

Vancouver, B.C.
January 8, 2001

1 --- EXCERPT FROM PROCEEDINGS

2
3 LEE LAKEMAN, Resumed:

4
5 THE CHAIRPERSON: Ms. Lakeman, to continue the cross-
6 examination. Ms. Lakeman, you recall that on December
7 the 19th you gave me a promise to tell this Tribunal
8 the truth.

9 A Yes.

10 THE CHAIRPERSON: And you understand that you're still bound
11 by that promise?

12 A Yes.

13 THE CHAIRPERSON: Thank you. Ms. Findlay?

14 ms. Findlay: Thank you.

15
16 CROSS-EXAMINATION BY ms. Findlay (cont'd.):

17 Q Ms. Lakeman, I believe where we left off, the last
18 question that I had asked you was that you said the
19 medical profession had a lot to answer for and I said
20 to you that I would give you an opportunity to address
21 that, and, then, unfortunately, we adjourned at that
22 point. So, perhaps you could explain, pick up there,
23 and explain what, in your view, the medical profession
24 has to answer for?

25 A I think I did say it anyway on that day, which was that
26 I think it advertises itself as being able to do what
27 it can't do.

28 Q Which is?

29 A Change sex in a whole sense. I think they promote
30 themselves as being able to totally transform human
31 beings in a way that they can't yet do.

32 Q So, do you consider that a fraudulent claim?

33 MS. GRAY: I'm going to object, Madam Chair. I've given
34 complainant's counsel some latitude in exploring this,
35 but, in my submission, it is relevant what is the --
36 what are the decisions and the political views of the
37 Rape Relief collective. And you've heard the evidence
38 of the individuals that were present on the evening
39 relating to the complaint, and Ms. Lakeman is here as a
40 representative of the present collective. But her
41 personal views, insofar as they're not adopted by the
42 collective, and in my view, are simply irrelevant.

43 ms. Findlay:

44 Q Ms. Lakeman, does the collective share these views?

45 A I've never put them to the collective.

46 Q The collective -- I should say, just before we get into
47 this cross-examination, that your lawyer has made it

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 clear that she'd like to have this cross-examination
2 finished today so that you can again be her instructing
3 witness.
4 A Mm-hmm.
5 Q So, I'm going to move quickly through these questions,
6 as opposed to my slow pace of the other day.
7 You do have on your web site, though, these
8 articles, which you agreed the other day that Rape
9 Relief takes responsibility for?
10 A I agreed that we'd take responsibility for what's on
11 our web site and, yes, this is on our web site.
12 Q Does the collective agree with the views expressed in
13 those articles?
14 A It hasn't come to a conclusion yet about any of these
15 things.
16 Q So, the collective has no opinion about trans-
17 genderism?
18 A It has no policy and it doesn't really -- I mean, other
19 than policy, it has no other way of expressing an
20 opinion.
21 Q All right. So, to say again, the collective has no
22 opinion about transgenderism?
23 A Yes, I think that's right.
24 Q Thank you. Notwithstanding that, the collective has
25 chosen to put on its web site articles which, on the
26 whole, express a view which is that transgendered women
27 ought not to be permitted to participate in women only
28 centres; is that correct?
29 A Yes, I think that's correct.
30 Q And not to include articles which express the view that
31 transgendered women should be permitted to participate
32 in women's only centres; is that correct?
33 A No, I don't think we've made that decision.
34 Q I'm just asking, as a matter of fact, whether on the
35 web site there are articles which express the view that
36 women ought to be able to participate in women only
37 centres?
38 A I don't think there are.
39 ms. findlay: That's right. I'd like to mark these as an
40 exhibit, Madam Chair.
41 Q Does the collective have an understanding of gender,
42 Ms. Lakeman?
43 THE CHAIRPERSON: Ms. findlay, can I just ask you to give me
44 a minute so I can mark these as an exhibit?
45 ms. findlay: I'm sorry, Madam Chair.
46 A A working definition of gender, is that --
47 THE CHAIRPERSON: Just a minute, Ms. Lakeman.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A Yes.
2 THE CHAIRPERSON: So a package of pages printed from the
3 Vancouver Rape Relief web site will be marked as
4 Exhibit 37.
5
6 EXHIBIT 37: A Package of Pages printed from the
7 Vancouver Rape Relief Web Site
8
9 ms. findlay:
10 Q Does Rape Relief have an understanding of gender?
11 A We don't have a working definition in anything that I'm
12 familiar with. We do historically. I mean, I can
13 remember a time when there was some common agreement
14 that gender referred to the socially constructed and
15 sex was used to refer to biological characteristics or
16 reproductive characteristics or genetic
17 characteristics. I would say that that's -- even
18 that's not true now. Clearly, these terms are being
19 used in lots of different ways now.
20 Q So, there is no common understanding of gender?
21 A I don't think there is now.
22 Q Is there a common understanding of transgenderism?
23 A I don't think so. I think we have your working
24 definitions. I think they may be on the web site, too,
25 actually.
26 Q In your view of Rape Relief, what is Ms. Nixon's
27 gender?
28 MS. GRAY: I'm going to object, Madam Chair. I say that's
29 not what's at issue in this proceeding.
30
31 (DISCUSSION ABOVE)
32
33 THE CHAIRPERSON: I'm of the view that the evidence has, in
34 fact, put in issue questions of gender and perceptions
35 of gender, and that the question is appropriate and
36 should be answered.
37 ms. findlay:
38 Q Again, Ms. Lakeman, in the view of Rape Relief, what is
39 Ms. Dixon's gender?
40 A Rape Relief's never tried to answer that question.
41 There's been no time when there was a collective
42 discussion that required us to answer the question. I
43 think if I --
44 Q Speaking on behalf of Rape Relief, do you have an
45 opinion about Ms. Nixon's gender?
46 A I have an opinion, and other women have opinions, but
47 as a group we don't have a common opinion.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q There is no opinion in Rape Relief about Ms. Nixon's
2 gender?
- 3 A No, I think there isn't. Except that it's true that we
4 have a list, somewhat the same way that Dr. Pacey
5 proposed a list, of woman for what purpose, or woman
6 under what conditions. And that's the most helpful
7 notion that we've been able to come up with over the
8 five years of thinking about it, that it's in some ways
9 a situational question.
- 10 Q All right. For the purposes of volunteering at Rape
11 Relief, is it the opinion of Rape Relief, using that
12 list, that Ms. Nixon is a woman?
- 13 A It's the opinion of Rape Relief that Kimberly Nixon
14 doesn't have the life experiences that we hold in
15 common, that we use to describe women's lives, and that
16 that's -- so we reduced that to saying that in terms of
17 this politics, no.
- 18 Q All right.
- 19 A That there's a political category women were using.
- 20 Q And it is your evidence that unless Rape Relief is
21 entitled to decide on its own who is and who is not a
22 member of that category Rape Relief is unable to
23 function?
- 24 A Pretty much. I guess I'd qualify that by saying not
25 Rape Relief alone but Rape Relief.
- 26 Q I would appreciate it, actually, if you would answer
27 the question and not carry on with explanations,
28 because we are looking to move quickly through the
29 evidence today, and I will ask the questions and you
30 can provide me with your answer.
- 31 A I'll do that, if it's accurate.
- 32 Q Thank you. I'm suggesting to you that Rape Relief has
33 been taking a leadership position across the country,
34 and particularly in British Columbia, arguing that
35 transgendered women ought not to be included in spaces
36 designed exclusively for women; would you agree?
- 37 A Since forced into this court case, yes; before that,
38 no.
- 39 Q And I asked you the other day that you use Ms. Nixon's
40 full name of Kimberly, as she preferred, if you did not
41 object. Your response was that you did object, as I
42 perfectly well knew. Do you remember that evidence?
- 43 A Mm-hmm. Yes, I do.
- 44 Q On what basis do you object?
- 45 A I thought you were forcing me to submit to a discipline
46 I didn't choose.
- 47 Q And what was that discipline?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A To have me say over and over again that, yes, Kimberly
2 is a woman by the choice of language. You know very
3 well I don't think it personally, so I --
- 4 Q I actually don't know what your views are, personally,
5 and whether or not I know is irrelevant for the
6 purposes of this proceeding. So, could you explain,
7 the reason you objected to the answer was because you
8 regarded it as a submission to a discipline you do not
9 choose, to wit, an affirmation of Kimberly as a woman;
10 is that correct?
- 11 A I was answering someone else's question at the time,
12 and I was choosing to refer to "Kim Nixon," and you
13 asked me to say "Kimberly."
- 14 Q That's correct.
- 15 A And it's true, I thought you were -- you were
16 intentionally asking me to submit to something I don't
17 agree to.
- 18 Q And what is it that you don't agree with?
- 19 A I don't agree to calling her Kimberly.
- 20 Q And you don't agree because why?
- 21 A Because I think Kim is more accurate.
- 22 Q And why do you think that?
- 23 A I don't think that having sex change operations totally
24 transforms one from male to female. I'm sorry, I don't
25 think so.
- 26 Q Now, is that your view or is that Rape Relief's view?
- 27 A That's my view.
- 28 Q I would like you, in this proceeding, to answer in your
29 capacity as the representative of Rape Relief, unless
30 you otherwise specify, please, because I have
31 difficulty determining which is which.
- 32 A I can see that.
- 33 MS. GRAY: Madam Chair, in my submission, the proper thing
34 is for the question to be posed to the witness in a way
35 which will make it clear. A witness is under a lot of
36 pressure in testifying, and to ask a witness to keep a
37 whole lot of things in mind, in my submission, is just
38 too difficult for a witness. Counsel should be able to
39 frame the question to clarify whether the question is
40 being posed to the individual personally or to the
41 organization.
- 42 ms. findlay: That's fine. I'll pose all of my questions in
43 that.
- 44 Q Were you responding as the representative of Rape
45 Relief when you answered the question the other day
46 that you knew I perfectly well objected -- or that I
47 knew that you perfectly well objected?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 A No.

2 Q No, that was your personal belief?

3 A Yes.

4 Q What would Rape Relief's view be?

5 A I don't know of Rape Relief having a view about Kim
6 Nixon's name.

7 Q Does Rape Relief have a view about Ms. Nixon's
8 motivation in going to volunteer at Rape Relief?

9 A No.

10 Q So, you have no reason to disagree with her evidence on
11 that question?

12 MS. GRAY: I object. I object, Madam Chair, because, in my
13 submission, that's not a fair question. I'll leave it
14 at that. I say that's not a fair question.

15
16 (DISCUSSION ABOVE)

17
18 THE CHAIRPERSON: I think I'm going to have to ask the Court
19 Reporter to read back the series of questions that led
20 up to the question that's now in dispute, and so that
21 everybody is dealing with the same question. It seems
22 that the sections may be on two different questions, so
23 perhaps you could do that for us. Can you play it
24 back?

25
26 (COURT REPORTER REPLAYS PORTION OF TAPE)

27
28 THE CHAIRPERSON: All right. I'm going to retire to
29 consider the objections to the question and I'll be
30 back in about five minutes, I think.

31
32 (WITNESS ASIDE)

33
34 --- PROCEEDINGS RECESSED AT 11:20 A.M.

35 --- PROCEEDINGS RESUMED AT 12:08 P.M.

36
37 LEE LAKEMAN, resumes:

38
39 THE CHAIRPERSON: Ms. Lakeman was asked whether Rape Relief
40 had a view as to Ms. Nixon's motivation for
41 volunteering at Rape Relief. She responded that Rape
42 Relief did not. She was then asked whether she had any
43 reason to disagree with Ms. Nixon's evidence in that
44 regard. That question was objected to.

45 In my view, that question and its answer would not
46 be helpful to me. It is enough that Rape Relief has no
47 view as to Ms. Nixon's motivation, as evidenced by Ms.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 Lakeman's clear answer. It will then be up to me to
2 determine if, on the record, there is any factual issue
3 as to Ms. Nixon's evidence regarding her motivation.
4

5 CROSS-EXAMINATION BY ms. findlay (cont'd):

6 Q In your experience at Rape Relief, women regularly come
7 to volunteer because of their experience with male
8 violence; is that correct?

