

IN THE FIRST-TIER TRIBUNAL  
GENERAL REGULATORY CHAMBER

Case No. CA20210013

Courtroom No. 5

PO Box 9300  
Leicester  
LE1 8DJ

Wednesday, 14<sup>th</sup> September 2022

before

TRIBUNAL JUDGE GRIFFIN  
& TRIBUNAL JUDGE NEVILLE

MERMAIDS

- v -

CHARITY COMMISSION  
& LGB ALLIANCE

MR M GIBBON KC and MR T LOVEDAY appeared on behalf of the APPELLANT  
MR I STEELE appeared on behalf of the FIRST RESPONDENT  
MS K MONAGHAN KC and MS A REINDORF appeared on behalf of the SECOND  
RESPONDENT

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WHOLE HEARING

UNOFFICIAL TRANSCRIPT AGREED AS ACCURATE BY THE PARTIES

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1 **Case called.**

2 JUDGE GRIFFIN: Before we start, can I just indicate that we received the diagram? Thank  
3 you very much for that, overnight, and I understand that Ms Reindorf will not be  
4 joining us in person today, but she is observing. Good morning, Ms Reindorf.

5 MS REINDORF: Good morning, Madam. I'm grateful. Thank you.

6 JUDGE GRIFFIN: Thank you. Can I just remind everybody that is on the link that the same  
7 rules have applied throughout this hearing continue to apply. No recording may be  
8 made in any format of these proceedings, except by the Court Service and we ask  
9 that you keep your microphones on mute and your camera switched off for the  
10 duration of this hearing, apart from Ms Reindorf who, obviously, may need to address  
11 the Tribunal. So thank you all very much for your patience and we will continue the  
12 hearing.

13 MS MONAGHAN: Madam, before we do may I just provide you with a clearer copy of the  
14 Genderbread person. I recall that we couldn't see it. I'm just reminding myself of  
15 the page number.

16 UNKNOWN COUNSEL: 1027.

17 MS MONAGHAN: 1027 which will be in volume [inaudible].

18 JUDGE GRIFFIN: Oh, okay. I think the clerk is there. We did receive it electronically but  
19 that will be helpful for our files.

20 MS REINDORF: I'm so sorry to interrupt, but I was having difficulty hearing  
21 Ms Monaghan.

22 JUDGE GRIFFIN: All right, well, we will try and move the microphones again,  
23 Ms Reindorf.

24 MS REINDORF: Thank you very much.

25 JUDGE GRIFFIN: So that we can make sure that if you need to speak- The microphone is  
26 currently pointed directly at the witness, as opposed to between Ms Monaghan and  
27 the witness.

28 MS REINDORF: Thank you, Madam.

29 JUDGE GRIFFIN: I think, Ms Monaghan, if you need to speak, it will be Court of Appeal  
30 voice and then, hopefully, we will all hear what you say. Mr Gibbon?

31 **Ms Beverley Jackson previously sworn.**

32 EVIDENCE OF MS JACKSON (CONT'D.)

33 Cross-examination by MR GIBBON KC (Cont'd.)

34 MR GIBBON: Thank you, Madam. One preliminary matter is that I've just realised that  
35 Ms Monaghan's box is between me and the witness and that might be disconcerting

1 for Ms Jackson, but if Ms Jackson is happy, I am certainly not going to ask to-

2 A. I can see you now, Mr Gibbon, thank you. It was only the blue file. Thank you.

3 MR GIBBON: I think that works but if it doesn't, at any stage, please say.

4 A. Thank you.

5 JUDGE GRIFFIN: Put it behind, I think. Thank you. That looked heavy.

6 MR GIBBON: Good morning, Ms Jackson.

7 A. Good morning, Mr Gibbon.

8 Q. I'd like to pick up on a new topic following on from yesterday and that's in respect

9 of gender dysphoria. You've said and you can turn it up if you'd like, I won't need

10 to spend long on the particular page, but you've said at page 177, paragraph 50, that,

11 'We are of the view that there are no objective criteria for diagnosing gender

12 dysphoria because the diagnosis is based entirely on the individual's own account'.

13 A. Yes.

14 Q. And that's your view.

15 A. It is, indeed.

16 Q. Now, obviously, you're not a medical doctor, are you?

17 A. No, not at all.

18 Q. And I'm picking this up in the context of the GRA because that, of course, does

19 include a reference to gender dysphoria, doesn't it?

20 A. Yes.

21 Q. And it defines it at section 25, and I don't think we've got all the papers here, but the

22 disorder variously referred to is gender dysphoria and gender identity disorder and

23 transsexualism. Where-? And this is just to check your understanding, again, rather

24 than to cross-examine you on the law, where GRA applications are made, they go to

25 a panel and one of the things the panel must be satisfied of is that the applicant has,

26 or has had gender dysphoria, and as Ms Monaghan put it in her cross-examination

27 earlier in the week, this is proved by amongst other requirements, a report made by

28 a registered medical practitioner or a registered psychologist practising in that field

29 and including details of the diagnosis. So, as you will know, the legislation not only

30 assumes that such diagnosis must be possible but, indeed, that every GRC which has

31 ever been issued has been on the basis of such a diagnosis, that's correct, isn't it?

32 A. Yes. Yes. I believe only about 5,000, 6,000 have been issued.

33 Q. And- And this is in your statement, if we turn to paragraph 119, which is on page

34 199, and you start the paragraph by saying, 'Gender dysphoria is considered a

35 medical condition by all leading medical organisations', and in this context, this part

1 of your statement, you're campaigning to keep the medical diagnosis requirement,  
2 but there's a slight tension that I just wanted to explore there with you, you're not  
3 trying to suggest it's quackery, it's that you disagree with it as a concept because you  
4 don't think it's capable of definition?

5 A. I think it's very difficult and, obviously, as you say, I'm not a medical doctor and so  
6 I have had to ask doctors and they- I've heard several doctors tell me that it is not  
7 possible to tell the difference between two children, and my concern here is with  
8 children, because that is the issue that concerns me most, that two children, both of  
9 whom may be utterly persuaded of their particular disorder at that time and able to  
10 express it in the same way, they may have very different outcomes and it isn't  
11 possible for the doctor to tell with certainty but, still, this does certainly create a  
12 barrier of some kind, and removing it all together strikes me as really quite  
13 irresponsible.

14 Q. So, is it your view that GRA is too permissive in having a barrier which you think is  
15 difficult to understand, is that what-? Is that part of your consideration?

16 A. What do you mean by too permissive?

17 Q. Well, in the sense that it's reliant on, as you put it, something for which there are no  
18 objective criteria.

19 A. Well, it's better than nothing. I think there are certainly with adults, an adult living  
20 with extreme distress with his or her sexed body will be able to express that in such  
21 a way as to obtain medical treatment. It is clear to me that if somebody needs, or  
22 wants, medical treatment that there is a medical condition. I don't understand that  
23 you could have- Need medical treatment if you don't have a medical condition, so-

24 Q. So- So that I can be clear, you're questioning whether there can be objective criteria  
25 for this condition, but you'd rather it be there, than nothing be there?

26 A. Yes. Yes. Indeed.

27 Q. I'd like to move on to what you said about the formation of LGB Alliance. You have  
28 mentioned, and this is page 168, you've mentioned at 17 and 18, in particular, on  
29 page 168 the background to the meeting, as you put it, on 22 October at which  
30 LGB Alliance was formed. You've mentioned in paragraph 18, drafting a  
31 provisional statement, that's a mission statement, or the like, is it?

32 A. Yes. Yes.

33 Q. And that was then discussed at the meeting, was it?

34 A. Yes, and many people took part in that and gave their opinions, and it was  
35 subsequently amended several times.

1 Q. So, in a sense, it was to be clear what everybody was signing up to right at the start  
2 or expressing their support of?

3 A. I think signing up to sounds too formal-

4 Q. Yes-

5 A. But certainly asserting their broad agreement with.

6 Q. To achieve a measure of clarity-

7 A. Yes. Yes. Quite.

8 Q. As to what was discussed. Now you also said you'd spent many hours on social  
9 media identifying those who clearly shared our concerns about the erasure of sex.  
10 Tell me if this is correct. You wanted to be gathering those who held what we can  
11 describe in shorthand as gender critical views?

12 A. Yes, I think-

13 Q. Erasure of sex seems to be-

14 A. Yes, I think that's fair to say, yes.

15 Q. A shorthand for that. Now each person, I take it from this, was contacted individually  
16 to explain your views and what was being planned, is that correct?

17 A. Not so much to explain our views, but to ask whether the person concerned, because  
18 my views were already quite clear, I think, whether they were interested in coming  
19 to a meeting to discuss these further.

20 Q. So let's put in a slightly different way based on what you've told me. What-? You  
21 were clear in your own mind what your views were-

22 A. Yes.

23 Q. And you were looking to see if they took, broadly, the same view.

24 A. Well, I identified people who expressed similar views and contacted them  
25 individually.

26 Q. So, in a sense it goes further, you've got a pretty good idea-

27 A. Yes.

28 Q. A phone call confirms whether, perhaps, very unlikely, you've made a mistake on  
29 that, but also to see if they want to go to a meeting which is the next-

30 A. Yes.

31 Q. The next step and we don't have, and this is no criticism, we don't have particular  
32 examples of emails, for instance, on an anonymised basis, but was that by email,  
33 phone, for those discussions?

34 A. I personally phoned, I think, every person individually having first sent a DM  
35 message. The thing is the meeting was surrounded by a certain amount of secrecy.

1 We asked each person not to disclose the meeting, because we were aware that we  
2 would encounter opposition and we didn't want this opposition to be encouraged  
3 beforehand, so it was quite a secret event, it was not revealed.

4 Q. Ms Harris, in a speech on 28 January 2020, at a Scottish launch event, said that she  
5 and you contacted, 'Anybody we thought was really stropky on Twitter. We decided  
6 to contact everybody across the spectrum that became known as gender critical'.  
7 Presumably, you don't disagree with that-?

8 A. Certainly not.

9 Q. Characterisation?

10 A. Not my words, but-

11 Q. So not your words, but it's- It rings a bell.

12 A. Yes. Yes. Absolutely.

13 Q. So, again, recognising it's, perhaps, not your word, but you wanted to do is to get  
14 together really stropky people on Twitter to put together a gender critical institution.

15 A. No. We wanted to contact other LGB people who agreed with our view that  
16 homosexuality was being redefined in a way that we found offensive and that we  
17 wished to form an LGB group that insisted on the actual definition of sexual  
18 orientation instead of redefining it as gender identity. So I don't think that- That  
19 what you're saying is correct.

20 Q. And was it, bearing in mind these are people who are, again, not your words, stropky  
21 on Twitter, was it a confrontational organisation you expected to create?

22 A. No, not at all. It was- It was a group of likeminded individuals who all shared similar  
23 concerns.

24 Q. Well, I will suggest that that's a natural inference from having a group of stropky  
25 people the intention is that the organisation will reflect that.

26 A. I'm sure that Ms Harris can clarify her own words as- What she means, I think, by  
27 'stropky' is people who, as we did, felt robustly and were willing to express robustly,  
28 because not many people are, even now, were willing to express robustly the view  
29 that sexual orientation is based on sex and not gender.

30 Q. Moving onto a related- A related subject, it's slightly earlier in the year, you've  
31 obviously said that your views were clear, you'd never hidden them. There's a Tweet  
32 I wanted to show you from June 2019 and that's in volume 2.2 at page 1148, and I  
33 think I've got the date right on this. It's a response to something from  
34 Transgender Trend about Mermaids.

35 A. Yes.

1 Q. And what you've said is, 'Big lottery funding should be suspended immediately  
2 pending the results of a proper enquiry. Action needs to be taken now and, to this  
3 end, as a matter of urgency, we call for an immediate moratorium of all scientifically  
4 questionable gender identity teaching within schools', and, objectively, it does seem  
5 that it's the views that we see there, that's the sorts of views that you were looking  
6 for on Twitter. Those were the sort of things that would be indicators of people with  
7 gender critical views.

8 A. Well that was not something that I focused on. Here, this is-

9 Q. I appreciate it's earlier in the year.

10 A. And this, of course, was several months before LGB Alliance was founded and this  
11 is about taxpayer money being used to fund what I considered to be quite a  
12 concerning development of encouraging the teaching of gender identity at schools  
13 which I understood to be linked to the ideas that Mermaids, at that moment, were  
14 promoting. I have found other statements by Mermaids 20 years ago in which they  
15 said almost the exactly the same thing as I would say, but the way Mermaids has  
16 developed recently was troubling me, and I didn't think taxpayer money should be  
17 spent on them without an enquiry as to how that taxpayer money was being used.

18 Q. So, just pausing there, obviously, you're absolutely right, this is before LGBA was  
19 founded. You had talked about a period of months leading up to that, though, so it's  
20 really in the context of the period leading up to it, slightly before the three months  
21 that you referred to, but only very slightly. So, really, the focus, for me, was to clarify  
22 is it these sorts of views that you were looking for?

23 A. No, I don't remember ever, I mean, it's difficult because there were many  
24 conversations, but I don't remember ever referring specifically to Mermaids in any  
25 of these calls. I don't- That was not my focus and-

26 Q. It's not so much Mermaids, I apologise for cutting across you, not so much  
27 Mermaids, but the views about spending, funding, for those who are involved with  
28 gender identity teaching, for instance.

29 A. No, as far as I recall, all my conversations were about the erasure of sex within the-  
30 Within the meaning of homosexuality and that the harm that that specifically- Our  
31 specific concern, my specific concern and, as you say, this is a month before the  
32 decision to cancel the meeting at LSE and then after that we decided to have our own  
33 meeting, as far as I recall, all my conversations were about our concerns about the  
34 erasure of sex and the consequences, in particular, for lesbians and young gay men  
35 who were getting confused, confusing their sexual orientation with matters of

1 identity, because these were being conflated as if LGBT was all one thing.

