures were inadequate and asked the Guardian to publish a full letter of reply from him.

#### *Adjudication*

This case was another example of a complaint about a blog appearing on a newspaper or magazine website. As the Commission has previously stated, the same standards set out in the Editors' Code of Practice apply to such blogs as they would to articles appearing in print editions.

The Commission recognised that the blog was a comment piece, clearly distinguished as such, and that many of the points of complaint were about matters of interpretation rather than disputed points of fact. The columnist was entitled under the Code to be scornful of the complainant and his piece linked to several other sources so that readers could see where he had taken much of his information. Most of the issues under complaint did not raise a breach of the Code on that basis.

The Guardian was right, however, to offer remedial action on two points of disputed fact which did not fall within the bounds of interpretation or opinion. One was the issue about the complainant's gold pin, which, though not a point of great significance, did warrant public clarification. Similarly, it was helpful to clarify the context in which the complainant's alleged claim about the Falklands War had been made. While the Commission acknowledged that the complainant denied having even made the claim, it noted too that it had not been challenged through the PCC when it first appeared in the Observer. While the complainant had contacted the journalist to raise a number of concerns, no correction had been made to this particular point and it had, therefore, remained online since 2007. The Observer journalist maintained that his article was accurate. In these circumstances, the Commission did not consider it necessary for the Guardian to take further action than it had already offered.

With regard to the complaint under Clause 12 (Discrimination), the Commission could understand why the complainant objected to the phrase 'swivel-eyed maniac', given that he suffered from proptosis as the result of having had Graves' disease. It regretted that he had been caused distress by this reference. However, it was clear that the author of the blog had only used the phrase because it had been previously said by a third party. The Commission felt that the author was discussing that comment (and its implications), rather than making his own description of the complainant. Indeed, the phrase could be said to be a commonly used description of an attitude rather than any physical reference. There was no reasonable suggestion that the phrase had been used to highlight the complainant's physical illness or denigrate him on that basis. In these circumstances, the Commission welcomed the Guardian's offer to remove the relevant phrase from the blog as a response to the complaint.

Following the removal of this phrase, and the proposed clarification on the other points, the complaint was not upheld.

Adjudication issued 12/05/2010