9 A Some women do.

10 Q And those women may come either from the experience of
11 sexual violence or the experience of having been
12 battered; is that correct?

13 A Yes.

14 Q You've testified that you believe that, or that Rape
15 Relief believes that they must be able to make a
16 determination which permits you to exclude Ms. Nixon
17 from the volunteer program. I am going to explore some
18 other decisions, and ask you whether you -- Rape Relief
19 takes the view that you are entitled also to make
20 decisions on these bases.

21 Does Rape Relief take the view that a woman is not
22 appropriate to volunteer because she has not been
23 sexually assaulted or battered?

24 A No.

25 Q Does Rape Relief take the view --

26 THE CHAIRPERSON: Ms. findlay, I'm going to have to ask you
27 to slow down so I can keep up.

28 ms. findlay: Sorry, Madam Chair, I actually can't see. I'm
29 a little bit -- I apologize, because I'm now --

30 THE CHAIRPERSON: It's hard for you to see.

31 ms. findlay: Exactly.

32 THE CHAIRPERSON: Yes. Yeah, it's hard for you to see
33 whether I'm able to keep up, but -- thank you.

34 A Could you -- could you just repeat that last question?

35 ms. findlay: No, I don't remember it. We'll have to have
36 it read back.

37 THE CHAIRPERSON: Does Rape Relief take the view that women
38 are not appropriate to volunteer because they have not
39 been assaulted or battered? And the answer was, no.

40 ms. findlay:

41 Q Does Rape Relief take the view that women who have been
42 professionally trained, for example, as physicians,
43 lawyers or social workers, are inappropriate as
44 volunteers at Rape Relief?

45 A If I could go back one sec to the previous question the
46 answer is more complicated than that. If a woman said
47 to us that she didn't think she was subject to assault

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 and battering, we would consider we had a pretty strong
2 political difference. So, it's not as simple as
3 whether or not she personally has actually been on the
4 receiving end of a blow.
- 5 Q I only want the answer to the specific questions I've
6 asked. And I understand your answer to this question,
7 does Rape Relief believe that's it a requirement for a
8 volunteer that she have been sexually assaulted or
9 battered, and I understand your answer to be, no; is
10 that correct?
- 11 A I'm trying to say that that's a falsely simple way to
12 put it, that in our opinion no woman escapes the impact
13 of rape and battering. So --
- 14 Q So, the answer to my question is no?
- 15 A The answer to the question is that I would want to talk
16 to her more if it was her firm opinion that she wasn't
17 subject to the pressures of rape and battering.
- 18 Q All right.
- 19 A I would think that indicated a big political
20 difference.
- 21 Q And would you -- do you regard it as appropriate to
22 reject a woman who is, for volunteering, if she is not
23 of the view that she has personally been subjected to
24 assault or battery in the context of patriarchal
25 culture?
- 26 A If she thinks that she's not been subject to violence
27 against women and continues to think that, we've
28 probably got a pretty big political difference. And I
29 don't know where that would end up. It hasn't
30 happened. But I would think we probably are not going
31 to agree at the end of the process. That's where I'd
32 be starting.
- 33 Q And the end of the process would be at the completion
34 of her training program; is that correct?
- 35 A Could be that or could be -- depends how confident and
36 articulate and firm her opinions are in the beginning.
- 37 Q So, if she just seemed unfamiliar with the analysis --
- 38 A That would be one thing.
- 39 Q Please don't speak over me, because it makes it
40 difficult for the Court Reporter. If she were simply
41 unsophisticated in her analysis at the time of her
42 initial interview, you would not reject her?
- 43 A No.
- 44 Q If, by the end of the training session, she persisted
45 in a view that she had not herself been subjected to
46 male violence, one way or another, you would be likely

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 not to accept her into Rape Relief, would be likely not
2 to accept her into the collective; is that correct?
- 3 A We would either -- we would either be not accepting her
4 or we'd be changing something about the basis of unity
5 because she had convinced us. I mean, that could
6 happen too, but it seems quite unlikely.
- 7 Q Is it your view that a woman is -- that Rape Relief is
8 entitled to reject a woman as an applicant for a
9 volunteer program or for continuing in a volunteer
10 program because she is a lesbian?
- 11 A Are we entitled to?
- 12 A Yes, not do you. Are you entitled to? Not would you.
13 Are you entitled to?
- 14 A No, I don't think so.
- 15 Q Would you consider Rape Relief entitled to reject a
16 woman during the training program because she is
17 pregnant?
- 18 A I'm having a little trouble with what you mean be
19 entitled. I mean --
- 20 Q I am using the term in the same way that you used the
21 term, which is, "We are entitled to make the decision
22 to exclude Ms. Nixon."
- 23 A Okay.
- 24 Q Using the word "entitled" in exactly that way, is Rape
25 Relief entitled to reject or discontinue a woman who -
26 - because she is pregnant?
- 27 A No.
- 28 Q Is Rape Relief entitled to reject a woman from the
29 training program because of her race?
- 30 A No.
- 31 Q And why is Rape Relief not entitled to make those
32 decisions, in your view?
- 33 A Because how a woman is racialized and whether or not
34 she's impregnated and whether or not she chooses to act
35 out her sexual liberty is -- has no bearing on our
36 political agreement, except that it may well be an
37 indication that she's somebody who would be especially
38 valuable.
- 39 Q So, that is -- that would go to the question of whether
40 you would reject a woman on those bases. Why do you
41 consider yourself not -- why does Rape Relief consider
42 itself not entitled to make those decisions?
- 43 A Because entitlement, in my use of the word, is about
44 consistency with our politics.
- 45 Q So, if your politics changed, you could become entitled
46 to reject women on one of those grounds, however
47 unlikely that might be?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A However very unlikely. So unlikely as to be
2 unimaginable.
- 3 Q There are, I suggest to you, about 23 sexual assault
4 centres in B.C.; do you agree?
- 5 A No.
- 6 Q How many are there?
- 7 A It depends on your count. By my count of autonomous
8 centres, I would say there's not more than five.
- 9 Q And those would be...?
- 10 A Well, let's see. I would start with Vancouver Rape
11 Relief, WAVAW, Surrey, Kamloops, Cowichan, Victoria,
12 something like that; maybe another one in the North.
- 13 Q And the other centres who might identify, self-identify
14 as sexual assault centres would not be sexual assault
15 centres in your view, because...?
- 16 A Because they are programs of umbrella groups; because
17 they are victim assistance based programs. There's a
18 number of criteria. These criteria are currently being
19 discussed across the country, actually. The ability to
20 make a decision as a group of women is one of the main
21 criteria.
- 22 Q There are, approximately, 80 Stopping the Violence
23 counselling programs across the province?
- 24 A Oh, I have no idea.
- 25 Q You have no idea?
- 26 A I have no idea. There's many.
- 27 Q Perhaps you would have no idea that -- whether there
28 are 45 specialized victim assistance programs either?
- 29 A That seems about right, but I'm not sure of the count.
- 30 Q And do you have any idea whether there are about 80
31 transition houses?
- 32 A That seems about right.
- 33 Q How many of them would satisfy your definition of
34 autonomous women centres?
- 35 A I don't have a current count.
- 36 Q Order of magnitude.
- 37 A Sorry?
- 38 Q What order of magnitude, one, three, five, ten, twenty
39 --
- 40 A How many of them would meet my criteria of an
41 autonomous women's group?
- 42 Q Yes.
- 43 A I honestly don't know. I'm more aware of the sexual
44 assault programs than I am of transition houses in
45 terms of who's doing what.
- 46 Q So, you have no idea as between two and 80?
47 A Of the houses in B.C.?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 Q That would be, by your definition, autonomous women's
2 centres?
3 MS. GRAY: Madam Chair, I'm going to object. I just don't
4 see where this is taking us in terms of relevance. This
5 witness is --
6 ms. findlay: The direction I'm going, Madam Chair, is to
7 explore the statement --
8 THE CHAIRPERSON: Let Ms. Gray finish with her objection,
9 please.
10 MS. GRAY: The witness's personal characterization of a
11 number of other organizations, in my view, just isn't
12 probative to anything nor relevant to any issue.
13 ms. findlay:
14 Q Perhaps I might ask the witness, is this Rape Relief's
15 view?
16 A Sorry?
17 Q Is the view you've just given us about what counts as
18 an autonomous women's centre the view of Rape Relief or
19 the view of Lee Lakeman?
20 A These things are matters for political discussion. The
21 discussion goes on all the time. There's a discussion
22 going on within CASAC at the moment as to what criteria
23 is important for naming an autonomous rape crisis
24 centre. Rape Relief's a member of that, so I guess
25 that's Rape Relief's opinion, that there is a debate
26 going on right now as to how to identify autonomous
27 women's political service centres, particularly as
28 differentiated from government services or from police
29 based services or Crown based services.
30 Q Thank you.
31 ms. findlay: Madam Chair, in my submission, Rape Relief has
32 offered Ms. Lakeman as someone with experience
33 nationally on the issues of violence against women, and
34 out of -- her evidence has been that there is "almost a
35 consensus" about the exclusion of trans-gendered women
36 from women's organizations. It is my intention to
37 explore that opinion.
38 THE CHAIRPERSON: Ms. Rice?
39 MS. RICE: I have nothing to say.
40 THE CHAIRPERSON: Ms. Gray?
41 MS. GRAY: Could I just have a moment? I won't persist with
42 my objection.
43 ms. findlay:
44 Q So, I don't think you answered my question about
45 whether you knew among the transition houses, as
46 between two and 80 of them, which would qualify in Rape
47 Relief's view of what is an autonomous women's centre.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A No, I don't know the answer.
2 Q All right. How many member groups are there in CASAC?
3 A It's a debate at the moment. There are some 35 to 50
4 old members, and there are as many in waiting.
5 Q I beg your pardon? I didn't hear the end of your
6 sentence. As many...?
7 A There's somewhere between 35 and 50 who claim long-term
8 membership, and there's another that many waiting.
9 Q And one of the ways that groups might choose to join
10 CASAC is that it is a precondition to attending some of
11 the conferences, which have been funded by the Federal
12 Government on violence against women; is that correct?
13 A No.
14 Q Is membership in CASAC a precondition to attending
15 those conferences, some of the conferences?
16 A No.
17 Q There has never been such a condition?
18 A I'm not even sure which conferences you're referring
19 to.
20 Q All right. CASAC has funding to run conferences?
21 A No.
22 Q All right.
23 A Are you referring to the consultations with the Justice
24 Minister?
25 Q I --
26 A No. Fine.
27 Q I suggest to you that the vast majority of the 23
28 sexual assault centres, the 80 Stopping the Violence
29 counselling programs, the 45 specialized --
30 THE CHAIRPERSON: Whoa, whoa, whoa, whoa.
31 ms. findlay: Sorry, it's the same numbers we've just been
32 through.
33 THE CHAIRPERSON: Yeah, I know, but --
34 ms. findlay:
35 Q 23 sexual assault centres, 80 Stopping the Violence
36 counselling programs, the 45 specialized victim
37 assistance programs, the 80 transition houses, and the
38 50 Children Who Witness Violence programs, would
39 identify themselves as feminist; do you agree?
40 A I think it would entirely depend on the context in
41 which you asked them that question. Some would refuse
42 to identify as feminists; some would herald it in all
43 circumstances. And I think far too many of them would
44 hedge their bets, actually.
45 Q So, I'm not sure about your answer. Your answer is you
46 disagree that the vast majority would identify as
47 feminists?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A That's right.
2 Q Would self-identify as feminist?
3 A Yeah.
4 Q But you would agree that many of them would?
5 A Yeah, many of them would.
6 Q And I suggest to you that of the centres which you have
7 identified as autonomous women's centres, WAVAW is
8 willing to accept and work with transpeople; you are
9 aware of that?
10 A No, I'm not aware of that.
11 Q Have you read an article in the newspaper to that
12 effect recently?
13 A Yes, I have.
14 Q So, you're not otherwise aware of that?
15 A Sorry? I don't know what that means.
16 Q You are not otherwise aware of WAVAW's position with
17 respect to transgendered women working there except
18 through the newspaper?
19 A Well -- and the debates that have gone on over several
20 years.
21 Q Do you have any reason to believe that WAVAW's position
22 is other than that described in the newspaper?
23 A Yes. Yes, I do.
24 Q All right. And what is your reasoning?
25 A Just casual information that circulates in the women's
26 movement.
27 Q Would that be --
28 A I don't think WAVAW has a policy of including trans-
29 gendered women. If it does, it's totally new to me.
30 Q And are you aware that the Surrey Women's Centre will
31 now accept transwomen as clients --
32 A Oh, I think that's quite a different question. Most of
33 us are dealing with transgendered people as clients.
34 Q -- in their centre? Are you aware of their policy? Are
35 you aware of the policy of Surrey Women's Centre with
36 respect to transgendered clients: yes or no?
37 A Not in particular but I don't --
38 Q Thank you.
39 A -- find it surprising.
40 Q And are you aware of the policy of the Cowichan Women's
41 Centre with respect to transgendered clients: yes or
42 no?
43 A No.
44 Q Are you aware of the policy of the Victoria Women's
45 Centre with respect to transgendered clients: yes or
46 no?
47 A Victoria's policy?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q Victoria Women's Centre.
2 A No.
3 Q You would agree with me that those five centres are
4 major players, for want of a better term, in the anti-
5 violence movement in British Columbia?
6 A What are you calling the major players? Cowichan --
7 Q The ones you identified to me as being the centres you
8 would call autonomous women's centres.
9 A I don't think we have the same list.
10 Q Rape Relief, WAVAW, Surrey, Kamloops, Cowichan and
11 Victoria was the list you gave me.
12 A Oh, I see. Not the women's centre, but the Rape Crisis
13 Centre in Victoria is what you're referring to?
14 Q Yes.
15 A Yes, they're all major players.
16 Q Thank you.
17 A And none of them have a policy of inclusion.
18 Q Are you aware of the specific policies of the Cowichan
19 Women's Centre relating to volunteers who are trans-
20 gendered: yes or no?
21 A No.
22 Q Are you aware of the specific policies relating to
23 transgendered volunteers of the Kamloops Women's
24 Centre: yes or no?
25 A If it's happened in the last six months, no.
26 Q Are you aware of the specific policies of the Victoria
27 Rape Crisis Centre relating to transgendered
28 volunteers: yes or no? Yes or no?
29 A This is -- you're requiring false answers from me. It's
30 ridiculous.
31 MS. GRAY: Madam Chair, I do object to counsel instructing
32 the witness that the only answer can be yes or no. The
33 witness should give a fair, honest, complete answer, as
34 far as she can understand it, and should not be
35 instructed as to how to answer.
36
37 (DISCUSSION ABOVE)
38
39 ms. findlay: Madam Chair, I will withdraw my objection. The
40 witness is free to say whatever she likes about the
41 extent of her knowledge and, in fact, I will inquire in
42 detail about the source and nature of her information.
43 Q From where is your information about the Victoria Rape
44 Crisis Centre policies with respect to transgendered
45 volunteers? From whom and when and what did they say?
46 A Victoria Sexual Assault Centre operates quite
47 differently from other centres in the province.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 Q I'm not interested to know that.
2 A It's primarily counselling based. It's a professional
3 based counselling --
4 THE CHAIRPERSON: Ms. Lakeman, can I ask you to slow down,
5 please.
6 A Yeah.
7 THE CHAIRPERSON: It operates quite differently --
8 A Than other rape crisis centres in the province. It's a
9 professionally structured centre. Virtually, all
10 serious counselling is done through the paid staff, who
11 are all degree'd counsellors, none of whom publicly
12 identify as transsexual. The role of the volunteer --
13 ms. findlay:
14 Q How do you know?
15 A None of them publicly identify. I would know.
16 Q You individually know each of the volunteers currently
17 at the Victoria Rape Crisis Centre?
18 A I would know.
19 Q I'm sorry, Ms. Lakeman, I'm not asking what you would
20 know. I'm asking what you do know.
21 A I'd guarantee ya'.
22 ms. findlay: Madam Chair, perhaps you could instruct the
23 witness to answer from her knowledge, rather than her
24 opinion.
25 THE CHAIRPERSON: Well, frankly, ms. findlay, I think that
26 the question got the answer it deserved. "What do you
27 know?" she says, "I would know," and "What do you
28 know?" she said, "I would guarantee you." I think you
29 have an answer to the question as asked. If there's
30 something further you want to explore, then ask a
31 follow-up question.
32 ms. findlay:
33 Q How do you know?
34 A We're in the middle of public debate of this question.
35 I know how the debate is being conducted. I've asked -
36 - asked publicly and have responses from women's groups
37 around the province and across the country as to
38 opinions other than ours. We've looked for feminist
39 leadership coming from other directions or having other
40 things to say than what we've been able to find. I
41 know that there is a debate going on in virtually every
42 group, and I know that most groups are avoiding taking
43 formal positions, and I know that some women are very
44 explicit in their public statements about what they're
45 doing. I think I have a pretty good map of where we
46 are. I also don't think I said there was a consensus.
47 Q Please stop.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A What I said is that there's no agreement.
2 Q Please stop. I want to know the who, what, when and
3 where of it, and I'm going to explore the source of
4 your information over the last six months.
5 First of all, what conversation have you had with
6 women at the Victoria Rape Crisis Centre?
7 A You mean, other than party talk last Saturday night?
8 Q Yes, I do, other than -- unless that's the source of
9 your information. Is that the source of your
10 information?
11 A No.
12 Q So, would that be relevant in any way, the party talk?
13 A I think you have my answer to this question.
14 Q To whom did you speak, at what point, at the Victoria
15 Rape Crisis Centre?
16 A I have no intention of making trouble for the other
17 women's groups in the province. I don't care how you
18 ask it.
19 Q Are you refusing to answer that question?
20 A I am refusing to answer it.
21 THE CHAIRPERSON: Ms. Lakeman, it's not up to you to refuse
22 to answer a question. You're being asked a question
23 about to whom you spoke at the Victoria Rape Relief
24 Crisis Centre. Your lawyer has not objected. The
25 question is to be answered.
26 MS. GRAY: Well, I'm going to object to this whole line,
27 Madam Chair. It's not -- it's going down some, a very
28 long collateral road, in my submission. Again, it's
29 not -- the purpose of this hearing is not for the
30 Tribunal to look at the -- assess the political views
31 of a whole lot of other organization that aren't here,
32 and assess whether they have been based on the evidence
33 that's before this Tribunal. In my submission, this
34 whole line of questioning is irrelevant, not probative,
35 and objectionable.
36 ms. findlay: Madam Chair, I do have a suggestion about how
37 to deal with this matter. If the respondent is happy
38 to withdraw the evidence that there is a consensus or a
39 near consensus on the question of transgendered women
40 in women's centres, I'm happy to abandon this line of
41 questioning. Otherwise, it is my submission that I am
42 entitled to explore the foundation for the evidence.
43 MS. GRAY: Well, the witness just said that she didn't think
44 it was a consensus, I thought.
45 A I don't think I ever said that.
46 MS. GRAY: That there was no agreement to a particular area,
47 but --

