

Interview Summary – Trans Activism Oral History

Interviewee name:	barbara findlay
Interviewer:	Evan Taylor
Date of Interview:	May 20, 2020

Summary:

At the beginning of the interview, barbara talks about why she became a lawyer - she had a graduate degree in Sociology, but wanted the credibility that a law degree would offer. She identifies as “an old white cisgender lesbian lawyer with disabilities raised working class and Christian on the prairies.”

Categories of gender and sexuality have been very important to her at some points in her life, but she now sees them more as categories of organizing ideas and experiences. The idea of a “lesbian lawyer” wasn’t thinkable until barbara put them together and made a new identity. She talks about sociological theories and how she started working in areas of gender and sexuality. Her first clients were female to male transsexuals, and she became connected in the trans community, including the gender clinic and the HBIQDA conference in Vancouver in 1997. At that time, Sandy Leo LaFramboise’s was working with her on a publication, and barbara recalls Sandy’s role in organizing a community advisory group to discuss trans people and the human rights code. The discussion at the time was about whether to include trans people under the area of disability or sex discrimination and the report about it was called Finding Our Place. She recalls other various advocacy and support groups at the time, and recalls the work that Stephanie Castle did in supporting a trans woman in prison, Synthia Kavanagh, which was one of barbara’s human rights cases.

Then, Evan and barbara both talk about the requirements for surgery and that the requirements for a “Real life experience” in BC have only changed in the last 10 years. She discusses Christine Burnham, who was a trans electrologist and how she set up a political action group. barbara was also part of setting up and running the December 9th Coalition between 92-2002 which worked on sexual orientation and gender identity advocacy, and which was the first group in BC to include both of those in its mandate. In 1999 she was key in getting funding to set up the first trans conference in Canada by writing a blistering letter to the court challenges program too argue for the need to focus on the inclusion of gender identity in human rights. barbara mentions the publication: Stories from the Lives of Eleven Trans People in BC as being the first one to pull together stories from trans people themselves, and not through a medical lens or context.

She questions whether taking on the prison system and the women’s movement were good strategic places to begin trans legal rights work - as an activist, she says the moral of the story is not to go after the sacred cows first. She talks about not having the right though, to turn away a trans person who needed her help just for legal strategy reasons, although this is something she felt differently about when working with lesbians and she did turn away a couple once because she didn’t think it was strategic to go after same sex marriage rights at the time.

She describes her work on the Kimberly Nixon case with Rape Relief and gives a detailed account of one of her favourite moments in her career, which was during this case when her partner, Sheila Gilhooly, was pointed out during the trial and she was able to put her on the stand. The Kimberly Nixon case went on for years, with multiple appeals and decisions, and barbara also did 6 wrongful dismissal cases along the way when Kimberly was fired from 6 different jobs each time she was fired after being outed in the newspaper. Over the course of the case, barbara and Kimberly both received a lot of aggression and hostility - and barbara recalls a particularly hurtful experience of being ostracized from the National Association of Women in the Law. She also recalls being spat on by legal academics at a LEAF conference.

barbara talks about the enormous personal costs that happen for people as part of pursuing a human rights complaint and tells the story of a 1997 case against the VPD that resulted in an obligation for policy and practice changes, but there was no oversight and the changes didn't take effect. She discusses changes in approaches to trans people and rights that have occurred in administration in BC human rights, and about social education as being key to creating changes that the law can't drive.

She then talks about having tea with Dorothy Smith. And the interview sidetracks momentarily.

Then, the conversation moves to the issue of ID as being "carry documents" and how sex and gender are dealt with on identification, the challenges that non-binary folks pose to that system, and the future of government identification tracking and documentation. After some discussion about social change, barbara talks about her recent case AB vs CD which deals with the rights of a trans teenager whose dad opposed his treatment and also had complicating elements because the father also was publicly aligning with extreme right-wing groups and speakers.

Reflecting on legal strategies and if she knew then what she knows now, barbara says that she still would've taken on the Nixon case. For her, this case was the perfect example of making change with her 3-part theory: Community engagement, Legal change, and Public education. She talks about her discussion with gay lawyer Doug Elliot during the early 90s, the importance of the Charter, and the use of the notwithstanding clause.

Her hope is that, after the COVID crisis, people will take the opportunity to begin to imagine a new type of society, based on interdependence and environmental relationality. She imagines, in the future, that gender and sex will no longer be used as signifiers, at least in the way that we know it now. She sees social media and dating sites as being a key to how this change will happen. She talks in detail about her philosophical approaches to social change and what knowledge she wants to still be around in future generations - which focuses on anti-oppression and resisting marginalization.