

Extract from addendum no 3 to Set Aside motion

THE LOADED QUESTION.

The loaded question is often typified by “*when did you stop beating your wife?*”

The example is a common joke amongst lawyers of something that should never be done because it is unfair. *It resorts to trickery.*

This type of question has, inside it, an accusation, or affirmation of a fact, but the *actual response* demanded is *to something else in the question.*

Thus in the “wife” example the *question* is “when” – the *assertion* is that the person being questioned *has actually beaten his wife.*

Loaded questions are typically used to trick someone into implying or affirming something they did not intend to accept or admit to.

To make them more disguised, loaded questions are sometimes preceded by an open question.

Although there is no specific judicial ruling to stop their use, they are invariably objected to and not allowed by tribunals.

This panel used several of these types of question during the many exchanges.

However, in particular, I point to the questions put to me on page 4 of the letter sent by Mr. Kitchin on 24th November 2016. This is listed in the appendices to the “Set aside Motion” as app U4.

*“What were your reasons for thinking you could take on the Superintendency when you already were committed to both Sackville Road and MHA?”*

This loaded question pre-supposes that I thought *I could take on the Superintendency* – and that I had stated so either in public or to someone involved in the inquiry.

It further pre-supposes that, in doing so, I had stated that I could also carry on with a commitment to Sackville Road and the MHA.

I had made neither of these two assertions. Indeed it is highly *improbable* that an eighty-year old man would suggest such.

The only possible answer to this loaded question is to state “*I deny the assumptions in this question*”. That is not answering the question, but questioning *its basis*. The second trick in this sentence is that the charge might then be made that I refused to answer the question.

In this example, the person *asking the question* is likely to get an answer that is useful to him - no matter what the response.

This was a very tricky question by Mr. Kitchin which was clearly designed to trap me into a false statement.

A later loaded question on the same page is:

*“Why were you unwilling to undertake the specified procedure in S.O. 793 for supernumeraries wishing to return to the active work?”*

(S.O.793 concerns supernumeraries applying to return to the active work and the medical examination necessary)

There are two presumptions, or false premises, in this loaded question:

- a) that I wished to return to the active work, and
- b) that I was unwilling to take a medical examination in connection with a return to the active work

I did not wish, nor did I apply, to return to the active work. As a consequence there was no need for a medical.

A further loaded question is:

*“Which Standing Order are you alleging Phillip Luscombe broke in his dealings with you?”*

This question pre-supposes that I had accused Rev. Luscombe of a breach of standing orders. On November 24th, when this letter was sent to me, I had *not made any such accusation*.

I subsequently, in the second stage of my complaint, criticised Rev Luscombe. I stated that he mis-interpreted S.O. 792. However, I did not write this *until 30th November*, a week *after* the question in the letter with the loaded question from the panel was written.

A fourth loaded question is even more tricky:

*“If you had applied for the job of superintendent, how did you plan to manage a workload that was more than full time?”*

The trick here is in the captious *use of the conditional* tense at the start of the question. The word “if” introduces the conditional subjunctive form. But the verb which follows is not in the subjunctive, it is in the indicative – “*how did you plan?*” The conditional aspect is no longer present.

The presumption, or false premise, is that I did indeed *plan to manage* a workload: in fact I did not.

There is the further presumption that “*the work was more than full time*”.

To be correct, the sentence should have read “*If you had applied for the job of superintendent full time, how would you plan to manage a workload that might, with your other commitments be more than full time?*”

Of course, I never did plan to manage such a workload. That is the false presumption in this loaded question.

There is a further point in this. “*The workload*” being referred to is that of a superintendent. Clearly that is not *more than full time* – for many superintendents do such work and have agreed hours in which to do it. As the question is phrased, the implication is that I wished to be a superintendent *and* continue at Sackville Road and the MHA. None of this was the truth.

There were eight questions in the letter of November 24<sup>th</sup> of which four were loaded questions.

It seems clear that the objective here was to trick me by unfair means, by interspersing *open* questions with *loaded* questions. This is a well-known technique.

At line 64 the panel states that it had due regard to “Positive Working Together”. It clearly did not recall ( page 18):

*“I will not trick, pressure, manipulate, or distort the differences. I want your unpressured, clear, honest view of our differences.”*

The pressure exerted upon me was in the form of a deadline. At the top of the page is written:

*“Questions for written responses by 5:00pm on Thursday 1st December 2016.”*