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A That I know of no group that has a policy.
2 ms. findlay:
3 Q I believe that your evidence on -- the last time we
4 were here, volunteered was that there was nearly a
5 consensus on the question. Do you remember that
6 evidence?
7 A I don't, actually.
8 Q Would you -- would you like to restate that evidence?
9 Is it perhaps a misstatement?
10 A I think the strongest statement I can make is that I
11 know of no women's group that has the position of
12 including transgendered women on their staff and
13 volunteer group.
14 Q So, you resile from the statement, which I had thought
15 you made, that there was nearly a consensus on the
16 question?
17 A I can certainly let go of that.
18 Q You also do not know of any women's group which has a
19 policy excluding transgendered women for volunteering,
20 do you?
21 A Well, yes, that's true.
22 Q And, in fact, you are aware of some residential
23 facilities which accept transgendered women as clients;
24 are you not?
25 A The only times I'm aware of it ever being an issue are
26 the house that was mentioned in this case.
27 Q I suggest to you that also Powell Place accepts trans-
28 gendered women in its residential facility, as does the
29 Virginia Sound Transition House.
30 A That's entirely possible. I don't think either of
31 those places would identify themselves as the forefront
32 of the women's movement.
33 Q But they provide services exclusively to women, do they
34 not?
35 A I don't think Powell Place is exclusive to women.
36 Q I suggest that is a service for women and children. You
37 don't know?
38 A Actually, I don't know that it is exclusive to women
39 and children.
40 MS. GRAY: Madam Chair, I don't know if this is the best
41 time. It's -- we took a -- there was a bit of a break
42 while, Madam Chair, you considered a ruling, but the
43 witness has been testifying for about an hour and a
44 half, I think, and it might now is the time to take the
45 morning adjournment?
46 THE CHAIRPERSON: Well, we'll take a 15-minute break and
47 I'll come back at ten past.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 ms. findlay: Madam Chair, perhaps we'd take lunch? We
2 might as well. It's five to 12:00 and --
3 THE CHAIRPERSON: I had actually, once again, lost track of
4 the time. I had no idea it was close to 12:00. Why
5 don't we take the lunch hour now and come back at five
6 to 1:00.

7
8 (WITNESS ASIDE)

9
10 --- PROCEEDINGS RECESSED AT 11:55 A.M.

11 --- PROCEEDINGS RESUMED AT 1:05 P.M.

12
13 LEE LAKEMAN, resumes:

14
15 CROSS-EXAMINATION BY ms. findlay (cont'd.):

16 Q Ms. Lakeman, do you recognize this article as being a
17 copy of the article that you wrote for the book called
18 "Downing: How to Start and Maintain a Group"?

19 A Yes, I think so. Yes.

20 ms. findlay: May I have that entered as an exhibit, please,
21 Madam Chair?

22 THE CHAIRPERSON: It's marked as Exhibit 39, an article
23 entitled "Downing: How to Start and Maintain a Group."

24 MS. RICE: Madam Chair, before you go any further, I'm
25 confused about the exhibit numbers. My records put us
26 at Exhibit 38, now.

27 THE CHAIRPERSON: Exhibit 38 was the web pages.

28 MS. RICE: And before that, I don't think we had an Exhibit
29 37. Perhaps we could give that --

30 THE CHAIRPERSON: You could well be right. I had marked
31 Exhibit 37, but I don't have recorded what it was, so
32 you could well be right. It may have been something I
33 thought was going to be marked as an exhibit and it
34 wasn't.

35 MS RICE: I think we all have the same record.

36 THE CHAIRPERSON: Is that right? Okay, then.

37 MS. GRAY: We don't have an Exhibit 37 yet.

38 THE CHAIRPERSON: Okay. So, then we should amend the record
39 to reflect the web pages as Exhibit 37 and this will be
40 Exhibit 38.