2 Q. While we're on the same page, and simply because we're there, I notice that below  
3 there's a much later Tweet from 6 March 2020, from Malcolm Clark, what's your  
4 understanding of his meaning when he says, 'Café Nero doesn't fund medical abuse  
5 of children'?

6 MS MONAGHAN: Can Ms Jackson speak to Mr Clark's meaning?

7 MR GIBBON: I'm asking for her understanding of his meaning, rather than what his  
8 meaning was.

9 JUDGE NEVILLE: I think you are being asked to raise your voice, as well, Mr Gibbon.

10 MR GIBBON: Sorry, the microphone may be a little bit further away than it was yesterday.  
11 I hope that is clear enough. Perhaps if Ms Reindorf can confirm, as well?

12 MS REINDORF: Yes, I can hear you very clearly. I wonder if it's the people in the room  
13 who can't hear you.

14 MS MONAGHAN: I think it's, again, the layout of the room and so on I'm being told.

15 JUDGE GRIFFIN: Can I be heard?

16 MS REINDORF: I can hear you very clearly.

17 JUDGE GRIFFIN: Good.

18 MS REINDORF: Okay.

19 A. Well, Mr Clark is here, but if I am able to- Try to interpret his meaning, I believe he  
20 was referring to the fact that Starbucks had decided to engage in some sponsorship,  
21 or promotion, of Mermaids and his view that encouraging, or advancing, the use of  
22 puberty blockers for children was a form of abuse, a form of medical abuse. That is  
23 a harsh term, but I believe that that is how he wishes to express it.

24 Q. As I say, I'm only looking for your understanding, rather than his views, he's not in  
25 the witness box, but I suggest it's an obvious innuendo about Mermaids of the sort  
26 that you have said, that they are, and it's not just a form of child abuse, they're  
27 funding medical abuse of children.

28 A. Well, given the view that Mr Clark expresses here, that giving puberty blockers to  
29 children who would otherwise grow up LGB without any need for lifelong  
30 medicalisation, with all the risks this poses, he is entitled, I think, to describe this as  
31 medical abuse. I would not necessarily use that term myself, but it does deeply  
32 trouble me.

33 Q. So the reason I ask you, obviously, is that Mr Clark was a director of LGB Alliance  
34 at the time.

35 A. Yes. Yes.



1 Q. And there's no sign that I'm aware of that LGB Alliance sought to distance itself.

2 A. No, certainly not, but we do have different ways of expressing ourselves and different  
3 views on different topics and that is, of course, entirely proper.

4 Q. So, again, to be clear, do you distance yourself from that, or you simply say that you  
5 would've expressed it differently?

6 A. I would not distance myself from it, certainly not, but I would express it slightly  
7 differently.

8 Q. If I can move on to a different topic now, but related, and that's the mission statement  
9 and I think from what you've said is that things were developed in the runup to the  
10 meeting of 22 October and then there were changes thereafter. It wasn't a static  
11 document, that is correct, isn't it?

12 A. That is correct, yes.

13 Q. And you have mentioned at paragraph 151 which is page 207 in your statement. I'm  
14 just going to tie this into the statement. 'We do, indeed, oppose the purposeful elision  
15 of sex and gender and have done quite explicitly from the start as part of our aims'.

16 A. Sorry, which paragraph are we in?

17 Q. 151, bottom of page 207.

18 A. Oh, right. Mm-hmm. Yes.

19 Q. Now, I'm just going to tie that into the statement which, I think involves going back,  
20 I'm afraid, this time to volume 2.1 and, within that, on 883.

21 THE CLERK OF THE COURT: Sorry, could you repeat that. I couldn't hear that, and also  
22 could you move closer to the mic, please?

23 JUDGE GRIFFIN: I think Mr Nuir[?]-,

24 THE CLERK: Yes.

25 JUDGE GRIFFIN: That is Mr Nuir's voice-

26 THE CLERK: Yes.

27 JUDGE GRIFFIN: And he is asking you to keep your voice up, Mr Gibbon, I think.

28 MR GIBBON: Thank you, Mr Nuir.

29 THE CLERK: Yes.

30 MR GIBBON: Page 883, is that clear enough?

31 JUDGE GRIFFIN: Yes.

32 THE CLERK: Yes.

33 JUDGE GRIFFIN: Oh, sorry.

34 JUDGE NEVILLE: I wonder if it is sometimes because of how the direction of the  
35 microphone is, so if you go off too far to the side, it does not pick you up, so-

1 MR GIBBON: Yes, it's quite close-

2 JUDGE NEVILLE: Perhaps putting it in the best place is the solution, as well volume.

3 MR GIBBON: Thank you, Sir. At page 883, we haven't got a date on this document, but I  
4 believe this is around January 2020, so an early iteration of the page which has the  
5 mission statement on it.

6 JUDGE GRIFFIN: In the top-left, Mr Gibbon, it says, 'Something slash 8/21'.

7 MR GIBBON: I think that might be a date of printing.

8 JUDGE GRIFFIN: Right.

9 **Discussion *sotto voce*.**

10 MR GIBBON: Yes. Yes. My friend, just for the record, has pointed out it says at the end,  
11 '2019'. My concern about the 2019 at the end is that might not necessarily have been  
12 updated if it was a later version, but I'm grateful for that being identified, and if we  
13 turn to the second page, now for reasons which aren't entirely clear, the first words  
14 at the start of the page are cut off, but I've found them elsewhere in the bundle and  
15 if I read them out. They're not controversial. One starts, 'To advance the interests  
16 of lesbians, gay men and bisexuals at a time when we are under threat from concerted  
17 attempts to introduce-', etc, as you see the words on the page and so I'm just picking  
18 up those words there, 'concerted attempts to introduce confusion between biological  
19 sex and the notion of gender', and pausing there, that, if I can use the phrase, that's  
20 a gender critical issue, isn't it, that is the central, part of the central gender critical  
21 issues?

22 A. Yes, I think that's fair to say.

23 Q. And the context here is what you've said in your statement, as I've said as well, about  
24 the purposeful elision of sex and gender and what I'm saying is that, really, right  
25 from the start, which is a process, it's a process in which a company gets  
26 incorporated, but it's a process that really gets its proper lift off on 22 October, isn't  
27 it, and that's what people are signing up to or, sorry, not signing physically up to, but  
28 what they've indicated their support of at the start?

29 A. Yes, they're broadly supportive of the view that the- The correct definition of  
30 homosexuality needs to be protected from attempts to redefine it.

31 Q. And, similarly, in the third numbered paragraph, the reference there to unscientific  
32 gender doctrines and, again, that's part of the- It's part of the view from the start,  
33 isn't it?

34 A. Yes, indeed, because the view that everyone has a gender identity is not a view that  
35 we share and it is- In fact, we don't have a gender, I don't have a gender identity,

1 and I object to being told that I do.

2 Q. And, I mean, put from a slightly different direction, this was known by all the people  
3 who attended the meeting on 22 October and supported by them.

4 A. I imagine so.

5 Q. I'm going to move to the articles shortly, but just before I do that, there's one further  
6 point in relation to something we discussed yesterday and it's touched on in the  
7 decision, which I don't think we need look at, but at the time of the application to  
8 register the charity, the Commission received complaints and raised queries about  
9 your social media policy. Can you recall that?

10 A. Sorry?

11 Q. You recall that?

12 A. Yes, I do.

13 Q. And in response a social media strategy was adopted, and we find that at volume 2.1,  
14 page 869.

15 A. Page 8-?

16 Q. 69, and this isn't the start of it, I just wanted to pick up one thing because it related  
17 to yesterday. The top of that page, just at the appendix framework for types of Tweets  
18 and shared workload, under the 'nevers', the second line, 'Trans. Do not use the  
19 word trans, transgender, trans rights, or similar unless absolutely necessary. Refer  
20 instead to gender identity, gender ideology, gender dysphoria and only when making  
21 specific reference to how it relates to LGB people/issues', and I don't think you  
22 disagree with that, that-

23 A. No, I think that's- I totally agree with that.

24 Q. So, on the basis of that, we can see that it's to avoid direct references to people who  
25 would describe themselves as trans, even when that's what's being actually  
26 discussed.

27 A. No, I don't agree. It's not about people, and that is the problem, that whenever we  
28 discuss the issue of the gender identity, many people mistakenly think that we are  
29 discussing individuals who define as transgender and, therefore, we wish to avoid  
30 that, because we're not talking about individuals. We're talking about a belief system  
31 that everyone has a gender identity, and that sexual orientation is based on that. That  
32 is a view that we dispute, that we oppose, and it isn't about transgender people.

33 Q. So would you accept that your social media policy is advising LGBA's Tweeting  
34 representatives to use gender identity as synonyms, or euphemisms, for support for  
35 that belief system?

1 A. I totally reject the word euphemism. This is what it is about. Gender identity is the  
2 heart of our concern. It isn't a euphemism for anything else. It isn't a deceptive  
3 device to avoid talking about what we're really talking about. We really are talking  
4 about gender identity.

5 Q. And let me be clear, in using the word euphemism, I'm not suggesting deception.  
6 It's not a word that necessarily carries that connotation, I hope, but we could take it  
7 out from my question and simply say, a synonym for that belief system, which will  
8 be held by a majority, the vast majority of trans people who self-identify as trans.

9 A. I'm not sure what your question is.

10 Q. Well, do you accept that your social media policy is advising LGBA's Tweeting  
11 representatives, and I don't know who those are, to use gender identity as synonyms  
12 for support for that belief system, as you described it?

13 A. I'm sorry your question sounds a bit tautological. I don't really understand what  
14 you're asking me. When we discussed gender identity, we use the words gender  
15 identity.

16 Q. Obviously I've put the point, and I understand-

17 A. I'm sorry, maybe it's my fault-

18 Q. No-

19 A. I'm not understanding what you're asking me.

20 Q. No, no, it may be an illustration of the difficulties of language in this area, because  
21 I've suggested that this is a consequence of what one sees in the policy about this  
22 prohibition, it almost amounts to prohibition, 'Do not use the words trans etc., refer  
23 instead to gender identity, gender ideology, gender dysphoria', and I put to one side  
24 euphemism because that sounded to you as if it might have a suggestion of deception,  
25 and I'm not putting that to you, I'm putting that's it's the synonym for trans people,  
26 trans peoples' beliefs etc., for the reasons-

27 A. No, I don't- I don't think it's- It isn't about trans people, many of whom agree with  
28 us, although very few are willing to say so.

29 Q. If I can pause there. I know we discussed this yesterday.

30 A. Yes.

31 Q. I put it to you, based on the evidence we've heard from others, that it- It's a small  
32 minority, definitely a minority, you could agree, of trans people who would agree  
33 with your views.

34 A. Well, as you said yesterday, we haven't had any polling on this, and these matters  
35 need to be researched.

1 Q. And, perhaps, I'll put it this way, there's no evidence you can point to as to the level  
2 of support you have?

3 A. That's true.

4 Q. Now we can have this in front of us, but I don't think I'm going to go through the  
5 detail particularly. The same volume, page 936, there is a citation from the objects  
6 clause of LGB Alliance. Now, obviously, this is asking about a negative, but there's  
7 no explicit mention there of gender critical or biological sex, or same sex attraction,  
8 is there?

9 A. Well, I would disagree, same sex- On the grounds of sexual orientation.

10 Q. But, as I say, on the face of it, we're looking for those particular words, at the  
11 moment, but the words are just what they are, and I'm going to explore with you how  
12 one gets to the next stage of your understanding in relation to what those words are,  
13 okay? So, just so it's clear, one doesn't see gender critical, or biological sex in terms.

14 A. Okay.

15 Q. And there is no suggestion, on the face of the document, that the words you have  
16 used have any particular definition, legal, or otherwise.

17 A. I would disagree with that.

18 Q. I understand that, and so you say, to you, it's clear what they mean.

19 A. Yes.

20 Q. But there's no reference to any specific definition, for the avoidance of doubt, being  
21 incorporated?

22 A. There is- There is no explicit reference to those things because it was not thought  
23 necessary, it was thought obvious.

24 Q. And you've made it clear, Ms Jackson, clearly, that how you understand it is  
25 absolutely clear, biological sex is binary and immutable.

26 A. Yes.

27 Q. And that's in your statement, we discussed that yesterday but, in practice, it is a  
28 commonplace that people, I suggest a lot of people, use sex and gender  
29 interchangeably.

30 A. Yes, and as you will have read in my statement, I have explained why that is a  
31 problem. It used to be very common in terms like the gender pay gap and, so on, to  
32 use sex and gender interchangeably and then gender became used by feminists as a  
33 system of oppression, of forcing people, boys into specific roles, and girls into  
34 specific roles and, laterally gender has been used in a new way as some inner sense  
35 of what one is, in terms of masculinity and femininity. Now, that is problematic and

1 it certainly should not be confused with sex and that's why I tried to clarify the terms  
2 at the beginning of my statement because of this problematic confusion between sex  
3 and gender and, in fact, you quite often come across sex/gender in ways that are  
4 extremely confusing.

5 Q. Which, I think, confirms what you've already said is that you recognise that other  
6 people use language more loosely, or differently.

7 A. And, in my view, incorrectly.

8 Q. Now, you've also said in your statement, and I don't think we need to turn it up, is  
9 that you oppose the notion of trans lesbians.

10 A. Yes, certainly.

11 Q. But, again, other people, and Mr Roberts, of course, himself, is an example may use  
12 the word 'lesbian' differently. You recognise they do.

13 A. Yes, but that is precisely a definition with which I profoundly disagree.

14 Q. Now, two things arising from that. You're absolutely clear, and I don't suggest  
15 otherwise, about how you consider language should be used but it's not- It's not for  
16 you to police how other people use language, is it?

