

The Sally Morgan v The Daily Mail Libel Case

The legal implications for mediums and Spiritualism

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Sally Morgan, a highly entertaining and successful medium, very recently won a significant case against one of the giants of the media, *The Daily Mail*. She was awarded damages of £125,000 plus significant costs. This was one of the most substantial libel payments in recent history. Those who oppose her are claiming that just because the case was settled without a hearing there is no binding precedent. This would mean that other mediums cannot rely on the case if they decide to sue someone who calls them a fraud. Wrong!

What the case shows clearly is that anyone claiming that a medium is a fraud or a charlatan or a cheat must have specific evidence. Calling someone a 'fraud' or a 'cheat' or a 'liar' is defamatory and actionable in itself. Calling a professional medium/psychic anything which implies that the professional medium/psychic is dishonest could lead to a loss of income and result in substantial damages.

The likely defences that would be left to skeptics are 'truth' and 'fair comment'. In both cases the skeptic has to prove, on balance of probabilities, that the medium actually cheated on a specific occasion. What is very important in this case is that these days it is not enough to claim that the medium could have cheated or that some mediums cheat.

The Daily Mail in its article on 10th October 2011 tried to use this kind of argument when it said that a magician and former 'mind-reader' had explained that many mediums have given up using confederates planted in the audience and instead relied on 'plants' who mingle with the audience members in the foyer before the show. It implied that this is what Sally Morgan had done.

Skeptics should now be on notice that this kind of argument is not enough. The person claiming fraud has to prove that on a specific occasion the medium was committing fraud. The courts are interested in the specific evidence not in generalities. In this case the newspaper claimed she was working with a confederate using an earpiece but could not produce evidence that this had actually happened. This is why the solicitor for *The Daily Mail*, Mr. Brid Jordan, had to state in court:

"The Daily Mail withdraws the suggestions that Mrs. Morgan used a secret earpiece at her Dublin show in September 2011 to receive messages from off-stage, thereby cheating her audience, which it accepts is untrue. It apologises unreservedly for publishing the allegation. It has agreed to pay her substantial damages together with legal costs, and it has agreed not to repeat this allegation."

The second issue the case shows is how unwise it is for the media to rely on hearsay allegations (what somebody said about somebody else). *The Daily Mail* claimed on 10th October 2011 that it was relying on the claim of a woman named Sue who called a Dublin talk-back radio show and said that she and several people in her row heard the man with the earpiece say things that Sally Morgan later said on stage. If *The Daily Mail* had run this past its legal advisor before publishing it could have saved itself hundreds of thousands of pounds!

What is also of great significance in the case is that legally it is no longer enough for skeptics to claim as a defence to defamation that mediumship is always fraudulent. In the Helen Duncan case, the judge refused and the jury refused

to allow Helen Duncan to demonstrate spirit contact for them because it was implied by them that all mediumship is fraudulent.

One has to remember that in defamation and in libel, the imputations of what is stated are most critical. For example, when anyone says that such- and-such a medium is a fraud, theoretically, the medium could sue that person. This is because when calling a professional medium a fraud, there would be several imputations: for example, that the medium is a cheat, a liar, a dishonest person, someone who is willfully misleading paying customers, that she is not of good name and character. That defamation would be very likely to ruin her/his reputation.

In the Sally Morgan case we can see the damage that this loose talk caused. In an interview with The Sun (Friday June 28th 2013) she said: "A very dark cloud descended over me for 18 months. I went to hell and I stayed there for a long time. For the first time in my life I thought, 'I've got to die — my family can't see this'. I thought, 'This can't happen and I've got to disappear'. I thought everyone would be better off if I wasn't there. I went into a downward spiral and as I was falling I was so confused. All my drive disappeared. It was horrific. "

Can this be applied to other paranormal cases? Recently we watched Tony Robinson present a television program on Helen Duncan. The

issue of the program was whether or not Helen Duncan was a fraud. His female offsider stated that "Helen Duncan was a fraud." Tony Robinson then asked an English anti-paranormal skeptic to explain what happens in a materialization. The organizers of the show had a few actors as sitters with a figure as the medium in a seance. When everything was nearly dark in the seance room, they showed a door being opened at the back of the seance room and a confederate entering.

If Helen Duncan was alive today, she could sue the skeptic for defamation. She would claim she was a professional materialization medium and that the skeptic is making a claim of fraud that he cannot prove.

The Sally Morgan case is a lesson to journalists and to other critics that they cannot attack mediums and psychics making accusations they cannot prove. Further, this case has shown that the courts will uphold the right of a professional medium to defend his or her reputation.



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