41
42 EXHIBIT 38: "How to Start and Maintain a Group" by Lee
43 Lakeman

44
45 ms. findlay:

46 Q Ms. Lakeman, do you have any reason to -- do you agree
47 with the contents of this article today?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A You know, I haven't re-read it in a while, but I think
2 I would probably still agree with it all.
- 3 Q And since it's an article written about your experience
4 in Rape Relief, would Rape Relief adopt this article as
5 being something it agrees with?
- 6 A It's never been asked to do so.
- 7 Q So, you don't know?
- 8 A I don't think there's anything in here that would be
9 controversial, but it's never happened. I haven't
10 asked them to agree to it.
- 11 Q In your evidence last day you said that this question,
12 being the question before the Tribunal, is not a
13 question about intersexed individuals. Do you remember
14 saying that?
- 15 A No.
- 16 Q Do you remember talking about intersexed individuals at
17 all?
- 18 A Mm-hmm. Yes. I'm not quite sure --
- 19 Q Can you tell me what you remember having said about
20 that?
- 21 A I'm sorry, I need to be reminded of my testimony, I
22 think.
- 23 Q Well, my recollection is that you said at that time --
24 my note is that you said at that time, "This issue is
25 not about intersexed individuals," as a remark made
26 about transgendered women working at Rape Relief. Do
27 you remember that?
- 28 A I -- I think that I remember that, and I think that I
29 was differentiating between --
- 30 Q Now, just before you go on, are you now speaking as
31 Rape Relief? Is Rape Relief making a distinction
32 between --
- 33 A No.
- 34 Q No. All right. Is there any evidence that you can
35 give about Rape Relief's position about individuals who
36 were born intersexed and might apply to Rape Relief?
- 37 A No. There's no policy about intersexed people or --
- 38 Q So, you're unable to tell the Tribunal what would
39 happen if someone came to Rape Relief to volunteer and
40 described herself as intersexed?
- 41 A Well, I -- it is hypothetical. I don't know exactly
42 what the group would do.
- 43 Q Well, can you tell me what the group would do if a
44 woman presented saying that she had been born with
45 gender identity disorder but that her disorder had been
46 corrected by sex re-assignment surgery when she was
47 six?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A No, I can't tell you exactly what would happen. It
2 hasn't happened.
- 3 Q Can you articulate for me the standard which Rape
4 Relief believes should apply in the circumstance which
5 we are dealing with? And I put that broadly, so as not
6 to predetermine your answer. I can be more specific if
7 you prefer.
- 8 A As close as we've come is talking about lived
9 experience from childhood into womanhood. We've talked
10 about womanhood being something that's shaped by male
11 behaviour, not something that's essential. And so, I
12 imagine that it would matter to women how old and how
13 long and how much someone had lived as a woman, girl-
14 child to woman.
- 15 Q Is that the standard that you're articulating for me,
16 or is that --
- 17 A I'm not sure that we have a standard. I'm not sure what
18 you're asking me.
- 19 Q That's what I'm asking is whether you have a standard.
- 20 A We only had this one situation to deal with and we
21 dealt with it at the time.
- 22 Q I see. And --
- 23 A Since then, we've, of course, been discussing many,
24 many, many, many hypothetical possibilities, and trying
25 to determine how likely are we to ever need a policy
26 about such a thing, but, you know, trying to be more
27 aware of whether or not there's a new social phenomenon
28 or something new that has to be grappled with.
- 29 Q And, in particular, you don't have a standard practice
30 of asking women who come to the volunteer training
31 about their experience as children?
- 32 A Oh, I think we do have. I think it would be very
33 unlikely for you to get through even three evenings
34 without talking about some of your childhood
35 experiences.
- 36 Q I understand that, but my question is whether you have
37 a standard practice of asking about a woman's childhood
38 experience at any point in the training?
- 39 A Well, you know, you get asked in the course of the
40 training what your experience is of violence against
41 women. That's one place it comes up. You get -- it
42 would be very weird to not have a conversation very
43 early on about your relationship to your father and/or
44 your mother and/or your siblings. So, there isn't a
45 moment when someone is asked "Describe, like, as a
46 young girl," but there's sort of no moment when you
47 aren't being asked it. It's very common to talk about

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 one's first sexual experiences, first experience of
2 fear, fear of sexual violence, first impressions.
- 3 Q And that would, in your view, be part of the training
4 session?
- 5 A Begins -- begins in the -- begins in the first
6 interview often, and I don't think it ends.
- 7 Q I'm showing you the second page of Exhibit 36, which is
8 headed "Vancouver Rape Relief and Women's Shelter
9 Initial Volunteer Training Outline."
- 10 In week one, you learn about taking a call from a
11 woman, techniques for establishing and maintaining
12 empathy for the caller. In week two, a short
13 introduction to the history of Canadian law and social
14 policy on violence against women, how to help her get a
15 positive initial response from the police, medical
16 personnel, or Social Services staff. And week three, a
17 discussion and debate of the article "The Truth as We
18 Know It," which is an exhibit in these proceedings, an
19 introduction to the classics and important critics, and
20 a handout with respect of constructive criticism. n
21 week four, an introduction to productivity theory
22 building processes, our uses of constructive criticism,
23 and a reminder about public education assignment. Week
24 five is public education in relation to crisis work.
25 Week six is fund raising as public education and short
26 introduction to Vancouver Rape Relief and Women's
27 Shelters history.
- 28 Now, in which of those topics would you find the
29 question of a woman's childhood experience?
- 30 A In the first week, it'll happen under establishing
31 empathy.
- 32 Q And how is that?
- 33 A How does one establish empathy or how --
- 34 Q How does the question to women about their childhood
35 experiences get dealt with in the context of techniques
36 for establishing and maintaining empathy with the
37 caller?
- 38 A Well, if what she's telling me, for instance, is that -
39 - and I have to, you know, from thousands of
40 experiences, I will have to just call up particular
41 ones. But, one thing that comes to mind is a woman who
42 calls because she is alarmed that she is disinterested
43 in sex suddenly with her heterosexual male partner and
44 she wants to discuss possible reasons for that. She's
45 alarmed and confused by her own responses. It would be
46 normal to talk about what her previous sexual
47 experiences were; how she was introduced to sex; had

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 she ever been frightened early on; did this lover's
2 behaviour, in any way, remind her of anything earlier,
3 or in her past history, and one would go right back.
4 So, that's one example.
- 5 Q Sure. And that would be the instruction that you would
6 offer to the volunteer in training about the areas of
7 conversation that they might want to have with a woman
8 who is calling with that query; am I correct?
- 9 A I don't understand the question.
- 10 Q Well, this exhibit is an outline of what you teach the
11 volunteers; right?
- 12 A Yes.
- 13 Q And, so, my question to you was in the volunteer
14 training when does it come up? When does the
15 volunteer's childhood experiences come up? And you
16 offered as an example the situation that you just
17 described, which I would understand to be a situation
18 of a woman in crisis calling the centre. And in
19 establishing and maintaining empathy, you would suggest
20 to the volunteers, in discussing that example, that
21 they might want to talk about the woman's childhood
22 experiences with sexuality; right?
- 23 A Right. But what's going on is the woman is comparing
24 herself with you all the time. And you are -- you are
25 in a way offering her back, "Yes, I'm normal and so are
26 you," and giving her common experiences back or
27 normalizing her experience for her.
- 28 Q And, so, in that discussion that you would have in week
29 one, the volunteer's childhood experience with
30 sexuality might come up as a topic of conversation in
31 the group?
- 32 A The volunteer, yeah. Right.
- 33 Q Right. But not necessarily?
- 34 A Pretty likely.
- 35 Q With respect to each and every one of the volunteers?
- 36 A No. It may be that someone would talk about their
37 childhood history, someone else would talk about
38 something -- yeah.
- 39 Q Right. So, some might, some might not, and that would
40 be true of each of the training session; am I correct?
- 41 A Yes.
- 42 Q Thank you. The steps that Rape Relief has taken in
43 thinking about the standards that you would like to or
44 would establish with respect to transgendered women
45 working at Rape Relief, you have described some of
46 them. You have said that you have established that
47 many women's groups are thinking about this question;

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 you have described inviting Sheila Jeffries to come and
2 speak with the collective. Are there any other steps
3 that Rape Relief has taken that you have not yet
4 described in evidence in developing your understanding
5 of the position or standard that you would want to
6 adopt?
- 7 A We got ourselves a lawyer and defended ourselves in a
8 Human Rights case. Is that what you mean? I mean, we
9 didn't -- this is not a situation of our choosing to
10 study an issue or a situation of an alliance, where
11 we're working with someone to uncover something new.
12 This is a situation where we're having to defend
13 ourselves at great personal -- you know, personal
14 political expense and in a very public process. So,
15 we've done a lot of things to handle that situation,
16 including, I'm proud to say, trying to seriously open-
17 mindedly discuss our politics.
- 18 Q Okay. And I understand that you've done a great deal
19 of work around preparation for this case, but what I'm
20 specifically interested in is whether there's been work
21 that you've done around the question of developing a
22 standard that you haven't already talked about. You
23 have --
- 24 A Whether there's work that we haven't talked about that
25 we did, is that what you mean?
- 26 Q Yeah.
- 27 A Well, I think we've made ourselves available for public
28 criticism at the LEAF conference. We've posted
29 positions on the web site so that we could be openly
30 taught, criticized, educated, and formed, connected.
31 We've been in informal discussion with feminists across
32 North America and, in fact, beyond that. We've read
33 what books have been listed as feminist material and
34 periodicals on the subject. When we found any of them
35 particularly helpful, we've posted them.
- 36 Q Now, let me stop you there. You've posted the ones
37 that have been helpful?
- 38 A Yeah.
- 39 Q Can you identify for me, please, the major works that
40 you have considered, in thinking about the standards
41 that you at Rape Relief would want to have?
- 42 Q The works that Rape Relief has considered?
- 43 A Yes.
- 44 A Not sure I could give you a list that everybody's read
45 everything, but, let's see, there was an early
46 important novel-like book called "Stoned Butch Blues"
47 that got circulated. There was several short articles-

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 - oh, gee, I don't even know where stuff comes from
2 anymore. There's the article about Kimberly Nixon,
3 that's in some local publication. There was --
4 Q Let me just ask you if you're referring to the article
5 in the Zenith Digest?
6 A I'm not sure. It --
7 Q As opposed to --
8 A I remember a photograph and a reference to being a
9 pilot. I don't remember the --
10 MS. GRAY: Can I show the witness the exhibits?
11 ms. findlay: Please do.
12 MS. GRAY: Can I show the witness the defendant's documents?
13 ms. findlay: Yes, please. My records indicate that it may
14 be Exhibit 10.
15 MS. GRAY: No.
16 ms. findlay: No? Okay, sorry.
17 MS. GRAY: It is different. This is number 4 on Rape
18 Relief's List of Documents.
19 ms. findlay: Right.
20 MS. GRAY: And I don't think it has been marked as an
21 exhibit.
22 ms. findlay: All right. Can we mark it, please?
23 MS. GRAY: This is the only copy I have.
24 ms. findlay: All right. It's which document in your list?
25 MS. GRAY: It's 4 in the defendant's list. I don't know if
26 it was in your list.
27 ms. findlay: Madam Chair, do you mind if I use a corner of
28 your table?
29 THE CHAIRPERSON: No, not at all.
30 ms. findlay: Thank you. I think what I'll do is ask my
31 client to look through this while I carry on, then
32 we'll come back to that.
33 MS. GRAY: I don't think it's in the complainant's list. If
34 you want to copy this, I don't object.
35 ms. findlay: How many pages does your copy have?
36 MS. GRAY: Two.
37 ms. findlay: Okay. And does the second page begin
38 "Compromise begs the question..."?
39 MS. GRAY: Yeah.
40 THE CHAIRPERSON: Why don't we arrange to have copies of it
41 made and then we can physically mark one as an exhibit?
42 Ms. Gray, if you give it to me, I'll do it.
43 ms. findlay: Thank you, Madam Chair.
44
45 (WITNESS ASIDE)
46
47 --- OFF THE RECORD AT 1:30 P.M.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 --- ON THE RECORD AT 1:32 P.M.

2
3 LEE LAKEMAN, resumes:
4

5 THE CHAIRPERSON: So, we'll mark the two-page article
6 entitled "Kimberly Soars to New Heights Flying on Her
7 Own" as Exhibit 39.
8

9 EXHIBIT 39: Article entitled "Kimberly Soars to New
10 Heights Flying on Her Own", by Stephanie Castle
11

12 CROSS-EXAMINATION BY ms. findlay (cont'd.):

13 Q Were there any other materials that you referred to,
14 Ms. Lakeman? We were discussing --

15 A That I know we're circulating?

16 Q Pardon me?

17 A Materials that I know we're circulating?

18 Q Well, materials that I -- the question I asked you was
19 if you would identify the reading of persuasive
20 materials that you reviewed, recognizing that not
21 everybody read everything.