17 A. No, and there are many organisations representing the people that you're referring to  
18 who have a different use of language, and they are pursuing their aims, and we pursue  
19 different aims, and I'm not suggesting that everyone should agree with us. That  
20 would be dictatorial.

21 Q. And, following that thought through, then, what LGBA- LGB Alliance's articles  
22 mean when they refer to sexual orientation and lesbian clearly means one thing to  
23 you, but you recognise it may mean something different to somebody else.

24 A. It is my understanding that this is the legal definition, but I'm not qualified to say  
25 that.

26 Q. As I say, I'm not cross-examining you about the law. I'll try and avoid giving the  
27 impression I am. Regardless of sexual orientation, let's think about discrimination,  
28 for the moment. LGB Alliance's articles refer to discrimination on grounds of sexual  
29 orientation and abuses of human rights, and I think it's the case that you believe that  
30 gay people, if I can use that as a shorthand, face discrimination as a result of the  
31 spreading of the idea of gender identity.

32 A. As a result of imposing the belief that everyone has a gender identity and that that is  
33 the basis of sexual orientation, because it suggests that a gay man should be open to  
34 having sex with a female person, who self-defines as a gay man. Many gay men will  
35 find that an offensive idea. That is a discriminatory idea against gay men, as I

1 understand the meaning of gay men, and I do believe that most gay men would agree  
2 with that, maybe not openly, as I've said before.

3 Q. And, on the question of, again, discrimination, it's right, I understand, that you  
4 believe that what is called the gender identity lobby, or some, at least, of the gender  
5 identity lobby is engaged in transing the gay away.

6 A. I don't- That sounds as if there's a specific campaign to trans the gay away, and I  
7 don't believe that that is- I don't think anyone is deliberately doing that. That is not  
8 what I believe. What I believe is that by imposing the belief system that everyone  
9 has a gender identity, that- And this is one thing we haven't discussed yet is the  
10 enormous influence of social media, of YouTube videos promoting this idea in which  
11 millions of young people go to YouTube and see, 'If you think you're trans, you  
12 probably are', and this is causing quite a lot of confusion, in particular, among  
13 teenagers who are concerned with matters and may be confusing sexual orientation  
14 with gender identity because, at the moment, gender identity is being promoted and,  
15 quite often, these are isolated young people who feel like misfits and they are  
16 promised a lovely, happy family. I'm sorry, I'm talking too much.

17 Q. No, I don't want to interrupt your answers. It's very important you say what you  
18 want in response to the questions I put. As long as they're answers to the questions.  
19 Does LGBTQA believe that transgender conversion is the greatest risk to young LGBTQ  
20 people today? Do you agree with that view?

21 A. In some countries it is. In other countries, it certainly isn't, in Uganda or in many  
22 other countries, there are far worse risks than that, but within this country, at the  
23 moment, I do think that this is true, yes and, as I say, it's not a deliberate attempt by  
24 anyone, not by Mermaids, or by anyone else, to trans the gay away. It is a kind of-  
25 It's a climate of opinion in which many things are combining, online pressure, peer  
26 pressure and medical establishment that has been influenced by activists to impose  
27 this belief system, that is causing some young people to confuse sexual orientation  
28 and gender identity and, obviously, I'm not making this up. I have heard this from  
29 many detransitioners, women in their 20s, who tell me that that is what happened to  
30 them.

31 Q. It's not a subject we're going to spend any great deal of time on. One of the  
32 difficulties about detransitioners is that the information base as to what we're talking  
33 about is very limited, isn't it?

34 A. Well, the information based on the present cohort starting, say, about 2014, or slightly  
35 earlier than that, which is mostly teenage girls, we have very, very limited figures on.

1 I did point you to a couple of- Recent studies which suggest that detransition rates  
2 among that new cohort are quite high, but we need much more research. We need  
3 long-term follow ups of people so that we have better- A better idea of what's going  
4 on and that is one of the things that Hilary Cass has advocated, longitudinal studies,  
5 which haven't been done to date.

6 Q. I think it's fair to say that everybody is agreed that more study would be helpful.

7 A. Absolutely.

8 Q. Now, returning to the articles, bearing in mind what you've been telling me over the  
9 last 10 minutes, or so, do you agree that the reference to discrimination and abuse of  
10 human rights, in your intentions when setting up LGB Alliance is, in part, a reference  
11 to the shared belief that LGB people face, can face discrimination and abuse at the  
12 hands of gender activists?

13 A. Yes, as we've seen very clearly recently at Pride events in which lesbians expressing  
14 their sexual orientation were actually ejected instead of the people who were  
15 attacking them.

16 Q. And returning, if we may, to your statement. This is page 175, when I've asked this  
17 question, I'm afraid I'm going to have to reboot my iPad, it's going to be too early  
18 for a break, possibly, but it'll just take a couple of minutes, but I'll just ask this  
19 question. You say at page 175, I might be able to get there, yes, paragraph 41, 'It's  
20 an important part of our charitable objects to educate the public on the importance of  
21 biological sex to upholding LGB rights', now, obviously, that is your view.

22 A. Yes.

23 Q. And, again, I suggest to you that can't be discerned on the face of the articles of  
24 association, can it?

25 A. Well, I think we had some disagreement there.

26 Q. Yes, but it depends on an understanding of, if you like, the vocabulary being used in  
27 a way that you understand to be correct, the way you consider to be correct.

28 A. Well, in the same way that I understand this is a table, but-

29 Q. I think the difference is everybody would agree that the table is the table, or  
30 everybody, barring a small group of people who can be ignored for this purpose,  
31 whereas one has seen, in this case, and the evidence and, also, the wider discussions  
32 in society, the questions like what sex means and what gender means are much more  
33 plural.

34 A. I don't agree that there is any sensible agreement that sex is more plural. Humans  
35 are sexually dimorphic, and I don't know what gender means because it doesn't- It's



1 a term that other people use in different ways.

2 Q. I'm going to have to pause, Ms Jackson, because my computer is playing up. It  
3 should be fine when I've rebooted it.

4 JUDGE GRIFFIN: Shall we take a very short break whilst you do that.

5 MR GIBBON: No more than five minutes. Thank you.

6 JUDGE GRIFFIN: We will come back at 11am.

7 MR GIBBON: Thank you, Madam, I apologise.

8 **Court rises.**

9 **Court resumes.**

10 EVIDENCE OF MS JACKSON (CONT'D.)

11 Cross-examination by MR GIBBON KC (Cont'd.)

12 Q. -on to 2.1.6 on the following page. Again, just reading from the first sentence, 'If  
13 the concept of biological sex is wholly replaced by the concept of gender, which is  
14 subjective to the individual, then homosexuality which is set out above is that same  
15 sex attraction is undermined and the specific challenges faced by LGB people cannot  
16 be understood by the public and, potentially, even by LGB people themselves'. So,  
17 pausing there, those underlying sentiments can't be discerned from the face of your  
18 articles of association, albeit, you've said, 'Well, on my understanding of the word,  
19 that's what we intend'. It's not on the face of the document.

20 A. Well, this is a longer exposition, isn't it?

21 Q. Well, I'd like to say it's in particular the passage at 2.14, 'Approaches its charitable  
22 purposes from the position of that', so it's an explanation, it provides a sort of  
23 dictionary, if you like, for what you mean in your articles.

24 A. Homosexuality as same sex attraction is something that is understood around the  
25 world and, indeed, 69 countries criminalise it on the basis that sex between people of  
26 the same sex is immoral, or whatever reasons they have for prohibiting it. We should  
27 not cloud that definition by introducing words which make it difficult to understand  
28 what homosexuality is.

29 Q. And in educating and this is a phrase that appears in the application for charitable  
30 status. In fact, I ought to show it to you, rather than discuss it in the abstract. It's  
31 within the same volume at 944. Well, you have got a heading there, if you have got  
32 the page, 'What are the benefits of the organisation's purposes?', and in the third  
33 paragraph, I'm looking at the second sentence, 'In educating the public about human  
34 rights and equality issues relating to the LGB community, LGB Alliance's position  
35 will be there are only two sexes and gender is a social construct and this perspective

- 1 should form part of the discussion about these issues'. So, again, for reasons you've  
2 discussed, LGB Alliance in educating, its aim is to put forward, to use the shorthand,  
3 the gender critical view is that sex is immutable, that's correct, isn't it?
- 4 A. Yes, but- Yes, all right.
- 5 Q. But that's the reason for its creation, it's not going to be saying, 'Well, you've got  
6 the choice of the gender view, and you've got the choice of the gender critical view,  
7 we're going to stand back from that', that's the antithesis of what you're doing, that  
8 you're saying, 'The gender identity view is wrong'.
- 9 A. Just as all the organisations which we refer to, which I refer to in my statement as the  
10 gender identity lobby, believe and advocate their own position. We advocate a  
11 different position and I believe that charities can advance different points of view  
12 and, indeed, opposing points of view.
- 13 Q. The reason I'm exploring this with you is that I suggest that this a central feature of  
14 what you're doing when you educate, to use the phrase here, when you educate, it's  
15 only to put forward a particular view and that's central to what LGB Alliance is for.
- 16 A. No, what's central to LGB Alliance is protecting and promoting the rights of LGB  
17 people and we define that on the basis of sex rather than gender. That is the central,  
18 that is the core purpose.
- 19 Q. And I suspect we're not far apart on this, I say that this inextricably linked, therefore,  
20 for the reasons that we've been exploring with a hostility to the gender lobby  
21 approach to the world if I can, again, use a phrase from LGB Alliance.
- 22 A. Well, the hostility, to be frank, is more from the other side, but we certainly oppose  
23 the imposition of a belief system on society. That is what we oppose and we oppose  
24 it because it is confusing young people and we hear, you know, really quite sad  
25 accounts of lesbians who feel- Who are told to feel guilty because they didn't feel  
26 attracted to someone with a penis because they have heard the gender identity version  
27 of sexuality and we are- We would wish that young lesbian not to feel guilty and to  
28 understand it's perfectly fine to be only attracted to other females. That is the view  
29 that we promote and, in that way, we're promoting the human rights of people who  
30 are- Whose sexual orientation is towards others of the same sex.
- 31 Q. And it would be antithetical to LGB Alliance's purposes to appoint somebody as a  
32 director, trustee, who believes in what you call gender ideology.
- 33 A. Gender identity ideology, I think, is the term that I use-
- 34 Q. Yes, I apologise.
- 35 A. Yes, I don't think that that would be very helpful, any more than any of the

1 organisations that I have named would be likely to appoint someone who takes my  
2 view as one of their directors. We do occupy different points of view here, which  
3 must be permissible in our society and, indeed, you have charities that are so called  
4 prolife and other charities that are- That promote abortion rights who profoundly  
5 disagree with each other, and this must be possible in our country.

6 Q. The exploration in this case is clearly not in the context of what's possible or  
7 impossible, but what is a charity or what is not a charity, so it's no part, just to be  
8 clear, it's no part of Mermaids' case that we should be exploring any other issues,  
9 it's just should LGB Alliance, which does exist, and does have the stated views,  
10 should it be a charity on the charity register?

11 A. Yes, I understand, and it's obviously my view that it should, and is rightly, it was  
12 rightly registered as such.

13 Q. You referred to hostility. I don't plan to go into a wider debate about who said what  
14 when. I want to focus on particular items of correspondence or Tweets, in particular,  
15 and focus on the position vis a vis Mermaids, in particular, my client. You've said  
16 in relation to this, you needn't turn it up, but it's at paragraph 33 of your statement.  
17 'I take the view that it's up to the public to listen to the views presented in good faith  
18 by different organisations and to judge them on the basis of factual evidence', and do  
19 you recall saying that?

20 A. Yes, absolutely.

21 Q. And that doesn't mean that one view can or should be cancelled or denied the same  
22 treatment under the law as a charity, i.e., the charity there being Mermaids.

23 A. Quite.

24 Q. Now, I suggest, again, tying in with my last point, that betrays this as, if I can use the  
25 inverted commas, a "cancel culture" issue but, again, that's not the point. The point  
26 is whether LGB Alliance meets the test for charity status and I'm exploring the  
27 subject of what's been said about Mermaids in that context. So it's a narrower field,  
28 and it's not a- It's not a cancel culture set of questions if I can put it that way. Now,  
29 you've said that LGB Alliance, this is paragraph 36 of your statement, is in an entirely  
30 different space to Mermaids.

31 A. Yes.

32 Q. And I suggest that that doesn't- That doesn't fully make sense, because if that was  
33 the case, why-? Why would LGB Alliance attack the work of Mermaids if it was  
34 irrelevant to your mission, or am I misunderstanding what you mean by the phrase  
35 'in an entirely different space'?

1 A. Yes, I think so and, perhaps, obviously, we are concerned with sexual orientation and  
2 Mermaids, as is clear from its own charitable objects, is concerned with questions of  
3 gender identity. Now, we believe that those are separate subjects, and that they are  
4 sometimes confused.

5 Q. So, if I can put it this way, perhaps in your explanation there, you've got they're in  
6 an entirely different space in terms of their approaches and their views but, of course,  
7 they do occupy the same contested space, perhaps I can put it this way, as to what  
8 the correct view is. Is it a gender inclusive view, to use a phrase I think my clients  
9 would use, or should it be a gender critical view?

10 A. Yes, obviously, I don't- I object to the term 'gender inclusive', because I don't know-  
11 I don't think that's very clearly defined. Sorry, what was your question?

12 Q. No, I was really trying to clarify what was meant by LGB Alliance is in an entirely  
13 different space to Mermaids-

14 A. Yes.

15 Q. You've said how you understand that. I've put it to you that in a different sense  
16 they're in entirely the same contested space.

