

thought  
leader

## Facts are Facts

One of the strangest issues to appear during this very strange political season is the concept of *alternative facts*. Pundits and commentators have had fun with this one and reputations have been permanently affected.

I am inclined to give the author of this term a little slack. I expect that what she meant was *alternative understanding* or *interpretation* of facts. Surveyors are well aware of the distinction. We deal with facts in our profession and we know that what qualifies us as professionals is the ability to examine and evaluate the facts contained in the ubiquitous field handbook, or the memory of a data collector, at the end of every property survey.

We (and the Law) understand that our field crew personnel can collect, exhibit, even testify as to the existence of the facts, but that only a licensed professional surveyor can testify as to the *meaning* of those facts. The assortment of apparent evidence including pipes, pins, points, stones and stumps must be evaluated against the record to determine relevance: Is that iron pipe really at the parcel corner or is it merely a left-over horse shoe pit? Is that oblong piece of granite a property corner or is it merely a left-over from the most recent glacial age? That those items are there is important; determining their significance is even more important.

A dictionary definition of the word is *a thing that has actually happened or that is really true*. Surely, a politician and a politician's spokes-person, professionals just like us, do understand the meaning.

Speaking of the Law ...

*Black's Law Dictionary* devotes over 6 column inches to the subject of facts. Under Evidence it is explained as "... a physical object or appearance, as it usually exists or existed. An actual and absolute reality, as distinguished from mere supposition or opinion." Absoluteness pretty much rules out the possibility of alternativeness.

Under a different heading it is explained that "*Fact questions and their finding are generally not appealable though rulings of law are appealable.*" On the contrary, the pundits and commentators are regularly appealing the 'facts' being offered up for argument these days.

Black's mentions a handy and timely device, the Fact finding board: "*A group or committee appointed by business or government to investigate and report facts concerning some event or situation.*" This could be an important institution today and most of the major newspapers have their own fact-checkers. On the other hand the newspapers have been roundly accused of distorting the truth. Who to believe?!

There may be no such thing as alternative facts, but the Law seems to recognize *fabricated* facts. Black's explains this phenomena as follows: "*In the law of evidence, a fact existing only in statement, without any foundation in truth.*" This is easily understood, but the Law being the Law, the subject becomes more complex with the following: "*An actual or genuine fact to which a false appearance has been designedly given ...*" which may be close to what is happening in the political discourse these days.

Paralogism is a word in logic meaning *reasoning contrary to the rules of logic*. It may be an explanation for what we are seeing and hearing but fortunately there is no place for it in the world of the professional surveyor. ■

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