22 A Mm-hmm. There was a bundle from a UBC student who had
23 been researching the question for an essay she was
24 working on. Her material circulated. Some of the same
25 things were in there. There was a thesis done under
26 Holly Divoras (phonetic) guidance --

27 Q You're referring to Monica Campbell's thesis? Are you
28 referring to Monica Campbell's thesis?

29 A I honestly don't remember who. It was a woman who's
30 now working for the Women's Ministry who offered us her
31 Ph.D. thesis critical of our position. There was
32 Sheila Jeffries' material. There's also the medical
33 ethicist's, whose name I've forgotten. It came up
34 earlier.

35 Q Jan Raymond?

36 A Jan Raymond. Also --

37 Q And of Jan Raymond's work, it would have been "The
38 Transsexual Empire, Second Edition."

39 A Yeah. The second edition. Also, the Australian
40 feminist -- I'm sorry I forget everybody's name, now.
41 It's a current popular book. I can't think of her
42 name. There's the stuff from the Zenith web site.
43 There was a local needs study of some kind that you
44 were involved with, ms. findlay. There was a human
45 rights site in Ontario, and then we looked to see
46 whether any of the national women's groups had policy.
47 None had. That's what I can think of off the top.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q Thank you. And the articles about Kimberly Nixon that
2 you showed us appeared in an issue of the Zenith
3 Digest, along with an article written by her about
4 transgendered women in women's organizations. Are you
5 aware of that?
- 6 A I don't think so.
- 7 Q All right. You have indicated that there are very few
8 occasions when you've ever had to reject a woman or --
9 or on the basis of her having failed to learn a skill,
10 your evidence was that you can pretty much always find
11 a way to teach a skill; is that correct?
- 12 A Mm-hmm.
- 13 Q And you've indicated that a woman who comes to Rape
14 Relief need not have, when she comes, any understanding
15 of feminism; is that correct?
- 16 A She could certainly have a pretty thin understanding of
17 feminism, yeah. I'd wonder what was wrong if she had
18 none.
- 19 Q And that is information -- I beg your pardon?
- 20 A I'd wonder what was wrong if she had no understanding
21 of feminism after 25 years in the movement, 30 years in
22 the movement. It's pretty hard to be totally ignorant
23 of feminism if you walk around in the world.
- 24 Q Well, perhaps I should put it a bit differently. When
25 a woman first came, it would not be a reason to turn
26 her away that she didn't at the time she first came as
27 a volunteer understand herself as a victim of male
28 violence in her own life. Though, if she still felt
29 that way, I think your evidence was, by the end of the
30 training you might have some questions; is that
31 correct?
- 32 A Yes.
- 33 Q So, has Rape Relief given any consideration to the
34 question of whether any deficiencies that there might
35 be for a volunteer or prospective volunteer has not
36 always been treated as female and supplying those
37 deficiencies by the same kinds of effective training
38 that you're able to supply with respect to feminism and
39 the skills that are necessary?
- 40 A There hasn't been a formal discussion of that. I would
41 say there's been very, very many informal discussions
42 of it.
- 43 Q You made reference in your evidence to the steps that
44 Ms. Cormier had taken on the evening that Ms. Nixon
45 went to the first training session.
- 46 A Mm-hmm.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q And you indicated that you were proud of the steps that
2 she had taken?
- 3 A Yes.
- 4 Q Did you have occasion to review Ms. Cormier's notes
5 before today's -- before the hearing of this --
- 6 A Oh, I'm sure I did, but I don't remember when.
- 7 Q And is it on the basis of information in her notes that
8 you formed the opinion that she had done the right
9 thing?
- 10 A No, actually, it was listening to Erin Clark. It was a
11 response to the totality of the information and any --
12 I was prepared to think there may have been a mistake
13 I'd overlooked or something we hadn't done or something
14 we might have done, and I was satisfied after hearing,
15 particularly her, but also Tracy and Karen, that our
16 collective behaviour was fine.
- 17 Q Unimpeachable.
- 18 A Fine and upright, yeah.
- 19 Q But you had not come to that conclusion on the basis of
20 reading her notes?
- 21 A Again, it's not a simple yes or no. Obviously, if I
22 thought that we were on the wrong side of something, I
23 would have said so much earlier in this process. I
24 would have argued for us having another solution. I
25 did think we were on the side of right and good based
26 on what I knew about our behaviour in the case, but I
27 think, even more so now, that we've done everything we
28 could have done.
- 29 Q Would you agree, then, that Ms. Cormier's notes left
30 you with no question that you'd done the right thing?
31 That, I'm just understanding -- that I'm just -- I'm
32 just trying to get a grip here.
- 33 A I'm not even sure if I read her notes. I just -- it's
34 so logical to me that I would have that I'm assuming I
35 did, but I don't actually even remember reading them.
- 36 Q Would you agree with me that it's a central insight of
37 feminism that the attributes of gender are socially
38 constructed?
- 39 A Would you say that again, please?
- 40 Q Would you agree with me that it is a central insight of
41 feminism that the attributes of gender are socially
42 constructed?
- 43 A Yes.
- 44 Q And would you agree that the reason that the women's
45 movement has organized with CR groups is because it is
46 a central tenet of feminism that the actual and various

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 lived experiences of women be privileged as a source of
2 information about our lives?
- 3 A Yes.
- 4 Q And would you agree with me that it is a central tenet
5 of feminism that a woman is entitled to control her own
6 body, including determining for herself, in conjunction
7 with her doctor, whether or not to have an abortion,
8 for example?
- 9 A Yes.
- 10 Q And would you agree that gender is a social institution
11 dedicated to creating distinguishable social statuses
12 for the assignment of rights and responsibilities?
- 13 A I need to go back a step. I don't -- in the court
14 especially I don't want to confuse political rhetoric
15 with absolute statements. If you ask me, do I think -
16 - when you asked me do I think we're entitled to
17 control of our own bodies, for example, the right to
18 abortion, I absolutely uphold the right to abortion.
19 "Entitle," though, seems an odd choice of words, and if
20 you mean to imply, therefore, we're entitled to every
21 other kind of body surgery, I would give you a much
22 more complicated answer.
- 23 Q Would Rape Relief agree with the propositions that we
24 have just discussed?
- 25 A Rape Relief agrees that women have a right to
26 reproductive -- a right to control over reproduction
27 and a right to control over their own body.
- 28 Q Right. And would Rape Relief agree with the role of CR
29 groups, for example?
- 30 A Yes.
- 31 Q And would Rape Relief agree that attributes of gender
32 are socially constructed?
- 33 A Yes.
- 34 Q And would Rape Relief agree that one of the central
35 accomplishments of first-wave and second-wave feminism
36 in North America has been to deconstruct the idea that
37 there are spheres of activity which are
38 quintessentially male or quintessentially female?
- 39 A Yes. I don't think most people would put it that way.
40 I think we agree that no one has the right, no power in
41 the world has the right to confine women's behaviour to
42 that which men deem acceptable to them.
- 43 Q And you would agree that in some cultures gender is not
44 understood as bi-polar but understood differently than
45 bi-polar male-female construction?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A I understand that there are threads of politics,
2 philosophy and religion everywhere in the world that
3 would say gender is not bi-polar.
- 4 Q For example, in some First Nations in North America
5 sexual orientation and gender identity are not
6 understood as separate phenomenon; do you agree?
- 7 A I'm completely ill-equipped, to speak for First Nations
8 people on this point.
- 9 Q I'm not asking you to speak for First Nations people.
10 I'm asking you whether you know that piece of
11 information about some of the First Nations, not all of
12 them, in North America?
- 13 A Whether I know that some First Nations --
- 14 Q Understand sexual orientation and gender identity as
15 one phenomenon?
- 16 A No, I don't know that.
- 17 Q If an Aboriginal woman presented at Rape Relief to be a
18 volunteer and said -- and there are various names for
19 this phenomenon -- "I present as a two-spirited woman
20 in my culture," that means something different than
21 either your concept of sexual orientation or your
22 concept of gender identity, what steps would you expect
23 Rape Relief to take?
- 24 A First of all, it's never happened. Secondly, I guess
25 I'd ask her what she was talking about. I'd tell her
26 that I was pretty ignorant of her culture. I'd explain
27 my own use of the words and what I was talking about
28 and why I was talking about it, and what the basis of
29 unity point meant among us who already exist at Rape
30 Relief. And I would lean on her to explain to me her
31 point of view.
- 32 Q And what would you regard as a successful, in the sense
33 of she would then move into the training course,
34 successful resolution of that conversation?
- 35 A I'm just really uncomfortable with this conversation. I
36 don't accept you as an authority on two-spirited people
37 either, so, I'm -- I don't know what I'd do in that
38 situation. It hasn't happened. If I was dealing with
39 criticism from Aboriginal women in a more collective
40 way saying, "We're having a hard time working with you
41 because we have a difference of opinion about
42 something, about how to deal with something," I would -
43 - I would read, talk, negotiate for a long time. The
44 fact is it hasn't happened. I'm not in that conflict.
- 45 Q And on behalf of Rape Relief, you are, therefore,
46 unable to say what the results would be?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A On behalf of Rape Relief, I'm unable to say how we
2 would resolve, but I don't --
- 3 Q Thank you. You are aware that transgendered people,
4 and in particular male-to-female transgendered people,
5 experience very high rates of unemployment?
- 6 A So I've read.
- 7 Q And you are aware -- Rape Relief was aware that
8 transyouth experience a very high rate of suicide?
- 9 A Again, so I've read. Yeah.
- 10 Q And Rape Relief is -- would agree that the trans-
11 gendered people, the people -- among transgendered
12 people, the people most likely to experience violence
13 are those who do not "pass" as a member of the target
14 gender?
- 15 A I think it is true that men beat up and abuse
16 transsexuals, yes, for being transsexuals, which is, I
17 think, your point.
- 18 Q And would you also agree that women are more likely to
19 treat badly transsexual women who "look normal" than
20 who pass?
- 21 A Sorry? Women are more likely to --
- 22 Q To treat badly.
- 23 A To treat badly --
- 24 Q Transsexual women who "look like men" than those who
25 pass?
- 26 A I have no idea.
- 27 Q You would agree -- would Rape Relief agree that
28 poverty, unemployment, violence and self-inflicted
29 violence are markers of an oppressed group?
- 30 A That's a very big question. Do I think that -- or does
31 Rape Relief think that --
- 32 Q Poverty, unemployment, violence against the group and
33 self-inflicted violence among members of the group are
34 markers of an oppressed group, markers of oppression?
- 35 A It's really way too general. Yes, they could be, and
36 sometimes they wouldn't be.
- 37 Q Thank you. You agree that -- would you agree -- would
38 Rape Relief agree with me that transgendered women may
39 be excellent rape crisis counsellors?
- 40 A No, I don't agree.
- 41 Q Neither in your organization, nor in any other
42 organization?
- 43 A I'm not speaking for any other organization. I'm --
- 44 Q I'm not asking you in the context of this of this --
- 45 A Rape Relief doesn't have an opinion about people being
46 rape crisis counsellors in other situations. We have
47 an opinion about in our own political service group,