17 A. I think approaches are very different. I'm sure that many of maybe most of the people  
18 working with Mermaids are trying, are pursuing utterly well-meaning activities that  
19 are trying to do- To help young people. I do not believe that Mermaids is, in any  
20 sense, a malevolent force, but we have differences of opinion. Our views are about  
21 sexual orientation. Theirs are about gender identity and those are the differences  
22 between us.

23 Q. Now, Dr Bell has referred, I'm not quoting precise words, but you'll understand the  
24 sentiment that she expressed, to the fact that LGB Alliance have spread  
25 misinformation about Mermaids and its work and has encouraged organisations not  
26 to support or work with Mermaids, that's correct, or do you deny that?

27 A. I don't know what she's referring to there.

28 Q. Can we have a look at a Tweet which is in volume 2.2 at page 1136? If you've got  
29 that page?

30 A. Yes.

31 Q. And you'll see there it's a Tweet by LGB Alliance dated 5 May 2020. 'Many  
32 groups/programmes are involved in the gender propaganda targeting children.  
33 Stonewall, Mermaids, etc. There is profound homophobia at the heart of gender  
34 identity theory'. Now, again, this isn't, I would say, education. This is a- This is a  
35 lobbying agenda, I'll use that word, to put such arguments and to put them

1 provocatively.

2 A. It is a provocative Tweet. I agree with that. It's also a long time before our  
3 registration as a charity but perhaps that's not relevant.

4 Q. I think, for these purposes, I'm going to ask questions to extent questions of relevance  
5 arise, they arise at a later stage, unless something is clearly irrelevant. Can I also  
6 show you the following page? I apologise, 1149. So here, if I've got the sequence  
7 right, one sees, at the top of the page, following some mention of Mermaids,  
8 'Excellent thread', this is LGB Alliance, 'time to review the Lottery funding of a  
9 group which actively promotes transitioning of children under 18?', and again, that's  
10 a challenge to Mermaids, it's a- It's a statement they deny, isn't it, actively  
11 promoting transitioning of children?

12 A. Well, it's a question of interpretation, I think.

13 Q. So are you saying that this was not a challenge to Mermaids and its funding, it's done  
14 promoting transitioning of children under 18?

15 A. It clearly is about a challenge to the- A use of taxpayer money for a charity which is  
16 promoting the availability of puberty blockers to children on a very, very slim  
17 evidence base which we believe to be harmful.

18 Q. That's a very long answer to something which is briefly- And, again, provocatively  
19 expressed.

20 A. Yes, Twitter only allows for short bursts-

21 Q. But it could- It could be longer and the way- The way it's expressed, I suggest, is  
22 actively hostile to Mermaids and it characterises them in a hostile way. It doesn't say,  
23 'A charity which exists to assist children with feelings of gender dysphoria', it says 'actively  
24 promotes transitioning of children under 18 ', which my clients would simply deny, it's  
25 simply incorrect.

26 A. As I say, I think that's a question of interpretation.

27 Q. So- So you see nothing to be concerned about in that Tweet?

28 A. I can see that it's a challenge.

29 Q. A challenge in what sense?

30 A. A challenge to taxpayer money being used to fund Mermaids in this context of the  
31 availability of puberty blockers. Perhaps I should explain that puberty blockers are  
32 often described as reversible and harmless and I do not believe that either of those  
33 things are true and the vast majority of children who have- Who take puberty  
34 blockers go on to take cross sex hormones, which are certainly irreversible, and that  
35 is what, I suppose, I'm- That can be referred to as transitioning, it is putting children

1 on a medical pathway which leads to lifelong medicalisation.

2 Q. Obviously, you've heard Dr Bell's evidence yesterday. You're not a medical expert.

3 A. No.

4 Q. And, perhaps, I can cut this short by saying she plainly would disagree with you and  
5 there is further research, everybody is agreed, that would need to be done.

6 A. I think that the Cass report makes it very clear.

7 Q. Let's- I'm focusing here on challenges to Mermaids, to use your word. If we can go  
8 to page 1151. Now, there are a couple of things here at the top of the page, it's the  
9 second below the photograph I'm going to look at. LGB Alliance, 13 August 2020,  
10 'We hope you are taking note @Lottery\_uk, @Starbucks, and all others who pledge  
11 support to Mermaids. There is a scandal brewing here, transing away the gay is  
12 happening right now in our society and it's happening to kids'. That's accusing my  
13 clients of transing the gay away, isn't it?

14 A. It is drawing attention to the fact that children are being placed on a medical pathway  
15 without a proper evidence base and that most of those children, as Mermaids itself  
16 said, 20 years ago, would otherwise-

17 JUDGE GRIFFIN: Could you pause a minute?

18 Q. Most of those children, as Mermaids itself said 20 years ago, would otherwise-  
19 Sorry-

20 JUDGE GRIFFIN: Mr Nuir, is there a problem?

21 THE CLERK: Yes, I've just sorted that out now.

22 JUDGE GRIFFIN: Thank you very much. Apologies for the interruption.

23 A. Sorry. most of those children, if not placed on a medical pathway, would grow up  
24 LGB, as Mermaids itself say 20 years ago. I don't know why it changed its position.

25 Q. Well, to summarise, I've said it's accusing Mermaids of transing the gay away. Now,  
26 whatever you say is packed into that phrase, that is the accusation.

27 A. Everyone who is involved in promoting the administration of puberty blockers,  
28 including Mermaids, and other organisations, and online influences, and media, and  
29 politicians is, unfortunately, and I'm sure unintentionally, involved in what I believe  
30 will prove to be a medical scandal of huge proportions.

31 Q. I'm bringing you back to that particular phrase, though. It's accusing Mermaids of  
32 transing away the gay and I suggest it's accusing them of a deliberate policy to that  
33 effect.

34 A. No, I don't think it's a deliberate policy. I can't imagine that it is, but I do think that  
35 it's the result of promoting the belief that gender identity that is a universal thing and

1 that should be affirmed, and in the way of puberty blockers are given to children who  
2 may be confused about all sorts of things.

3 Q. Well, I suggest that it reads as a deliberate accusation and it's a deliberate attack on  
4 and an attempt to undermine Mermaids.

5 A. It's certainly an attempt to change policies so that children are not placed on a  
6 medical pathway and that people who are involved in doing that behave differently.

7 Q. If we can turn to page 1152 and I suggest it's consistent with what I put to you as to  
8 what was going on there, Mr Malcolm Clark, who at the time was a director-

9 A. Yes.

10 Q. Says, 'The High Court revealed that Tavistock had been incompetent, careless, and  
11 downright homophobic, yet LGBT Foundation reserves its sympathy not for the  
12 victims, many of them gay, but for the monsters', is the word, 'of Mermaids, cut their  
13 funding', he says-

14 A. Yes, I obviously wouldn't use a word like that myself.

15 Q. No, but do you distance yourself from what he says, as a director of LGB Alliance?

16 A. I certainly distance myself from the word 'monsters'.

17 Q. But in terms of the attacks, he wasn't disciplined as a director, was he, for having  
18 Tweeted that?

19 A. No.

20 Q. On- On a wider canvass, looking beyond Mermaids, but to organisations that take a  
21 different view to you on transgender issues, can I ask you to turn to page 1137, and  
22 just focusing on the LGB Alliance Tweet, it says there, 'This article supports the  
23 thesis that much of the drive to medicalise gender non-conforming children, along  
24 with all the redundant jargon, is motivated by homophobia and funded by  
25 self-serving individuals, companies and organisations'. Now, pausing there, the  
26 phrase 'motivated by' suggests that they are consciously homophobic, that's correct,  
27 isn't it?

28 A. Yes.

29 Q. So- So that's characterising those who support gender non-conforming children as  
30 homophobes.

31 A. No, not at all. We support gender non-conforming children. What we don't support  
32 is medicalising them.

33 Q. And-

34 A. In fact, that is precisely the point, that gender non-conforming children do not, in the  
35 main, need to be medicalised and should not be medicalised.

1 Q. On the same page and, again, it was when Mr Clark was a director, ‘The gender  
2 identity lobby has embarked on a wholesale erasure of gay history. It’s steeped in  
3 homophobic contempt for gays and transexuals, for that matter, and wants to  
4 medicalise young lesbians and gays’. That- That puts more directly the point that  
5 I’ve just put to you, doesn’t it?

6 A. Yes.

7 Q. But would you distance yourself from that inflammatory language?

8 A. No, I don’t, because I remember speaking to several clinicians who used to work at  
9 the Tavistock GIDS one of whom said the experience was extraordinarily traumatic  
10 and he was not able to speak for some time afterwards and that was because of the  
11 homophobia that he encountered at the GIDS clinic and he tried, in vain, to counter  
12 it and he eventually left and he, on his exit form, he explained that one of the reasons  
13 for him leaving was the homophobia, that he found institutional homophobia at the  
14 GIDS clinic.

15 Q. At page 1147-

16 A. Sorry, could you give me that again?

17 Q. 1147 in the same bundle. I’m focusing on the use of language, I’ve got a note of the  
18 date being September 2021 but it’s not on the face of this, but what you say in a  
19 Tweet is, ‘I’m furious that rampant homophobia is leading children, especially girls,  
20 to seek and obtain hormones and surgery’. The focus I have is on the word ‘rampant’  
21 homophobia, as I suggested to you yesterday, would be found very offensive and  
22 we’ve covered that ground, but it’s the idea it’s rampant homophobia which, I  
23 suggest, again, is deliberately inflammatory.

24 A. Yes, I think this is a big problem.

25 Q. And if I can you to turn to page 921.

26 JUDGE GRIFFIN: It is in the other bundle, I think, is it not?

27 MR GIBBON: Ah, I apologise, yes. 921, I originally marked it up- Now I believe this is  
28 in relation to Stonewall and I should make that clear that this is 5 January 2021, at  
29 the top of the page, ‘It is time to stop spending public money in support of a lobby  
30 group whose sole purpose is to promote the damaging myths of gender identity  
31 theory’, and the point I’m making here is that this is a deliberately confrontational  
32 approach, isn’t it?

33 A. Yes.

34 Q. And, again, I suggest that’s consistent with a central purpose of LGBA being attacks  
35 on institutions such as Stonewall and my clients in the work they do.



1 A. As a very small group of volunteers we often had to and, again, this was before our  
2 registration as a charity, express ourselves very, very forcefully in order to make our  
3 position heard.

4 Q. Well, you say it was- Sorry.

5 A. No.

6 Q. It was before your registration as a charity, well, that is correct, but it's 10 months  
7 after your application to be registered as a charity was made to the Charity  
8 Commission, isn't it?

9 A. Yes, but I mean, what I mean is that all these things that you're pointing to were  
10 available to the Charity Commission and known and understood when we were  
11 registered as a charity.

12 Q. And, of course, the issue in this hearing is whether the Charity Commission's  
13 conclusion was the correct one.

14 A. It gave a very, very, very long time and consideration to it.

15 Q. If I can ask you to turn to page 931? The date of this Tweet isn't clear. It's the  
16 second one on the page, and it says this. 'Adding the plus to LGB gives the green  
17 light to paraphilias like bestiality and more to all be part of one big happy "rainbow  
18 family". Wake up policymakers. LGB people refuse to be used in your artificial and  
19 dangerous argument that we must be all lumped together'. Now that is an unpleasant  
20 allegation to have made. Do you accept that it should not have been made?

21 A. No. This has been completely misrepresented and taken out of context. This Tweet  
22 was a Retweet of a Tweet by Allison Bailey in which she, and this is part of my  
23 statement, it's explained at length, in which she was responding to an academic  
24 article arguing at great length that bestiality should be included in the LGBTQIA+  
25 Alphabet Soup and Allison Bailey, quite rightly, expressed her horror and disgust at  
26 the notion that bestiality should be included in those letters, and we agreed with her.  
27 This is about the open ended plus. What does this plus stand for? It was rejecting  
28 an article that advocated the inclusion of bestiality in the Alphabet Soup. Now what  
29 you see here is the abuse, intentional, absolutely intentional, abuse of Twitter by  
30 those who seek to discredit us by removing its context, removing the Retweet,  
31 removing the reference to the article that was being complained about, as if we were  
32 suggesting something foul. We were not suggesting anything foul. We were  
33 objecting to something foul.

34 Q. Well, I suggest it's the opposite way round because it's taking an outlier position and  
35 amplifying it and saying, 'This is what the gender lobby leads to'. It is

1 confrontational and it is unpleasant, and it seeks to build a narrative on something  
2 that nobody in any mainstream organisation is putting forward.

3 A. Well, I disagree. This was an academic article and although it was written in 2012,  
4 it was republished in 2020, and we have seen other similar articles. This is about the  
5 open ended plus. What does it mean, this plus and what is included in the plus and  
6 what is not included? And I think it's a completely valid point to make, although it's  
7 been misrepresented here by being shorn of all its context.

8 Q. Well, I suggest it is scaremongering and putting forward the prospect that somehow  
9 this is an inevitable consequence of taking a gender inclusive approach.

10 A. As I say, I don't quite know what you mean by gender inclusive. I am referring here  
11 to the plus which is not defined.

12 Q. And I would suggest that the great length spent in your statement on the point again  
13 similarly amplifies its relevance way beyond its importance as an issue as a threat.

14 A. I think it is quite rightly pointing to the danger of adding a plus without specifying  
15 what is included, and what is not included. As we know James Cantor has repeatedly  
16 suggested that the P for paedophilia must be included in the LGBT+. There is a  
17 danger in having a plus which is not defined, plus anything, plus what? And it is a  
18 legitimate point to make about this article and other articles written by otherwise  
19 respectable academics who are advocating the inclusion of all sorts of practices under  
20 the umbrella of what I'm calling here the Alphabet Soup.

21 Q. And, similarly, I'd suggest that your mention of James Cantor is in the same vein. It  
22 is not something that is a mainstream suggestion. It's certainly not a suggestion of  
23 my client's, is it?

24 A. Well, he is an otherwise highly respected psychologist, and it is part of my interest  
25 to distance LGB, to get the gay rights movement that we are trying to reclaim from  
26 any connection with suggestions of that kind. I believe that it brings the gay rights  
27 movement into disrepute.

28 Q. Can we turn to page 894 in the same bundle?

29 JUDGE NEVILLE: Sorry, was that 894?

30 MR GIBBON: 894.

31 JUDGE NEVILLE: Thank you.

32 Q. This is a transcript, I believe, of a speech you gave. Was it the case that you had a  
33 written speech?

34 A. Yes.

35 Q. And, so, it was simply published afterwards.

- 1 A. I think so, yes.
- 2 Q. And on 895, I apologise, you say three paragraphs down, ‘What is that work? What’s  
3 our work? Right now we have four priorities. The first priority is to press pause on  
4 the Gender Recognition Reform Bill. Second, we will stop the rollout of Stonewall’s  
5 LGBT inclusive curriculum for primary schools. Third, our battle to end the rule of  
6 what we call Stonewall law and, fourth, we demand a seat at the table everywhere  
7 where decisions are made about LGB issues’, and I suggest that this demonstrates  
8 that LGB Alliance’s position is all about opposing or rolling back what you would  
9 call the gender identity lobby.
- 10 A. When we set up LGB Alliance, we were concerned about the direction of travel and  
11 in order to correct that, we needed to stop things carrying on as they were. Is that an  
12 answer to your question?
- 13 Q. Yes, I was coming to- So, stop things carrying on, that’s a positive- I avoid the word  
14 ‘positive’. That is a campaign to stop things, isn’t it?
- 15 A. To stops things going in a way we thought were disadvantageous to people with same  
16 sex sexual orientation.
- 17 Q. And that’s a- To labour that, it’s a political objective, isn’t it?
- 18 A. In pursuance of our charitable objects, which is to protect and promote the rights and  
19 interests of people with same sex sexual orientation.
- 20 Q. But I suggest, actually, it goes higher than that, because it puts it front and centre,  
21 rather than ancillary.
- 22 A. Well, I would disagree, but it’s difficult to set up all the activities that we want for  
23 LGB people until we’ve secured our position as LGB people with the definition that  
24 we need to establish, to re-establish.
- 25 Q. Looking slightly further on, on page 895, you say in the little paragraph there, ‘On  
26 top of all this, we’ve been building a brand-new organisation. Believe me, it’s  
27 detailed, boring, tiring, but it has to be done’, and then the last sentence, ‘We’re  
28 applying for charitable status and building an organisation to challenge the  
29 dominance of those who promote the damaging theory of gender identity’. That’s  
30 what LGB Alliance is for and that’s what you consider the constitution of the  
31 company is allowing you to do.
- 32 A. I think the key word there is ‘dominance’, that all the voices, at that time, involved  
33 in developing policies and activities for LGB people all subscribed to a different point  
34 of view and we were challenging that dominance, and that’s why we want a seat at  
35 the table, because our view was not being represented anywhere.

1 MR GIBBON: Thank you, Ms Jackson. I wondered whether that might be an appropriate  
2 point for a short-

3 JUDGE GRIFFIN: Yes, certainly.

4 MR GIBBON: Break?

5 JUDGE GRIFFIN: 12pm? 12pm.

6 **Court rises.**

7 **Court resumes.**

8 EVIDENCE OF MS JACKSON (CONT'D.)

9 Cross-examination by MR GIBBON KC (Cont'd.)

10 Q. Ms Jackson, I'm going to move to a new topic now which is the subject of campaigns.  
11 I don't need to ask you to turn it up, but Mr Roberts' statement, as you may  
12 remember, referred to six campaigns being on the website. I'm not, again, like  
13 Ms Monaghan, I'm not going to go through all of them, because we don't have the  
14 time for that, but I'll pick up on a few of them. The first was the end conversion  
15 therapy campaign. Can I ask you to turn in volume 2.1 to page 956, and you'll see  
16 at the head of the page #endconversationtherapy and the third bullet point, 'In  
17 particular, affirming a child is trans when they might otherwise grow up to be lesbian,  
18 gay, or bisexual is a form of conversion therapy', and in that context, I don't need to  
19 show it to you, because I'm sure you'll be aware of it, but you'll recall that  
20 Allison Bailey Tweeted in January 2022 that conversation therapy, talking about a  
21 solution to homosexuality by many within the trans movement is considered to be a  
22 solution to homosexuality. Is that a view you share?

23 A. Could you repeat that, please?

24 Q. Yes, in fact, I'll show it to you, it might be easier, rather than reading it out loud. It's  
25 1006, which I think is right at the end of one, but it may be the beginning of two.

26 JUDGE GRIFFIN: The very last page.

27 Q. The top of the page, 'We must never forget the transgenderism is considered a  
28 solution to homosexuality for many within the trans movement'.

29 A. And you're asking me if I agree with that?

30 Q. Do you agree with that view?

31 A. It depends what you mean by the trans movement. I think the ultimate example, of  
32 course, is in countries, most notably Iran, where, as I think we've heard before in this  
33 hearing, it is against the law. In fact, I believe there's a possible death sentence on  
34 being homosexual, but this can be escaped by undergoing sexual reassignment  
35 surgery. Now I understand that we're not in Iran-

1 Q. That's not the trans movement though, is it?

2 A. No, that's why I'm saying that there is a connection here, I believe, and others  
3 believe, that- And we have seen in, for instance, the case of the very notable case of  
4 Kai in America where the mother was horrified that the child might be gay and was  
5 extraordinarily relieved to find a solution in declaring her child a very so called  
6 effeminate young boy to be transgender. Now, if you consider that mother to be part  
7 of the trans movement then this is correct, that some very sociably conservative  
8 people are so horrified at the thought of having a gay son that they are relieved and  
9 this is found particularly in Christian, in extreme Christian circles, that  
10 homosexuality is considered such a terrible sin that it is considered an more  
11 acceptable solution, however odd that may sound to many of us, for the child to be  
12 born in the wrong body, as you know, a phrase that I think is- It shouldn't be used.  
13 So I think within that context, Allison Bailey is putting it quite boldly, but I think  
14 that's the context it should be understood.

15 Q. So my understanding of what you've said is you've referred, albeit recognising it's  
16 not directly in point, to the conservative interpretation of Islam in Iran, but that's not  
17 part of a trans movement, and you've referred to extreme Christian circles in America  
18 which plainly isn't part of the trans movement.

19 A. Well, some of it, unfortunately, yes, some of it is.

20 Q. Extreme Christians are-?

21 A. Yes, extreme Christians-

22 Q. Part of the trans movement?

23 A. Because- Because the circles within which homosexuality is believed to be sinful,  
24 in some of those circles, as I say, however odd it may sound, it is considered more  
25 acceptable, less unacceptable, for the child to be suffering from some odd mismatch  
26 between body and soul, or mind, such that the child is transgender. This is extreme,  
27 I understand, but it is the case that some parents take that view.

28 Q. But are those parents-? Again, just to explore what your understanding is. You're  
29 saying those parents are part of the trans movement?

30 A. Well, I'm saying that the trans movement is a difficult term to understand here. I  
31 wouldn't use that phrase.

32 Q. I suggest the natural meaning of many within the trans movement is Stonewall, it's  
33 Mermaids, it's operations like that, isn't that the natural meaning?

34 A. Possibly. As I say, it's not a phrase that I would use, but I've explained how I think  
35 it could be interpreted.

- 1 Q. I'll leave that there. Let's go back to 956, and I'll make it clear Ms Bailey is not  
2 LGB Alliance.
- 3 A. Correct.
- 4 Q. Though her views have, at times, been supported by LGB Alliance.
- 5 A. Yes, indeed.
- 6 Q. And she's closely connected with LGB Alliance.
- 7 A. Yes.
- 8 Q. So going back to 956 and trying to explore the views taken here, immediately after  
9 that last bullet point I read to you is #StopTransingTheGayAway. Now, Mr Roberts  
10 has given evidence to say that he's never come across an LGBT+ organisation, or an  
11 individual within one, who expresses the views even close to this, transing the gay  
12 away, as a solution to homosexuality, or anything like that. Do you accept that?
- 13 A. Yes, I'm sure that that's- That Mr Roberts was speaking the truth when he said that.
- 14 Q. And do you agree that that's the case?
- 15 A. As I said before, I do not believe that transing the gay away in this country with some  
16 possible exceptions of, as I say, fundamentalist religious people, is set about  
17 deliberately, but it is the result, the unintentional result, of promoting gender identity  
18 as imposing the belief in gender identity on society so that teenagers who are  
19 confused about something to do with their sex are led to believe by all sorts of social  
20 media, peer pressure and so forth, that there is something wrong with their gender  
21 identity and that they, therefore, need medical attention. It's the result of a climate.  
22 It's not a- Nobody- I'm not suggesting that- Certainly, I'm not suggesting that  
23 Mermaids or Stonewall are engaged in trying to get rid of gay people. That is  
24 ridiculous but I do suggest that it is the unintentional consequence of promoting a  
25 belief in universal gender identity as the basis for sexual orientation.
- 26 Q. If it's ridiculous, why does LGBA use the #StopTransingTheGayAway if, as I  
27 suggested, it implies a trans identity is being used as a solution for homosexuality.  
28 That's the clear implication.
- 29 A. Sorry? Yes, because that is what- That is what we believe that it is being used in  
30 that way, but it is unintentionally used in that way.
- 31 Q. That's not a subtlety that comes across in the hashtag, is it?
- 32 A. Well, we are very concerned with what is happening with young- With gay and  
33 lesbian teenagers and we wish them not to be medicalised and this is the best way of  
34 expressing it.
- 35 Q. And you agree that there's an implied allusion in that phrase to the concept Pray The

1 Gay Away which is an older phrase, isn't it?

2 A. I-

3 Q. Dr Bell refers to it. It's in the back of people's mind, isn't it?

4 A. It certainly isn't in the back of my mind, but I accept that it may be in the back of  
5 some other minds.

6 Q. And on the same page, just before I go to the following page, you talked here about,  
7 'We oppose any coercive or manipulative attempts to change or cure a person's  
8 sexual orientation'. I suggest that's in the same vein, isn't it? That sounds like you're  
9 combatting, active, deliberate transing the gay away.

10 A. No, this is about ending conversion therapy in the proper use of the term, that is to  
11 try and make a gay person straight and we oppose that.

12 Q. When you encourage followers to get engaged by sharing the page, this is 957, you  
13 encourage them to use the hashtags #EndConversationTherapy and  
14 #StopTransingTheGayAway, so again, that pushes a message which has none of the  
15 subtleties that you suggest, does it? It's a suggestion that that is what you're  
16 combating because there is an active transing the gay away going on.

17 A. As I said, I think this is the best way to draw attention to what we believe is going to  
18 be revealed to be a great medical scandal.

19 Q. Can I turn to page 960 now? This is one of your other campaigns, we mentioned  
20 Ms Bailey earlier, and this is #JusticeForAllison and, again, this picks up on the point  
21 about her not being LGB Alliance, but being close to it, in that first paragraph, 'She  
22 helped us set up LGB Alliance and publicised our launch with a Tweet on  
23 22 October 2019', and that's correct, isn't it?

24 A. That is correct.

25 Q. And the fundraiser is focused on her suing Stonewall to stop them policing free  
26 speech and this is the end of the second paragraph, she also sued her chambers, so  
27 LGB Alliance is engaging in this campaign as part of pushing back on Stonewall,  
28 isn't it, and organisations like it?

29 A. I would see it as a free speech campaign, as opposing the attempts by Stonewall and  
30 by her chambers to suppress her freedom of expression and freedom of expression on  
31 sex and gender is something that we promote.

32 Q. Another campaign was in relation to the consultation on the Welsh government's  
33 LGBTQ+ action plan, as you'll recall, and on that I think I simply want to show you  
34 page 966. It's the page headed 'LGB Alliance Cymru. Tell the Welsh government,  
35 "Ban the plan"'. Now I suggest it's a political campaign and a campaigning style

- 1 you have here, isn't it?
- 2 A. I'm not sure if that's correct or not. What we were concerned with here was the  
3 absence of any materials that would help young lesbians, gays and bisexuals in a plan  
4 that called itself LGBTQ+ and part of the reason for that was that we were not  
5 involved in helping to develop it and in spite of our attempts to do so. There was no-  
6 There were no materials. There were no interesting suggestions of reading materials  
7 for young lesbians or gays, and we believed that in helping young lesbians, gays, and  
8 bisexuals to feel good about themselves, which is what you might hope such a plan  
9 might include, that it was very regrettable that none of this material was there.
- 10 Q. Can we have a look at page 969, please, within that document? And what it says  
11 under three, the first substantive paragraph, 'This plan embeds an ideology which  
12 denies the reality and importance of sex and same sex attraction and, therefore, can  
13 only damage sex-based rights for lesbians, gay and bisexual people and for women.  
14 It uses insulting language, but no definition is provided throughout the plan,  
15 rendering it impossible to implement or evaluate'. The reference to ideology is  
16 clearly combative, isn't it?
- 17 A. Could I point out that this is from LGB Alliance Cymru and not from LGB Alliance  
18 that operates separately although we obviously sometimes talk to each other?
- 19 Q. What's their constitutional relationship with you?
- 20 A. It's an independent organisation which has similar aims to us.
- 21 Q. But, presumably, similar aims and the similar name, you don't disagree with what  
22 they say?
- 23 A. Well, I haven't read this. Embeds an ideology, as I say, I would use the word 'belief  
24 system' but 'ideology' is fine. 'Gender identity ideology', it imposes, or embeds  
25 gender identity ideology which denies the reality and importance of sex and same  
26 sex attraction or same sexual orientation, as I would say. Anyway, I agree with this,  
27 yes.
- 28 Q. I mean, the reason why I asked you about it, and please say if you can't comment, is  
29 that in your evidence, you referred to, 'We campaigned against it because the action  
30 plan focused heavily on gender identity', so that didn't differentiate between  
31 yourselves and LGB Cymru.
- 32 A. No, that's true.
- 33 Q. And I suggest that this does demonstrate the point that we've discussed before that  
34 you see gender identity as being in opposition to LGB rights.
- 35 A. No, I see the imposition of gender identity ideology rather as if everyone was forced



1 to be- To have a particular religious belief. I do see it as a sort of quasi-religious  
2 belief system which is being imposed on society and I have profound respect for  
3 different beliefs, but I do not want them all to be imposed on me and on society as a  
4 whole. So it's this imposition of an ideology which is the problem.