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 and we have an opinion about autonomous women's groups.
2 There are many, many other places where it might be
3 appropriate.
- 4 Q So you don't know or -- and I'm not -- I am asking you
5 this. You don't know or you don't have an opinion
6 about whether transgendered women would be excellent
7 rape crisis counsellors in some circumstances?
- 8 A Are you asking me to speak as Rape Relief or myself?
- 9 Q Yes, of course.
- 10 A As Rape Relief. Rape Relief doesn't have an opinion or
11 a position or anything about that. We have a position
12 that it's not appropriate in our organization, and you
13 could certainly extend logically that we don't think
14 it's appropriate in other autonomous women's
15 organizations. We're not in a position to make that
16 decision for them.
- 17 Q I'm actually trying to understand what you've just
18 said. Is it the case that Rape Relief has made no
19 inquiries about whether transgendered women are
20 excellent rape crisis counsellors in any situations?
- 21 A I know of no situation in which they are rape crisis
22 counsellors at the moment, but --
- 23 Q That's actually not my question. My question was
24 whether or not you've made any inquiries about whether
25 transgendered women are or came to be excellent rape
26 crisis counsellors? Did you make -- did Rape Relief
27 make any inquiries about that question?
- 28 MS. GRAY: Madam Chair, I'm going to object, because I don't
29 understand the question when it's formulated as "made
30 any inquiries." This Tribunal has already heard the
31 evidence of Dr. Pacey and of Edith Swain. Is that --
32 is that making inquiries? I'm afraid I don't know, so
33 I'm objecting because I don't see how the witness can
34 answer the question without really understanding what
35 that means.
- 36 ms. findlay: Well, Madam Chair, in the case law, one of the
37 areas which is germane is the nature of the inquiries
38 which some organization has undertaken to establish its
39 position. And it is in that context that I ask this
40 question. Since my friend objects to that question, I
41 will instead put this one.
- 42 Q You are aware, are you not, of a rape crisis centre in
43 Portland which includes transgendered women on its
44 staff?
- 45 A No, I'm not.
- 46 Q You have never heard of that organization?
- 47 A No.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q And it's not referred to in your web site, for example?
2 A If it is, I didn't read the piece.
3 Q You're not aware that Rape Relief participated in a
4 panel at the International Organization of Human Rights
5 Agencies at which one of the women from that, one of
6 the transgendered women from that centre spoke as a
7 member of the audience?
8 A I have heard the proceedings of that panel. I don't
9 remember that person. I guess I was focusing on the
10 speakers.
11 Q Right.
12 A Germaine Greer was the other Australian writer I was
13 trying to remember, though. When you said germane, it
14 came back.
15 Q There are just a few little pieces that I realized that
16 I hadn't asked you about the way Rape Relief operates,
17 so, of the -- and these are easy ones for you, I'm
18 sure. Of the women who call Rape Relief, what
19 percentage come to the shelter, having been encouraged
20 to do so?
21 A Oh, sorry, to move in?
22 Q No. You said that in your first call one of your goals
23 was to get the women to come to the shelter.
24 A Yeah.
25 Q What percentage do?
26 A Probably a quarter would be a positive estimate. It
27 would be less than that probably.
28 Q And of the women who come, what percentage later become
29 involved in a SCA group?
30 A It really varies year to year and month to month, but -
31 -
32 Q You keep statistics, don't you?
33 A Yeah, but they're different every year. Some years we
34 have the personnel to put up ongoing support groups on
35 a regular basis. When we do, those stats would be
36 something like maybe 25 per cent, again.
37 Q And that was going to be my next question, which is,
38 how many SCA groups run in a year?
39 A It's entirely dependent on the volunteer component, the
40 demand over the phone, how full the transition house
41 is. I mean, we're under-resourced, so we're constantly
42 juggling one thing against the other.
43 Q In 1995, your evidence is that there were 12 people in
44 the collective; correct? You gave that evidence the
45 other day.
46 A Mm-hmm.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q How many SCA groups would have run or did run in 1995,
2 approximately?
- 3 A I honestly don't know, but I think that there was at
4 least one operating all the time.
- 5 Q In 2000, you have 28 people in your collective?
- 6 A Yeah.
- 7 Q How many SCA groups were there last year?
- 8 A Two, I think.
- 9 Q And each of them lasted how many weeks?
- 10 A We tend to have open-ended groups rather than ten-week
11 groups, but that's different in different years, too.
12 It depends on the preferred style of the facilitators
13 and what the collective can handle.
- 14 Q Last year, were they open-ended or closed?
- 15 A I think we had one of each.
- 16 Q But you're not sure?
- 17 A No, I'm not.
- 18 Q Of the women who call, what percentage come to the
19 transition house have -- spend some -- live in the
20 transition house for a little while, over night?
- 21 A Between 120 and 150 families in a year, so that's 150
22 sole-care parents, and there may be any number of
23 children with them.
- 24 Q And do you have rules about boy children, the age after
25 which they can't come to the transition house?
- 26 A No. Although, we've certainly had difficulty with late
27 teenage boys, and -- but we try to take it on.
- 28 Q Does Rape Relief have a charitable tax number?
- 29 A Yeah.
- 30 Q May I have production of the contracts which I have
31 requested of your counsel, please?
- 32 MS. GRAY: Madam Chair, ms. findlay wrote me a letter
33 requesting some documents. They are, as I understood
34 it, copies of -- and I want to take them one at a time
35 -- copy of the contract, presumably in effect in 1995,
36 that Rape Relief had with government for the provision
37 of transition house services. And I object to
38 producing that on the basis that it's not relevant. It
39 certainly -- it's something that had only arisen in the
40 course of this cross-examination, and obviously neither
41 counsel had thought it was relevant before these
42 proceedings began. I say it still is not relevant. It
43 will not assist this Tribunal, in my submission, and
44 anything at issue here to know exactly the particulars
45 of how government pays for this service.
- 46
47 (DISCUSSION ABOVE)

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1
2 THE CHAIRPERSON: Okay. I will take the afternoon break
3 now, a little early, and I'll come back at 2:30 and
4 review the document.

5
6 (WITNESS ASIDE)

7
8 --- PROCEEDINGS RECESSED AT 2:12 P.M.

9 --- PROCEEDINGS RESUMED AT 2:35 P.M.

10
11 LEE LAKEMAN, resumes:

12
13 THE CHAIRPERSON: Having reviewed the contents of the
14 contract in issue, I conclude that some of its contents
15 may be relevant. I also understand that Ms. Gray's
16 client is prepared to release it on two preconditions.

17 The first that I require an undertaking as to its use,
18 which, for reasons already indicated I am not prepared
19 to do. And the second that it be sealed. This, too, I
20 am not prepared to do.

21 This hearing is an open hearing and requests to
22 seal documents produced in evidence are treated
23 seriously and only granted in circumstances including
24 that the content of the document contains sensitive,
25 personal information, or information which might result
26 in a participant to this proceeding being exposed to
27 risk or harm. On that basis, a sketch of Rape Relief's
28 transition house was sealed earlier on agreement of
29 counsel. I am not prepared to order this exhibit
30 sealed.

31 While counsel could not advise me whether the
32 contract could have been obtained under a Freedom of
33 Information request, I have briefly reviewed the
34 exceptions to the *Freedom of Information Act*, and I'm
35 not persuaded that the contract would be inaccessible
36 under that legislation had it been requested.

37 Ms. Gray?

38 ms. findlay: Madam Chair, I am not sure who is responsible
39 for the portions which are deleted from the contract?

40 THE CHAIRPERSON: Why don't I propose this, I'll give you a
41 few minutes both to review it and to discuss that with
42 Ms. Gray.

43 ms. findlay: Thank you.

44 THE CHAIRPERSON: I assumed, when I reviewed it, that the
45 only portions that had been deleted were financial
46 information, but --

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 MS. GRAY: That's right and I did that, or I wrote the
2 first, and I told my secretary, so there's printing on
3 the second page.

4 THE CHAIRPERSON: Do you wish a few minutes to review it and
5 to discuss that with Ms. Gray?

6 ms. findlay: Yes, please.

7 THE CHAIRPERSON: All right. I'll come back in five
8 minutes.

9

10 (WITNESS ASIDE)

11

12 --- PROCEEDINGS RECESSED AT 2:37 A.M.

13 --- PROCEEDINGS RESUMED AT 2:45 P.M.

14

15 LEE LAKEMAN, resumes:

16

17 MS. GRAY: Madam Chair, I should perhaps tell you, we did
18 notice that the standard form printed part of this
19 refers to something being on the reverse side of it,
20 and I had not seen the reverse of it. I don't know if
21 Rape Relief still has that in their records. I asked
22 one of the collective members to call and see if it was
23 possible to find out if there was a copy of the flip
24 side of this form in Rape Relief's records and, if so,
25 see if we can have it sent here by facsimile. I haven't
26 heard back yet.

27 THE CHAIRPERSON: Right. Thank you, Ms. Gray.

28

29 CROSS-EXAMINATION BY ms. findlay (cont'd.):

30 Q You've had an opportunity to look at the parts of the
31 contract that are here, Ms. Lakeman?

32 A Mm-hmm. Yes.

33 Q And turning to --

34 THE CHAIRPERSON: I don't have a copy of the document. I
35 don't know if there's an extra one.

36 ms. findlay: I'll borrow Ms. Rice's.

37 THE CHAIRPERSON: Okay. Thanks, Ms. Gray.

38 ms. findlay:

39 Q Page -- or clause A-1 --

40 A A-1?

41 Q Mm-hmm. Do clauses A-1 through 3 properly describe the
42 services which you provided under this contract in
43 1995?

44 A This is some of what we got paid for, yes. Is that
45 what you mean?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q Perhaps you didn't understand my question. Does this
2 contract accurately describe the work that you were
3 paid for under this contract?
- 4 A Yes.
- 5 Q And does it completely describe the work that you were
6 paid for under this contract?
- 7 A I guess so. That we're paid for, yes.
- 8 Q In 1995 were there other sources of public funds at
9 Rape Relief?
- 10 A I don't think so.
- 11 Q This is a funding contract under the transition house
12 program, and Rape Relief receives all of this
13 provincial funding from the transition house program;
14 correct?
- 15 A Mm-hmm.
- 16 Q And none of it's provincial funding from the funding
17 sources for rape crisis centres; is that correct?
- 18 A It's the same funding source, but --
- 19 Q From which ministry is this contract written?
- 20 A I guess, this may still be the old Social Service
21 Ministry. I have to read it to find out.
- 22 THE CHAIRPERSON: I thought it referred to the Ministry --
23 Minister of -- Women's Equality Minister.
- 24 A Then, it's the same.
- 25 ms. findlay:
- 26 Q And rape crisis funding, for example, for WAVAW comes
27 from the Ministry of the Attorney General; correct?
- 28 A Actually, up until very recently it was Women's
29 Equality. It's just been moved back to the Attorney
30 General for the way of a contract. It's not clear who
31 the contractor will be in a month.
- 32 Q But in 1995 it was the Attorney General, wasn't it?
- 33 A I don't know that. I think so.
- 34 Q And from that pot, however we identify it and within
35 whichever Ministry it is, Rape Relief has not received
36 funding; is that correct? Whether we describe it as
37 program funding, or whether we describe it as --
- 38 A Well, this is a matter of hot debate with the
39 provincial government. They would say they're paying
40 us for both under this contract. We assert that we
41 should have a separate contract for the rape crisis
42 service, which would essentially double our funding,
43 which is perhaps why they're not interested.
- 44 Q So, you agree with me, do you, that you are currently
45 not receiving rape crisis funding from the provincial
46 government?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A I would say that they pay for what's exactly in this
2 contract, which is not some of the other work at the
3 Rape Crisis Centre. We don't -- you know, I think
4 we've explained several times over, we don't separate
5 them. The government does.
- 6 Q Ms. Lakeman, this is not a difficult question. It's
7 just I understand there to be, and perhaps I'm wrong,
8 two funding -- program funding pots.
- 9 A There's more than two.
- 10 Q Well, all right. For the material -- the material two
11 that I'm talking about is the transition house program
12 on the one hand and the rape crisis fund on the other
13 hand. Now, I don't care which ministries those are in.
14 My only question is -- and I'm taking you to agree
15 with me -- Rape Relief hasn't been getting any of the
16 rape crisis -- any money from the Rape Crisis Centre
17 pot. Am I correct, in 1995?
- 18 A I would say, yes; the government would say, no, which
19 is what I answered you the first time. The government
20 claims that it has unified our funding and it prefers
21 to deliver it under the transition house contract.
- 22 Q And in 1995 were they making that claim?
- 23 A Yeah, they repeatedly make that claim, and we
24 repeatedly make the opposite claim.
- 25 Q So, your claim is that you are not --
- 26 A We'd like to have a separate contract.
- 27 Q I'm sorry, Ms. Lakeman, I'm becoming a little bit
28 frustrated. I would appreciate it if you wait until
29 the end of my question before you begin your answer,
30 since that makes it easier to follow.
- 31 It is my understanding that it is your evidence
32 that, notwithstanding your representations about the
33 fact that Rape Relief should receive funding from the
34 Rape Crisis Centre program budget, it does not now and
35 did not in 1995?
- 36 A That's right.
- 37 Q Thank you. Of the staff who have -- who were working
38 at Rape -- how many staff were working at Rape Relief
39 in 1995?
- 40 A I think we were at ten.
- 41 Q So, there were two volunteers in the collective --
- 42 A I did misspeak myself the other day, saying there was
43 only a carryover of two of us. It's actually more like
44 four or five of us since those days.
- 45 Q Between 1995 and 2000 of the staff who have worked at
46 Rape Relief what percentage have not been volunteers
47 before they were hired as staff? If you like, I can