5 Q. So what you consider is you're fighting back against that imposition, rather than  
6 against the ideology?

7 A. Yes. Yes.

8 Q. Mr Roberts said that when he was looking at the website there were two issues which  
9 were no longer there but had been, one of which was the schools' campaign and I'd  
10 like specifically within that, just to take you to one page, which is 993, so volume 2.1  
11 again, and it says here, obviously we see the Mermaids' logo, 'Mermaids lobbies  
12 hard for the lowering of age limits for children seeking untested puberty blocking  
13 medication at the Gender Identity Service Tavistock Clinic', and is that, in your view,  
14 a correct statement?

15 A. I believe it to be correct. I believe that in response to the recent consultation on the  
16 Gender Recognition Reform Bill in Scotland that it wanted the age limit to be  
17 abolished all together.

18 Q. Isn't it the case that Mermaids focuses on its work, and it doesn't lobby hard for  
19 anything other than proper consideration of children considering gender dysphoria  
20 and proper treatment for them?

21 A. No, I think I would dispute that.

22 Q. Well, let's go on to see how it's put here. 'Some see Mermaids' promotion of drug  
23 treatment and surgery for "gender diverse" children as a form of child abuse'. Is that  
24 LGB Alliance's accusation against Mermaids?

25 A. Well, as we've already discussed, I don't use the words 'child abuse' myself, because  
26 I do believe that those who promote the use of puberty blockers, that most people  
27 who do so are well intentioned. I believe that it is- That they are wrong and that it  
28 is harmful and that this will become apparent, but I do not believe that child abuse is  
29 the best way to discuss this.

30 Q. And this is an LGB Alliance submission, are you saying it wasn't approved by you?

31 JUDGE GRIFFIN: All right, could everybody on the CVP link, could you please mute your  
32 microphone? Mr Nuir, could you mute the microphone of the person who-?

33 THE CLERK: Yes, we're looking for it, sorry.

34 JUDGE GRIFFIN: Thank you. That is all right. Thank you very much, Mr Nuir.

35 THE CLERK: I think it should be gone now. I'm just making sure. Okay, I think we should

1 be good to go now.

2 JUDGE GRIFFIN: Thank you very much, Mr Nuir. I know you have got very long list that  
3 you have to go through to find the person concerned. Thank you.

4 THE CLERK: Okay.

5 Q. Are you saying, Ms Jackson, that this wasn't approved by you?

6 A. No, I'm saying that that is not what it says here. It says, 'Some see the promotion of  
7 drug treatment and surgery for gender diverse children as a form of child abuse'. As  
8 we've already seen, Mr Clark has described it in that way and there are many other  
9 people who do. It doesn't say here that LGB Alliance sees that. It is a form of words  
10 that I don't use myself, but it is quite legitimate to say that some see it as such.

11 Q. So two things going on here. First, you personally wouldn't use the words 'child  
12 abuse'.

13 A. I don't personally.

14 Q. But LGB Alliance has, in this campaign, used the words, were they wrong to do so,  
15 or you're happy that they included those words, and would you have preferred them  
16 to say something different?

17 A. No, the way that it is posted here, that some see that as a form of child abuse, I think,  
18 is correct.

19 Q. I suggest the position is as Mr Nicolson put it, this is being- Being coy and deniable  
20 and it is an accusation but made in a way that can be denied.

21 A. I can see that.

22 Q. In your statement, paragraph 132, which is on page 203, the second sentence, 'I have  
23 stated our foundational principles above which include the point that gender identity  
24 is the subjective feeling or belief held by some people rather than a fact', and this is  
25 under the heading, 'Children and education', and, again, I don't think this is  
26 necessarily any different to what we discussed yesterday but when you say you want  
27 to ensure that children are taught facts, those facts, it's central, in your view, that  
28 those facts include the immutability of sex.

29 A. Well, yes, indeed, because males and females are male and female in every cell of  
30 their body.

31 Q. And, therefore, what drives, what is front and centre in your educational approach is  
32 that gender critical belief.

33 A. No, I personally think that the fact that every child was born from a female is a fact  
34 and not a belief.

35 Q. The other topic that Mr Roberts mentioned as no longer being on the website earlier

1 this year, was in relation to lobbying of the EHRC and if I can ask you to turn to  
2 page- Sorry, volume 2.1, page 1003. It says here, it's the second paragraph, 'One of  
3 our first actions when LGB Alliance was formed was to start to engage with the  
4 EHRC about the public confusion on issues relating to sex and gender identity', and  
5 I think that's a reference to the letter, or the series of letters that starts on  
6 23 October 2019, isn't it?

7 A. Yes.

8 Q. So the reality is that the formation, the setting of direction was at that initial meeting,  
9 and you were straight out of the blocks, really, with that campaign.

10 A. Yes, we were very concerned because the EHRC has the very difficult task of  
11 balancing the different rights of groups covered by protected characteristics and we  
12 felt that this was not being done in the way that we thought was- It was not being  
13 done fairly.

14 Q. And the process continues with the catchup with the formal creation of the company  
15 a little bit later, but the campaign has already begun by this stage, hasn't it?

16 A. Mm-hmm.

17 Q. And Mr Roberts said that to his knowledge and, obviously, he went through the eight  
18 items, the first six and the further two that we've just discussed, to his knowledge,  
19 there wasn't a single campaign which was aimed solely or directly at supporting  
20 LGB people. I suggest that was correct when he wrote it. Do you agree with that?

21 A. No, I don't agree at all, and I cannot agree because we received so many messages  
22 from people thanking us for our campaigns for supporting- For supporting  
23 LGB people. So we must be supporting them because that is what they're thanking  
24 us for.

25 MR GIBBON: I wanted to go on now to the Gender Recognition Act in Scotland,  
26 Gender Recognition Bill, I should say, in Scotland and in particular look at the  
27 advertisements. Now, we need to turn to volume 2.2 for this and, within that, to page  
28 1218. They just came and disappeared.

29 JUDGE GRIFFIN: All right.

30 Q. At page 1218, I should clarify first of all, you've referred to LGB Alliance Cymru  
31 being separate but aligned if I can put it that way. Is that the same position in relation  
32 to LGB Alliance Scotland?

33 A. Yes.

34 Q. So this is an advertisement that was placed in the Scotsman, I believe, in March 2020,  
35 opposing the Gender Recognition Reform (Scotland) Bill. Now, looking at the

1 headline, 'Self-ID gives predators the green light'. This is campaigning about the  
2 law and in very emotive and inflammatory terms, isn't it?

3 A. Certainly emotive and I can accept that it might be seen as inflammatory.

4 Q. And looking through some of the details, just in terms of language, the first column,  
5 'Even a man who has been convicted of sexual offences against women and girls',  
6 again, moving straight from the Gender Recognition Bill to people with sexual  
7 offences convictions, that's part of the same combative and emotive approach to the  
8 subject, isn't it?

9 A. No, I don't agree. The point is that I think when any legislation is being introduced,  
10 one of the main points is supposed to be looking at any unintentional adverse  
11 consequences for other groups in society and here some are being singled out as  
12 adverse consequences for women and girls.

13 Q. And you use language, again, I would say deliberately provocative language-

14 JUDGE GRIFFIN: Mr Gibbon, you have said, 'you used'. Is it suggested to this witness  
15 that she has used the language?

16 MR GIBBON: Madam, I should clarify. 'You' I use for the institution, it's plainly not  
17 Ms Jackson personally and, indeed, I hope I've made clear that  
18 LGB Alliance Scotland, I am treating as being aligned, and only if I'm told that they  
19 have a different approach, or a different view, to LGB Alliance, whatever the  
20 distinction.

21 A. I understand. Thank you.

22 JUDGE GRIFFIN: [Inaudible].

23 MR GIBBON: Yes, but Madam, you're right to correct me.

24 JUDGE GRIFFIN: It has clarified for you-

25 MR GIBBON: I hope the clarification is clear. The advert refers to, 'He won't have to  
26 change his name or shave off his beard'. It goes on in bold, 'We believe it's a  
27 dangerously lax law that will be exploited by predatory men who pose a real threat  
28 to women and girls'. Now, you were here when Mr Nicolson gave his evidence, I  
29 believe.

30 A. Yes.

31 Q. And I would put to you that it's ridiculous to suggest that somebody will go to the  
32 trouble of getting gender recognition, with all that involves, and if criminals are  
33 criminals, this act isn't going to make any difference.

34 A. No, I entirely disagree and those who are involved in- In criminal justice have  
35 pointed out that it is very naive, that there are, unfortunately, some predatory men in

1 society and they do, unfortunately, go to extraordinary lengths in order to perpetrate  
2 their offences and simply making a declaration and- Is not liable- Likely to deter  
3 somebody of that, of that very small minority, from doing so. So I think this is  
4 entirely legitimate.

5 Q. Do you accept that this advert doesn't correctly represent the proposals in that, as I  
6 put it now, again, describing it as simply making a declaration, it's far more than that,  
7 isn't it, what's proposed in the Scottish Bill?

8 A. Very little is proposed beyond the making of a declaration and a three-month waiting  
9 period.

10 Q. Well, that's right, exactly, when the qualifications come, it becomes really something  
11 that's significantly more than simply a self-declaration, one has got to have lived in  
12 the acquired gender for at least three months and confirms that they plan to do so  
13 permanently, that's correct, isn't it?

14 A. Yes. Yes.

15 Q. There's a three-month period of reflection that would apply. The application is  
16 supported by the statutory declaration, and it would be a criminal offence to make a  
17 false application, and the courts have got power to revoke a fraudulently made  
18 application. It's not- It's not the caricature of, well, you just declare yourself to be  
19 of a different sex.

20 A. I believe self-declaration is what it says. It's self-declaration and I believe it's  
21 entirely legitimate to point out that the very, very tiny minority of predatory men  
22 would be given licence to pursue their aims in this way. It's one of the unintentional  
23 consequences of self-ID and this has been seen around the world where self-ID has  
24 been introduced. It is frequently said that we haven't seen any examples of these  
25 things, but we have. We can produce hundreds of them.

26 Q. Do you suggest that the advert is a balanced expression of the draft legislation?

27 A. No, that is not what it seeks to do. It is not- It is not an advert which seeks- It is an  
28 advert intended to warn of the possible unintentional consequences of rushing  
29 through legislation without pressing pause and considering all the possible  
30 ramifications.

31 Q. I suggest you can go further, if you say it's to warn it's, indeed, to provoke, isn't it?

32 A. It's to warn. I don't understand what you mean by provoke. Provoke into what? If  
33 you mean provoke into thinking about this legislation and giving it further  
34 consideration, yes, indeed, but it isn't provocative in the sense of trying to make  
35 people angry, or whatever, it's to give people warning. Make it clear that something

1 is being rushed through without proper consideration.

2 Q. I suggest to you that consideration had been going for some significant time, it's been  
3 continuing to go on, and this advert is alarmist and inaccurate.

4 A. Yes, I disagree. Especially when you say that consultations have been going on for  
5 some time, as we argue elsewhere, those consultations had only been with groups  
6 who agreed with it, so that is not very helpful. Again, we see that LGB points of  
7 view, and the points of view of grassroots of women's organisations had not been  
8 represented and that is why it was necessary to make warnings of this nature.

9 Q. If I can move on to a different topic. At paragraph 140 of your statement, which is  
10 found at page 241, you say here, 'Belinda Bell makes several references to us and  
11 our supporters referring to the fact that we have charitable status. She is quite correct  
12 that we are proud of this, and that it is of significant assistance to us and that we are  
13 the only charity focusing exclusively on the rights of people with same sex sexual  
14 orientation'. Now, only last week you were- I apologise, LGB Alliance was  
15 criticised by the Funding Regulator, wasn't it, for making a claim in almost exactly  
16 the same terms?

17 A. No. The- We were criticised for saying that we were the only charity focusing on  
18 the rights of people with same sex sexual orientation and the Regulator accepted that  
19 it would be clearer if we added the word 'exclusively'.

20 Q. Well, let's have a look at that. I believe Mr Loveday has got copies of it. An  
21 administrative oversight, but I've got a spare one and-

22 JUDGE GRIFFIN: Can I have it?

23 MS MONAGHAN: Can I have a copy?

24 MR GIBBON: I'm about to say, I thought that Mr Loveday had it with him, but I'll give it  
25 to you read now because I ask the questions.

26 A. Yes, the complainant-

27 JUDGE GRIFFIN: Could you wait a minute? Ms Jackson, could you wait until-

28 A. Oh, sorry. Sorry.

29 JUDGE GRIFFIN: Ms Monaghan has had a chance to read what is proposed we all look at.

30 **Pause.**

31 MR GIBBON: Madam, shall I pass it up to the bench before I ask any questions in relation  
32 to it?

33 JUDGE GRIFFIN: Yes, please, that will be very helpful. Thank you.

34 **Pause.**

35 JUDGE GRIFFIN: Yes, we have read that.

1 MR GIBBON: I'm afraid I may need the copy back, because that's my copy, but over the-  
2 JUDGE GRIFFIN: I will not take my red pen to it then.  
3 MS MONAGHAN: Do you need it? Do you need it?  
4 JUDGE GRIFFIN: No it is all right. I remember what happened.  
5 MR GIBBON: I think the witness ought to have it.  
6 A. Thank you.  
7 Q. So, obviously, it's put in fairly short terms and is intended for public consumption  
8 because it's been put on the website so, no doubt, there is more information that we  
9 don't have here.  
10 A. Yes.  
11 Q. It states that, 'The complainant believed the charity's fundraising was false and  
12 misleading as it claimed it was the UK's only registered charity set up to protect and  
13 promote the rights of people with lesbian, gay and bisexual orientation'. It goes on,  
14 'The charity posted a Tweet which made that claim. It rejected the complaint on the  
15 basis that it was inaccurate and suggested the person who made the complaint was  
16 ignorant of how it differed from other charities. The charity also said the complainant  
17 had not understood that LGB Alliance is set up because no other charity was  
18 supporting the same sex attracted people and the complainant was unhappy. Our  
19 findings are based solely on the standards imposed on organisations when  
20 fundraising, although we recognise the charity made the claim within the context of  
21 a wider ideological debate around sex and gender. The Code of Fundraising Practice  
22 requires that fundraising materials must not mislead anyone or be likely to mislead  
23 anyone either by leaving out information, or by being inaccurate or ambiguous or by  
24 exaggerating details.  
25 The Code also requires that before a charity makes a direct or implied claim in its  
26 fundraising which is likely to be taken literally, it must make sure there's evidence  
27 to prove the claim. The charity has acknowledged that its Tweet could've been  
28 clearer and will provide more charity in the future. However', and I interpose here,  
29 that, clearly, wasn't enough for the Regulator. 'We found that the Tweet posted by  
30 the charity breached the Code because it was misleading, and the charity was unable  
31 to provide evidence to prove its claim. We also found the charity breached the Code  
32 with regards to its complaints handling, because its initial response failed to properly  
33 engage with the issues raised, and the outcome is the charity has accepted our  
34 findings and recommendations'.  
35 MS MONAGHAN: And you read the next line?

1 A. Sorry, what is the question?

2 Q. The charity is also- Sorry, Ms Monaghan has asked me to read the next line. 'The  
3 charity has also offered to provide an apology to the complainant'. So, to go back  
4 where we started, you've stated in your statement the only charity focusing  
5 exclusively on the rights of people with same sex sexual orientation and only last  
6 week I said you were criticised by the Funding Regulator and that's, I'm afraid,  
7 where we got derailed. Now, I suggest that you are inclined, as an organisation, to  
8 give the impression that there's nobody else out there who is supporting the same  
9 people, and I respectfully suggest to you that the vast majority of LGB people are  
10 happily served by other charities.

11 A. Sorry, you've said several things there. Firstly, I would like- It isn't stated here, but  
12 the Regulator was very happy for us to insert the word 'exclusively' and thought that  
13 was clear enough and that that would- And that is why we have, since then, always  
14 inserted the word 'exclusively' when we refer to ourselves and that was sufficient  
15 clarity. Secondly, we should've appealed this ruling, but we were, as you see, this  
16 was based on one complaint. We receive a vast quantity of complaints and at the  
17 time we were dealing with over 30 complaints that had been submitted to the  
18 Charity Commission. We are volunteers and we didn't have the resources to- To  
19 appeal this ruling which I think was unfair because we are, in fact, the only charity  
20 set up to protect and promote the rights of people with lesbian, gay and bisexual  
21 orientation on the basis of sex, which is how we understand it, and how I believe it  
22 could be defined under law. So I don't think it was a very fair ruling. We should've  
23 appealed it if we had had the time, and what you said before, at the end of your- Of  
24 your remark just now, we do not know what most LGB people think and that is  
25 something that we wish to poll and find out more about.

26 Q. So where it says, 'The charity has accepted our findings and recommendations',  
27 that's still correct, isn't it?

28 A. It is correct. We didn't have time to do anything else.

29 Q. So if you'd said to the Fundraising Regulator, 'Well, we don't accept them, but we're  
30 not going to appeal them', would the Regulator have been happy with that response?

31 A. I don't think so.

32 Q. And when you gave- We don't have a detailed transcript, but when you gave that  
33 explanation, I don't believe you did use the word 'exclusively' as to what  
34 LGB Alliance did, but that may have been a slip, or do you not consider the word  
35 'exclusively' to be a necessary part of the description?



1 A. We understand that the Regulator thinks it's necessary and, so, that is why, since this  
2 ruling, we have always added that word.

3 Q. There's one thing that flows on from that, which I can, perhaps, deal with very  
4 quickly now and-

5 JUDGE GRIFFIN: That is for us, Ms Monaghan. Thank you.

6 MS MONAGHAN: I'm afraid I haven't seen this email.

7 JUDGE GRIFFIN: All right, would you like to take a moment to look at it, we will not read  
8 it until you do.

9 MS MONAGHAN: Thank you. I'm grateful.

10 **Pause.**

11 JUDGE GRIFFIN: Are you happy that we read it?

12 MS MONAGHAN: Yes, Madam.

13 **Pause.**

14 JUDGE GRIFFIN: Thank you. Is this a copy we can keep?

15 MR GIBBON: Yes. This is the fundraiser for this hearing, isn't it, for LGB Alliance?

16 A. Yes.

17 Q. I'm simply going to focus on the emboldened paragraph because it follows on  
18 naturally from what we've just been talking about. 'It's vital that we win. We are  
19 the only UK charity that exclusively supports LGB people and retaining our  
20 charitable status enables us to better counter the regressive gender ideology that is  
21 homophobic at its core'. So, the point I was going to put to you based on that, is that  
22 you see charitable status as enabling you, to use your words, as an organisation, better  
23 to counter regressive gender ideology, which you expressly describe as homophobic.

24 A. Yes, as I've explained before, if we see that those who support gender identity  
25 ideology see fit to protest against lesbians who are asserting their sexual orientation  
26 and eject them from Pride, then you can see that there is a homophobic core to gender  
27 identity ideology and there are many charities that do support gender identity  
28 ideology and we are a LGB charity that does not, and that bases sexual orientation  
29 on sex.

30 Q. One very last thing while we're on this topic, obviously, I've shown you two  
31 documents which weren't in the bundles. They are documents with which you are  
32 fully familiar.

33 A. Yes.

34 MR GIBBON: Thank you. I think that's probably a natural point before I move on to other  
35 points.

1 JUDGE GRIFFIN: Can you anticipate how long you might be?  
2 MR GIBBON: With Ms Jackson, 15 to 20 minutes, possibly.  
3 JUDGE GRIFFIN: Right. Thank you very much. We will come back at 2pm sharp, please?  
4 **Court rises.**  
5 **Court resumes.**  
6 EVIDENCE OF MS JACKSON (CONT'D.)  
7 Cross-examination by MR GIBBON KC (Cont'd.)  
8 JUDGE GRIFFIN: I think Mr Loveday has some documents for us.  
9 MR GIBBON: Yes, I was proposing to deal with those after Ms Jackson finished, but if it's  
10 convenient now, that's equally-  
11 MR LOVEDAY: It is simply the ones that were handed out just before lunch.  
12 JUDGE GRIFFIN: I am happy either way.  
13 MR GIBBON: Well, as Mr Loveday has got them in his hand, hand them up now.  
14 JUDGE GRIFFIN: Thank you very much.  
15 Q. Good afternoon, Ms Jackson.  
16 A. Good afternoon.  
17 Q. I've only got a limited number of questions left. I'm going to turn to the, if I can put  
18 it neutrally, the disagreement with Mr Nicolson.  
19 A. Yes.  
20 Q. And you'll recall his evidence to this Tribunal on the subject, the essential point he  
21 was making in his evidence, both in writing and orally, was that LGB Alliance  
22 denigrated people and organisations who supported trans' rights, that's your  
23 recollection of his evidence.  
24 A. He stated that, yes.  
25 Q. Yes, in broad summary and, in particular, the focus of part of the evidence was  
26 inviting supporters to make a donation in Mr Nicolson's name and Retweeting it and  
27 that was in April 2021. Now an example is if you turn to volume 2.2 at 1347. I'm  
28 not going to read through all of these, but just the top example, they're all  
29 LGB Alliance Tweets. 'Thanks to Jessica Evans for her donation'. Jessica writes,  
30 'Misogynist homophobe John Nicolson, MP, has inspired me to donate', etc. Now,  
31 I suggest, that wasn't a responsible thing for LGB Alliance to have done, was it, that  
32 Retweeting?  
33 A. I don't think it was sensible. I think- And I think I have described it as mischievous,  
34 though not malicious, I think those are the words I used. It was not a very sensible  
35 tactic. We were exasperated by the fact that he had repeatedly described us in abusive

1 terms without the least justification and when people started, I believe that a couple  
2 of people donated in his name because our supporters were so outraged by his abusive  
3 remarks and then we suggested that people carry on doing so and that proved very  
4 popular and dozens and dozens of people did so, but I accept what you say that it was  
5 not, like you said, responsible. It was a mischievous and not something I would do  
6 again.

7 Q. There were two descriptions you used, one was light-hearted, and the other one was  
8 mischievous, which have slightly different connotations but, in either event, in  
9 reality, we respectfully say, it was a confrontational and inflammatory approach to  
10 have taken in the circumstances.

11 A. I would reject inflammatory because the provocation, I think, came from  
12 Mr Nicolson.

13 Q. Now, the difficulty on that is Mr Nicolson has given evidence as to how it started.  
14 You gave evidence at paragraph 161 of your statement to say that the accurate  
15 chronology has been prepared by Dave Hewitt.

16 A. Yes.

17 Q. But you didn't- It wasn't put to Mr Nicolson how he responded to Mr Hewitt's  
18 chronology because, of course, that was produced after he'd produced his evidence.

19 A. No, I believe that's not correct.

20 Q. But it was produced in evidence in these proceedings after he'd produced his  
21 evidence.

22 A. Yes, but it had been published very, very long before that.

23 Q. But we don't know, therefore, what his answer would've been had he been given the  
24 opportunity to respond to that.

25 A. I reject that. He had every opportunity to do so because it was published openly.

26 Q. Well, Mr Hewitt doesn't claim it to be authoritative, does he?

27 A. No, no, indeed, in fact, he specifically says that he's not, but he was very  
28 conscientious in documenting and registering all the dates of the events that occurred.

29 Q. And you didn't do the work yourself did you?

30 A. No, Mr Hewitt did it.

31 Q. And how can you possibly know if he's to be preferred doing a Twitter archaeology  
32 exercise, to the recollection of Mr Nicolson who lived through that and received  
33 things, which as Mr Hewitt said, he wasn't necessarily going to be able to find?

34 A. Because I also lived through it.

35 Q. But Mr Nicolson was the object of it.

- 1 A. Yes, well, as I say, we were the object of Mr Nicolson's defamatory remarks and so  
2 I remember very clearly that it was his abusive behaviour that prompted this response  
3 from us and from our supporters.
- 4 Q. Well, I suggest, then, if you considered what he said and did defamatory, it's odd to  
5 have an intended light-hearted or mischievous response.
- 6 A. I'm not sure what you mean. What is your question?
- 7 Q. Well, the question is, I suggest that it was Mr Nicolson was in the right, as he has  
8 said in his evidence, and he was being subjected to bombardment by people  
9 associated with LGB Alliance at LGB Alliance's encouragement. I think that's a  
10 rough reflection of the evidence he gave.
- 11 A. No, I completely disagree.
- 12 Q. I'm going to turn to another example that was cited by Mr Nicolson. It's a document  
13 found at page 1290, and this is headed, 'Dear Boris', and I'd just like to focus on the  
14 second paragraph in the right-hand column. 'Would he be surprised to learn that  
15 lesbians are being accused of transphobia and even threatened with sexual violence  
16 if they rebuff the advances of a male bodied person who "identifies" as a woman?'.  
17 Now, I suggest that the use of language here is deliberately prejudicial, if you don't  
18 use the word 'trans', is that what you mean?
- 19 A. Sorry, which language are you referring to as prejudicial, which words?
- 20 Q. 'If they rebuff the advances of male bodied person who "identifies" as a woman?'
- 21 A. Yes.
- 22 Q. I'd suggest that's a deliberately prejudicial language, you don't use the words 'trans',  
23 but is it trans people you're referring to?
- 24 A. I'm referring to male bodied people who identify as women.
- 25 Q. Would other people call them trans?
- 26 A. Transwomen, is that what you mean?
- 27 Q. Yes, is that the phrase that you would be happier with?
- 28 A. Yes, I think the issue here is that this clearer, it makes it clearer what it means. I  
29 think that in the public perception, the word 'transwoman' is often misunderstood to  
30 mean somebody who has gone through hormonal treatment and surgery so as to  
31 remove the penis. I think many members of the public assume that that is what a  
32 transwoman means, and that's why it's clearer to use the terms that are used here.
- 33 Q. And why do you put identifies in inverted commas? Or why does LGBA-
- 34 A. Yes.
- 35 Q. Use inverted commas?

1 A. Because I don't know exactly what that means.

2 Q. Is that to cast doubt on the genuineness of the identification?

3 A. No, it's to indicate that it's being used in a specific way which is not entirely clear.

4 Q. So-

5 A. It's not to- The intention is not to assume that it's deceptive in any way, but simply  
6 it's jargon, these days, to say, 'Do you identify as a man or a woman?', and if  
7 somebody asks me if I identify as a woman, my answer is no and, therefore, the word  
8 'identifies' here is used in a specific way which I wouldn't use it myself.