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 ask the question in relation to 1995. Perhaps that's
2 easier. There were ten women working at Rape Relief as
3 staff in 1995. How many of them had not volunteered
4 there before they were staff?
- 5 A I think my count was five.
- 6 Q Five of them had not volunteered there in 1995?
- 7 A That's right.
- 8 Q All right. And five of them had?
- 9 A Mm-hmm.
- 10 Q And in the year 2000 how many staff people do you have?
- 11 A I think it's 11.
- 12 Q And of those 11 staff people, I presume the number is
13 something point five since you are a point five person.
- 14 A Yeah. Well, of that five four are still there, so,
15 there's at least four of us that didn't start out as
16 volunteers.
- 17 Q And of the ones who did not start out as volunteers,
18 how many of them are old timers, such as yourself,
19 being women who've worked there longer than ten years?
- 20 A Nobody's as old as me, barbara. I mean, I'm --
- 21 Q By my definition, being people who've been there more
22 than ten years.
- 23 A I think I'm now the only one; perhaps another woman
24 who's been there ten years.
- 25 Q And is she one of the women who was hired without being
26 a volunteer?
- 27 A No. She volunteered a full year full-time for free
28 before she ever got a pay cheque.
- 29 Q All right. Okay. And you've given evidence that your
30 web site contains information, which you take
31 responsibility for, and I'm showing you some additional
32 pieces from the web site. Do you recognize that as
33 being from the Rape Relief web site?
- 34 A Oh, it's from the Off Our Backs Group, yeah.
- 35 Q Turning to page -- turning to the one, two, three,
36 four, fifth page, but there's a second article titled
37 "Post-Modernism Marches On: Women's Space Under
38 Continued Attack." Do you recognize that also as being
39 from the web site?
- 40 A I actually haven't read it on the web site, but I know
41 that the Off Our Backs insignia says it's up there.
- 42 Q Well, do you agree that it's from the web site?
- 43 A Sure. Yes.
- 44 Q I take you to paragraph -- the third paragraph:
45
46 As of June 16th of last year, Bradley-Angle House
47 -- Portland's primary resource for battered women,

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 adopted a "TransGender/Transsexual Policy" which
2 extended services "to all individuals who identify
3 as women regardless of their participation in a
4 medically based transition."
5
6 And so forth. Are you familiar with that material?
7 A I read it a very long time ago.
8 Q
9 The founder and head of the Survivor Project...
10 And this is the one, two, three, four, fifth paragraph:
11
12 ...is Diana Courvant, a 30-year-old, pre-operative
13 male-to-female transsexual..."
14
15 A Excuse me a sec, I just lost you.
16 Q The fifth paragraph.
17 A The fifth paragraph? Okay, got it.
18 Q
19 The founder and head of the survivor project is
20 Diana Courvant, a 30-year-old, pre-operative male-
21 to-female transsexual who claims that as a man he
22 was the victim of domestic violence at the hand of
23 the woman he lived with in a sexual relationship.
24
25 A Mm-hmm.
26 Q So, you are now aware, though you might not have been
27 earlier, of a project for battered women in which
28 employs a transgendered person?
29 A Oh, I'm aware of many projects that may or may not
30 employ -- I don't think I tried to speak about all
31 projects that deal with --
32 Q Oh, perhaps I've misunderstood you, then. So, you're
33 aware of other ones, eh, where there are -- women's
34 projects where there are --
35 A No, I'm not, and I didn't try to speak for anything
36 other than women's autonomous organizations, individual
37 feminist organizations. There are many services to
38 battered women that make no such claim.
39 Q Make no such claim as what?
40 A To be autonomous feminist organizations. I have no
41 idea about this one.
42 Q Okay. You've said in your evidence, as I understand
43 your evidence, matters -- issues in the collective are
44 decided by consensus; is that correct?
45 A They're not always decided by consensus, but if someone
46 identifies it as a politically-loaded topic it probably
47 would be.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q So, in other words, would it be fair to characterize
2 the sort of weightier decisions as ones which the
3 collective makes by consensus?
4 A Yes.
5 Q Failing consensus levels?
6 A We would struggle. We would put a fair amount of
7 effort into struggle. We might, if pressed, take a
8 vote.
9 Q And you've said that anybody can speak on behalf of
10 Rape Relief and are encouraged to do so; is that
11 correct?
12 A Any member of the collective?
13 Q Mm-hmm.
14 A Yes.
15 Q And in the situation where there are -- where the
16 collective has not formulated a position or an opinion,
17 what happens if two members of Rape Relief express
18 different views?
19 A We'd probably argue.
20 Q You have no process for resolving that?
21 A Well, there's many -- there's many possible processes.
22 If the first woman spoke, the second woman disagreed,
23 she might criticize her, and they might struggle it out
24 and come to some common agreement in the collective
25 meeting or in a public collective process. Or, they
26 might hold it for a year-end discussion, when we take
27 on bigger subjects with more time and less
28 interruption. Or they might start circulating
29 materials and propose some kind of debate strategy, or
30 they might agree to disagree. We may have no need to
31 come to agreement on something.
32 Q Okay. Your lawyer objected to Dr. Pacey being asked a
33 question about her sexual orientation. Is it Rape
34 Relief's view that it is a matter of individual
35 privacy, that one's sexual orientation is a matter of
36 individual privacy about which it's not appropriate to
37 ask in the context of the work you do at Rape Relief?
38 A Much too big a question for me. I can think of
39 situations in which I would consider it a great breach
40 of feminism not to say something about one's sexual
41 practice. I generally think it's discourteous,
42 unnecessary to ask someone else's sexual practice,
43 particularly in the world at large, much less so within
44 the confines of the collective. I don't know how to
45 give you an answer to that question. Privacy is not
46 something -- how do you even talk about privacy in the
47 context of rape crisis centre? I mean --

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q Well, that's what I'm asking you. And so let me put
2 the question another way. Were I to go to Rape Relief
3 as a lesbian, is it my decision or is someone likely to
4 ask me about my sexual orientation? Is it my decision
5 to disclose or is someone likely to ask me at some
6 point?
- 7 A Well, they'll be asking you your personal history in
8 many different kinds of ways and, so, you could choose
9 to lie; you could choose to withhold information; you
10 could choose to refuse to answer. But those would all
11 be all very, very strong statements. It's -- it's just
12 kind of unnatural in this situation to not be offering
13 a great deal of information about each other's personal
14 history. Over the course of the first year of getting
15 to know each other, I would find it completely
16 surprising if I didn't have a conversation with another
17 woman about whether or not she'd ever had a woman lover
18 or ever had a man lover. But I can't imagine -- you
19 know, that's not on a -- that's not on a sign-up-
20 here-list as she comes in. It's just I don't see how you
21 would not have the conversation at some point along the
22 way in the first year or so.
- 23 Q So, if I've understood what you've said, it's an
24 expectation by Rape Relief that that information would
25 be disclosed but not necessarily the practice of Rape
26 Relief to ask that; is that correct?
- 27 A I --
- 28 MS. GRAY: Can I just simply ask that there be clarification
29 here about whether the question is directed to a person
30 seeking services or a person seeking to volunteer. It
31 wasn't clear to me?
- 32 ms. findlay: I asked her about a person seeking services,
33 and Ms. Lakeman responded about a person, I assume, who
34 was seeking services, but --
- 35 A I'm sorry, I misunderstood you. You're asking me as
36 someone who comes forward for services?
- 37 Q Mm-hmm.
- 38 A I would be unlikely to ask you, but I would give you
39 plenty of clues that it was okay to tell me and I would
40 hope that you would tell me.
- 41 Q And as a volunteer is that the same standard that you
42 adopt?
- 43 A I would give you lots of permission to tell. I
44 certainly wouldn't insist that you reveal, but I'd find
45 it pretty strange if, over time, you didn't.
- 46 Q If over time I didn't what?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A Reveal that you had some sexual experience with women
2 or that you did or didn't identify as a lesbian.
- 3 Q Well, of course, if I didn't disclose it you wouldn't
4 know it, so it would not be strange to discover; am I
5 right? I mean, that I'm assuming that the somebody's
6 not individually barbara findlay, because --
- 7 A It's possible for someone to decide that it's none of
8 my bloody business and not tell me anything, but it
9 would be very, very unusual. Normally, over the course
10 of the first year or two, we would know a lot about
11 what our common experiences were, including sexually,
12 and we would know a lot about each other's personal
13 history over the course of working together over a
14 couple of years. And we would often find that out in
15 the course of revealing something to someone we were
16 both working with.
- 17 Q Okay. Since there is no collective policy and no
18 training sessions on the issue of transgendered women
19 at Rape Relief, a new woman, whether trans or non-
20 trans, would have no way of knowing whether trans-
21 gendered women were welcome there, would they?
- 22 A In a way, that's true. I think there is a
23 misunderstanding that's clear to both of us in this
24 case about what we're saying when we're saying born to
25 an oppression, that I can understand someone might not
26 have made the extrapolation. But that's not what
27 happened, I mean, and it's not what does happen.
- 28 Q What does happen? Clarify it for me?
- 29 A Well, I think what happened is that the women who were
30 dealing with the training recognized they were dealing
31 with somebody who had a fair amount of experience as a
32 man in the world. And they tried to find a way to talk
33 about that and to deal with that and to make it clear
34 that that disqualified the applicant.
- 35 Q And that happened some ways into the training, and it
36 could have happened later in the training; right?
- 37 A But it didn't. It happened the first night.
- 38 Q Well, it happened after Ms. Nixon had been accepted for
39 training and gone off to her first night of training;
40 right?
- 41 A Yeah, it happened the first night.
- 42 Q And it could have happened later?
- 43 A I suppose it could have, but it didn't.
- 44 Q Indeed, you're not able to say that there aren't
45 transwomen currently working at Rape Relief, since it's
46 not a question that you ask; are you?
- 47 A No, I suppose I'm not.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 Q Thank you. When -- I'm a bit confused about how it is,
2 given that there is no collective policy, about --
- 3 A You know I have to go back one step. That's not true.
4 I keep being asked to answer something in the abstract
5 that I know in the concrete. I know the women I work
6 with. I know their personal histories. I know their
7 sexual histories. I know what they've told me about
8 their lives. And, in fact, I am quite sure that there
9 isn't anybody in the collective at the moment who has a
10 history of -- of transsexual -- a transsexual history.
- 11 Q Based on what they've told you?
- 12 A Yes, based on our honest communication with each other.
- 13 Q And knowing that, if they were transsexual and did tell
14 you, they would be ejected from the group; correct?
- 15 A Well, you're saying that's what it's based on. I'm
16 saying it's based on our shared understanding of each
17 other's lives. I believe what they say to me, I have
18 reason to believe it, and I have no reason not to
19 believe it. I don't think they're cowering in the
20 corner hiding deep secrets.
- 21 Q You would agree that in the early days of the second
22 wave of the women's movement lesbians often hid in the
23 corner in women's organizations and did not disclose
24 their sexual orientation because they would have faced
25 being asked to leave one way or the other?
- 26 A I understand that there are a lot of women who suffered
27 discrimination because of their sexual practice and
28 sexual orientation. I, in fact, have never been part
29 of a women's group that either excluded women on the
30 basis of that practice or insisted on any particular
31 practice nor, was in any way, I told that I could not
32 exercise my sexual liberty. And, in fact, the groups
33 that I've been in have been disproportionate to the
34 population and the number of lesbians who participated
35 in the group, of which I'm proud.
- 36 Q That's not my question.
- 37 A Hmm?
- 38 Q My question is are you aware of that as a phenomenon of
39 the second wave of the women's movement: yes or no?
- 40 A I certainly am aware of it as a huge phenomenon in our
41 culture and our society, and less so in the women's
42 movement.
- 43 Q Well, do you disagree then with Judy Rebick's evidence
44 about that phenomenon?
- 45 A No.
- 46 Q Thank you. And I'm a little bit confused. You have
47 given evidence in this hearing as Rape Relief's

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 representative. On transgendered issues you have said
2 there are no policies, no standards, no written
3 documents relating to that question. And I would like
4 you to explain to me how this Tribunal distinguishes
5 between the opinions of Lee Lakeman and the opinions of
6 Rape Relief?
- 7 A I thought you'd been doing that all afternoon by asking
8 me.
- 9 Q I have asked you to speak on behalf of Rape Relief.
10 It's true.
- 11 A Mm-hmm.
- 12 Q What I'm asking you now is how can a person tell, given
13 that there are no policies, standards, written
14 materials about this question, what Rape Relief's
15 policy is as compared to what Lee Lakeman's opinion is?
- 16 A Well, you could ask all the other members or you could
17 take our public word for it, or you could take my word
18 for it. You can do any of the above, I guess. What I'm
19 telling you is that we're in serious and intelligent
20 discussion with each other. Of course, I have
21 influence in the group, as do other women. I would say
22 on this question, Danielle was by far the more informed
23 person than I and I had to work pretty hard to read up,
24 catch up, catch up emotionally and intellectually and
25 politically. Rape Relief is only the sum of its
26 membership and I'm only one of its members.
- 27 When we come to a formal agreement, as a
28 collective, it's formalized. We haven't yet, except to
29 the extent that we're clear about having used the
30 terminology "oppression" to refer to the class, race
31 and gender position that people are born into, over
32 which they have no say, and out of which they don't get
33 to -- they don't get to leave those positions. It's not
34 the same working --
- 35 Q That's not written down either, is it?
- 36 A Pardon?
- 37 Q That's not written down either.
- 38 A That's not --
- 39 Q Written down.
- 40 A Well, I think you've got several examples of where it's
41 partially written down. I mean, we raise it on
42 purpose. Some people do think that class position --
43 they use class, for instance, to refer to a mobile
44 economic state over one's life. We don't use it that
45 way. We use it to refer to several generations of
46 condition that make it unlikely you're suddenly going

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 to be a Supreme Court Judge in one lifetime. There are
2 --
- 3 Q I'm sorry, Ms. Lakeman, but I actually am sort of --
4 maybe it's just because I've read a lot of information,
5 but I actually have not seen anything written about
6 class that says anything remotely like that. And
7 perhaps you could point me to it in the materials that
8 we've examined or that you provided to us or your
9 counsel?
- 10 A You've got "The Born Oppression as the Conditions We're
11 Born To," and we use that to refer to class, race, and
12 gender, not, for instance, to refer to disability, not
13 particularly to refer to sexual orientation. That's
14 the distinction we're making. That's the political idea
15 we've been grappling with.
- 16 Q And which document are you referring to?
- 17 A It's in the "Basis of Unity" document.
- 18 Q Well, I understood there wasn't a "Basis of Unity"
19 document. I'm now really confused.
- 20 A You've already had it and grilled me on it yesterday
21 and the day -- last time or the day before.
- 22 Q Ms. Rice asked you, specifically, whether there was a
23 document that incorporated the "Basis of Unity" and
24 your response was that, no, there was not. The
25 questions changed from time-to-time.
- 26 MS. GRAY: Can I show the witness the exhibits in this
27 proceeding?
- 28 ms. findlay: Sure. We might as well have all the lawyers
29 on their feet. Perhaps Exhibit 27 would be helpful, or
30 perhaps we can look at that anyway, since it's titled
31 "Basis of Unity for Vancouver Rape Relief".
- 32 THE CHAIRPERSON: That was a good start.
- 33 A Yeah, good job.
- 34 ms. findlay:
- 35 Q And it says:
- 36
- 37 The most current expression of our analysis is to
38 be found in the article signed by Lynn in the Rape
39 Relief file 1986. This set of opinions and
40 observations was compiled and expressed by Lynn
41 and a collective member, but informed and agreed
42 to in its structure and content by all the
43 collective members at that time. Since that time,
44 no one has prepared additions, deletions to the
45 content or the structure.
- 46
- 47 Now, which documents is it that is signed by Lynn?

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

- 1 A "The Truth as We Know It," Exhibit 28.
2 Q Now, the "Truth as We Know It" actually is not signed
3 by Lynn, at least not in my copy of it. Oh, it's
4 authored by Lynn, apparently. Is this the -- so, this
5 is now the document you refer to as the "Basis of
6 Unity"?
- 7 A That's one piece, also --
8 Q Ms. Lakeman, I just want to remind you that --
9 MS. GRAY: The witness referred to Exhibit 30, as well.
10 ms. findlay:
11 Q What are the other pieces?
12 A Exhibit 30.
13 Q And are those all the pieces? Are there any other
14 pieces which together comprise the "Basis of Unity"?
15 A 31, 32.
16 Q And all of the members of the collective would agree on
17 which documents comprised the "Basis of Unity"?
18 A Oh, yes.
19 Q All right.
20 A The constitution and bylaws would also be considered
21 part of the "Basis of Unity".
22 Q Thanks. Ms. Lakeman, I want to enter as an exhibit the
23 contract which you provided to us, redacted, I think,
24 Madam Chair, for the address of the organization which
25 appears on the front page. I assume you don't want the
26 address of the organization --
27 A Wiping it out is fine. It's not a totally invisible
28 address.
29 Q So, you don't care?
30 A I'd rather it was wiped out.
31 Q Thank you. So, if we could mark that an exhibit?
32 THE CHAIRPERSON: Well, the copy I've got is clearly not
33 redacted in that way. I don't know if anybody has a
34 heavy black marker, by which we could do that. Right.
35 I'll get the Court Reporter to dedact everything below
36 the line Vancouver Rape Relief Society, so the address,
37 and then we'll mark it as Exhibit 40.
38 MS. GRAY: It's also on the third page. The address is on
39 it.
40 THE CHAIRPERSON: Ms. Gray, perhaps you'd show the Court
41 Reporter. And the contract is dated, so we can refer
42 to it on the record, as --
43 MS. GRAY: Well, there's an amendment agreement, effective
44 February 1 '95, that's dated May 8 '95. The original
45 one is apparently executed February 15 '95 and it says
46 the term is from October 1, '94 to September 30, '95.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

1 THE CHAIRPERSON: Okay. Well, I'll refer to it as the
2 contract dated February the 15th, 1995. Exhibit 40.
3
4 EXHIBIT 40: Contract dated February 15, 1995
5
6 ms. findlay:
7 Q Ms. Lakeman, you've said that it would be impossible
8 for Rape Relief to operate if you're not allowed to
9 make the decision that you did. Assuming that the
10 Tribunal decides against you, what will Rape Relief do?
11 A To be exact, I think that I said that I can't imagine
12 how we would operate. I continue to try and imagine,
13 just in case that is the ruling. I don't know. We
14 would have to talk about the possibilities of appeal.
15 We would have to talk about whether or not the
16 organization could survive that. We'd have to talk
17 about whether or not there were other alternatives.
18 We'd have to see how many collective women were willing
19 to renew their membership on whatever the new terms
20 were. I don't know.
21 Q You said earlier in your evidence that you didn't
22 expect to get a fair hearing here. What did you mean
23 by that?
24 A I mean, I've spent 20 odd years trying to deal with the
25 sexism of the system of law in Canada. I'm not naïve.
26 I don't expect fair and equal treatment for women. And
27 I have to figure out how to operate in spite of that,
28 how to function. I do believe, in a -- I believe in
29 fighting for an equal and fair system of justice. I
30 don't think we're there yet. I don't think anybody
31 would argue that we are.
32 Q Well, you said that specifically about this Tribunal.
33 A No, I just don't think this Tribunal's exempt from
34 that.
35 Q And you are aware that Kim Nixon is a woman, legally
36 speaking?
37 MS. GRAY: I'm going to object to that, Madam Chair, because
38 I think it suggests a legal conclusion.
39 ms. findlay: I'll rephrase.
40 Q You're aware, aren't you, that Ms. Nixon's birth
41 certificate lists her as a female?
42 A During the course of this hearing I became aware of
43 that, that's right.
44 ms. findlay: Thank you. Those are my questions.
45 MS. GRAY: Madam Chair, I have no re-examination.
46 THE CHAIRPERSON: No re-examination. Thank you, Ms.
47 Lakeman.

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

(WITNESS EXCUSED)

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4 MS. GRAY: ms. findlay had made a proposal about
5 transcripts. I'd like to seek instructions on that. I
6 wonder if we could take the afternoon adjournment now?

7 THE CHAIRPERSON: Certainly. Just a note, the excerpts from
8 the web site were not marked as an exhibit, the ones
9 that you referred to in cross-examination with Ms.
10 Lakeman.

11 ms. findlay: That was an oversight, Madam Chair.

12 THE CHAIRPERSON: All right. I thought it might be.

13 ms. findlay: Thank you for bringing that to my attention.

14 THE CHAIRPERSON: Maybe we should mark the second package -
15 - there's two ways of doing it. We can either attach
16 it to the earlier pages from the web site and refer to
17 it as the same exhibit number, or we can make it a new
18 exhibit.

19 ms. findlay: Let's make it a new exhibit just for -- and
20 perhaps we could describe it as a package of two
21 articles from the Rape Relief web site, the first being
22 "Post-modernism Harms Women" and the second being
23 "Post-modernism Marches On: Women's space under
24 continued attack."

25 THE CHAIRPERSON: That will be Exhibit 42.

26
27 EXHIBIT 41: Two articles from Rape Relief web site:
28 "Post-modernism Harms Women" and "Post-modernism
29 Marches on: Women's space under continued attack"
30

31 THE CHAIRPERSON: Ms. Lakeman, you may take a comfortable
32 chair now.

33 ms. findlay: Actually, Ms. Gray, I think we've already had
34 the afternoon adjournment.

35 THE CHAIRPERSON: You just didn't notice.

36 MS. GRAY: I just want -- I prefer to have ten minutes, if I
37 could, because I'd like Ms. Lakeman to have a chance to
38 relax from her cross-examination, plus we need
39 instructions on something I'd like to be able to think
40 about.

41 THE CHAIRPERSON: We'll take a ten-minute break then.

42 MS. GRAY: Thank you.

43
44 ---PROCEEDINGS ADJOURNED 3:20 P.M.

45
46 --- EXCERPT CONCLUDED
47

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

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I hereby certify the foregoing to
be a true and accurate transcript
of the proceedings herein,
transcribed from audio tape to the
best of my skill and ability.

Sandra J. Van Horne, BCSRA #258
Official Reporter

LAKEMAN, L. (for the respondent)
cross-exam (findlay)

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