9 Q. Well, I'd suggest that the flavour of this advertisement is that trans women should be  
10 identified as men, would you disagree?

11 A. I would say that transwomen are transwomen.

12 Q. So identified as a male bodied person who identify as women, rather than women.

13 A. I think that that's clearer and then everybody understands what we're talking about.

14 Q. Ms Jackson, the Charity Commission was assured by your former solicitors  
15 Bates Wells, that LGB Alliance wasn't a single-issue organisation.

16 A. Sorry, what did you say? Wasn't a-?

17 Q. Wasn't a single-issue organisation. I suggest that the evidence points a different way  
18 and that the single issue is about being gender critical, included within that, opposing  
19 what you call gender identity ideology.

20 A. No, I reject that.

21 Q. I also suggest to you that there is effectively nothing in your very lengthy statement  
22 which demonstrates that LGB Alliance was founded for anything other than that  
23 purpose.

24 A. I reject that.

25 Q. Thank you, Ms Jackson. I have no further questions.

26 A. Thank you very much.

27 JUDGE GRIFFIN: If you could stay there.

28 A. Oh, sorry, sorry, sorry.

29 JUDGE GRIFFIN: I am afraid there might be some more questions for you.

30 A. Sorry.

31 JUDGE GRIFFIN: I am going to ask Mr Steele?

32 MR STEELE: Madam, no.

33 JUDGE GRIFFIN: Thank you, Mr Steele. Ms Monaghan?

34 Re-examination by MS MONAGHAN KC

35 MS MONAGHAN: Thank you. I have a short number of matters in re-examination, I won't

1 take long. You were asked about dating sites-

2 A. Yes.

3 Q. And some of the issues that arose in that context, and I think it wasn't clear whether  
4 there was anything in the bundle. Can I ask you to please look at volume 2.2. So  
5 that's volume two, have you got that in front of you?

6 A. Yes, I think so.

7 Q. 2.2, page 2023. It might just sneak into 2.3.

8 THE CLERK: Sorry to interrupt again. I'm sorry, I'm struggling to hear you, we might  
9 have to move a microphone.

10 JUDGE GRIFFIN: We are just moving the microphone, Mr Nuir.

11 THE CLERK: Yes. Thank you.

12 JUDGE GRIFFIN: Thank you. Is that better?

13 THE CLERK: Yes. Yes.

14 JUDGE GRIFFIN: Thank you.

15 THE CLERK: That's better.

16 JUDGE GRIFFIN: Thank you.

17 JUDGE NEVILLE: Ms Monaghan, you might wish to move it to the side you are going to  
18 face when you are asking a question.

19 MS MONAGHAN: Thank you. I'll try not to knock over the water in the process. Thank  
20 you. Thank you, Sir. Yes, so 2023 first of all, please.

21 A. Yes.

22 Q. Yes, Lesbians Ground Zero, is this something you recall?

23 A. Yes. Yes, I'm familiar with this.

24 Q. And can you just tell us what it is before I ask you to look at the relevant part?

25 A. Yes, it's a survey, not a quantitative, but a qualitative survey, of lesbians' experience  
26 on dating sites and some of those concerned had been approached by male bodied  
27 persons and had had unpleasant experiences, or neutral experiences, and it documents  
28 the experiences of lesbians in that way.

29 Q. Can you-? Could you look please at 2033?

30 A. Yes.

31 Q. And we see at subheading there, 'Dating sites'.

32 A. Yes.

33 Q. Is that what you're referring to there?

34 A. Yes.

35 Q. So 48% of respondents reported visiting lesbian dating sites, of those 31% have been

1 approached by transwomen, 12.5% have been on dates with transwomen, six of  
2 whom unknowingly, sexual relationship and then down to the bottom, under,  
3 'Indirect sexual pressure'. 'Much of this pressure happens online, lesbians are  
4 routinely harassed for stating that their sexuality excludes males regardless of their  
5 gender identity. Most respondents reported being subjected to such rhetoric', and  
6 then, if I can ask you, please, to look at 2039, which is another document, and this is  
7 about dating sites, in particular. Do you see that?

8 A. Yes.

9 Q. That's an article in the Lesbian and Gay News and, then, if we look at page 2040, we  
10 can see there in the large text at the bottom of the page, 'When I ask for women to  
11 get in touch with examples of transbians on', that's trans people, lesbians, 'on women  
12 only dating apps, I was expecting a handful, didn't I know I would be inundated',  
13 and so on, and then there is, on the next page, 2041, references to the sort of matters  
14 that you identified in your evidence, that is expressing the view on dating apps that  
15 lesbian females were only interested in lesbian females caused them to be excluded  
16 from the dating site and there are two examples. One's Hinge, I'm afraid I don't go  
17 on dating sites, so I don't know what they are, and there is another one, I think, I  
18 think there is somewhere, but I can deal with that in closing if I need to, but is that  
19 the sort of thing that you were referring to-?

20 A. Yes, and I'm sorry my memory completely failed me, and I thought we only had one  
21 example, whereas, in fact, we had a great many.

22 Q. And then can I ask you, please, about another matter, completely different and that's  
23 about the Gender Recognition Act, because you said in your evidence something not  
24 quite in these terms, but you made reference to Mermaids' submission on the  
25 Gender Recognition Act reforms proposed in Scotland because, as with LGBA, they  
26 also responded to the consultation exercise and Age. So I would like to just take you  
27 to that, so the Tribunal know precisely what you were referring to, and that's at 2659,  
28 which is in volume 2.3. 2659 and this is Mermaids' response to the consultation  
29 exercise, the Scottish consultation exercise, do you remember that?

30 A. Yes.

31 Q. And is that what you're referring to-?

32 A. Yes.

33 Q. When you gave evidence? And then if we look at the third paragraph, the third  
34 substantive paragraph, 'We believe the requirement that an individual must state on  
35 a statutory declaration that they've been living as their gender for three months is

1 arbitrary, unnecessary, and doesn't achieve the purpose', and then, I think, more  
2 particularly, if we look at 2661, so two pages over, under the question three, 'Should  
3 there be a minimum age?', and so on, 'Mermaids believes the minimum age should  
4 be lowered, but have no minimum age. Mermaids recommends that every trans  
5 nonbinary and gender diverse young person should have access and the option of  
6 legal recognition', and then, the penultimate paragraph, 'We also recommend that a  
7 system of recognition should be available to under 16s'.

8 A. Yes.

9 Q. Is that what you were referring to when you-?

10 A. Yes.

11 Q. Took us to that?

12 A. And, in particular, had no minimum age, yes.

13 MS MONAGHAN: Thank you, and then, I'm flicking about, but only because there's a  
14 short number of things that I need to address. I now have a new document turned up.  
15 I'm terribly sorry, Madam. I've handed these out, I should say, the parties have seen  
16 them. This is wet. I wonder if I could ask the clerk just to hand them up.

17 JUDGE GRIFFIN: Thank you very much.

18 A. Thank you.

19 Q. This is the written evidence submitted by Mermaids to the transgender equality  
20 enquiry, you will remember that was the Women and Equalities Committee enquiry  
21 into transgender rights and so on.

22 A. Yes.

23 MS MONAGHAN: And we can see from, Madam, if you just wanted to check the source,  
24 you can see from the very bottom the weblink, and that's the  
25 Women and Equalities Committee, the Women and Equalities Committee, and the  
26 context for this is you were asked about Kate Barker's post and Mermaids promoting  
27 the use of puberty blockers-

28 A. Yes.

29 Q. That's the new document that we saw this morning. Now this is the evidence to the  
30 Committee, and I want to ask you if you had something like this in mind. If you turn  
31 over the first page to the second, we see gender identity services for young people,  
32 do you see that at the top?

33 A. Yes.

34 Q. And then the next paragraph, so not the first many families, not older children, but  
35 you'll see a gap, 'The following areas require urgent revision', do you see that?



1 A. Yes.

2 Q. The first one, ‘Appointments and physical interventions for pubescent young people  
3 to be fast tracked. Young people should be included in decision making regarding  
4 when to start puberty blockers’, and so on. Is that something of the sort that-

5 A. Yes.

6 Q. You and Kate Barker would’ve had in mind?

7 A. Yes, and I believe somewhere it says, ‘Without parental consent’.

8 Q. And then if you turn over two pages, if you look at the bottom you can see it’s four  
9 out of five, but there’s a heading, ‘Puberty blockers’. It’s not a heading, forgive me,  
10 it’s the first sentence, if you look at the bottom, the very bottom right-hand, you’ll  
11 see 45, page 45, but if you look at the heading, it starts- Sorry, not the heading. The  
12 very first sentence on the page-

13 A. ‘Puberty blockers are completely reversible’.

14 Q. ‘Completely reversible in the opinion of Mermaids, but the wait for these blockers in  
15 the present service for those young people who present during puberty is far too  
16 long’, etc.

17 A. Yes.

18 Q. Is that something of the sort you would’ve had- Kate would’ve had in mind-?

19 A. Absolutely.

20 Q. Kate Barker?

21 A. Yes.

22 Q. Thank you and then if I can, I think I’ve only got one more question, forgive me.  
23 This concerns page 1-

24 A. Can I keep this?

25 Q. If you just leave it there, please, on the table.

26 A. All right.

27 Q. Another witness might need it. 1006, last page in 2.1. Thank you. Oh, I beg your  
28 pardon. I didn’t read the volume right. You were asked about this Allison Bailey  
29 Tweet.

30 A. Yes.

31 Q. ‘We must never forget that transgenderism is considered a solution to homosexuality  
32 by many within the trans movement’. You were asked about the trans movement  
33 issue, in particular.

34 A. Yes.

35 Q. I’m going to ask you about that, but we focused on that Tweet, I’d just like to what

1 the quoted Tweet is. 'I've had several old gay dudes get weepy and tell me they wish  
2 they could have transitioned in their youth. Please don't make another generation of  
3 them'. Are you able to unravel that, or unpick that for us, and tell us if it in any way  
4 relates to Allison Bailey's Tweets?

5 A. Well, it's kind of the opposite of what I might say. What is being said here is that  
6 several old gay men are sad because they wish they could've transitioned to- Had a  
7 sex change to become nominal or become legally women in their youth. 'Please do  
8 not make another generation of them', and in quoting that Tweet, Allison suggests,  
9 or makes it clear, that it is being suggested here that many old gay men wish they  
10 could have become women in order to cure them of being gay and that is very  
11 chilling, obviously. We say the opposite. We say, if we've been growing up now,  
12 we would've transitioned and that's one of the things that drives us and, here, it is  
13 suggested that transgenderism, I wouldn't use the word transgenderism, but going  
14 through what's called a transition, is a cure for being gay and it's quite a horrible  
15 suggestion.

16 Q. And I'd like to show you the whole thread so that we can look at it in context. Just  
17 pause there while I hand it up to the Tribunal. You don't need to- You can flick  
18 through it so you can see the context, the additional context.

19 A. Thank you.

20 JUDGE GRIFFIN: Do you have this Mr Steele?

21 MS MONAGHAN: You don't? I beg your pardon. I think we circulated it and if you didn't  
22 get it, I'm sorry.

23 MR STEELE: I'll get a copy of it.

24 MS MONAGHAN: I beg your pardon. [Inaudible]. If you look, please, at the thread, do  
25 you see that?

26 A. Yes.

27 Q. Allison Bailey and then if we look over the page, we can see the full Tweet, so we've,  
28 if you like, on the first page, we've got what's in the bundle, do you see that?

29 A. Yes.

30 Q. And then over the page, we've got the thread, so you see Allison Bailey's the quoted  
31 Tweet I think is what it's called.

32 A. Yes.

33 Q. Tweet, quote, whatever, and then you follow it down over to the page, so over page,  
34 follows it down-

35 A. Yes.

1 Q. And then at the bottom, ‘This might be a good time’, so this is the same thread, ‘This  
2 might be a good time to remind people of this news article. A lot of gay men are gay  
3 men as a consolation prize because they couldn’t be women’.

4 A. Yes, it’s Juno Dawson.

5 Q. Just pause there, let me ask the question.

6 A. Sorry.

7 Q. And we see an article there by somebody called Dawson, or at least quoting Dawson,  
8 forgive me, it’s by Douglas Robertson quoting Dawson, ‘All my life I thought I was  
9 a gay man, but according to Juno Dawson in Attitude today, I’m actually a  
10 transwoman’, and she says, ‘A lot of gay men are gay men as a consolation prize  
11 because they couldn’t be women, says Dawson, while apparently unaware that that  
12 forms a basis for the violent oppression of gay men in Iran’. Now, first of all, can  
13 you tell us who Juno Dawson is?

14 A. Well, a fairly prominent what we might call a transactivist.

15 Q. And is she a US transactivist? A UK transactivist? Do you know?

16 A. American, I believe, but I’m not sure.

17 Q. And can you unpick that, as well, or it maybe you can’t add anything else and, if not,  
18 please don’t, but is there anything that you want to say about that?

19 A. Well, it’s a suggestion that- That many gay men wish they could be women and they  
20 just put up with being gay men as a short of second-rate alternative and it’s just  
21 profoundly homophobic.

22 MS MONAGHAN: Those are all my questions in re-examination, Madam. So I have  
23 nothing more for this witness.

24 Questioned by JUDGE NEVILLE

25 Q. Thank you. I just wanted to clarify one answer you gave earlier on, which I will just  
26 find. One moment. Yes. Mr Gibbon put to you that some of your purposes were  
27 political. I do not need to summarise the whole lot, and you said it was in pursuit of  
28 your charitable objectives and he said, ‘I suggest it goes higher than that, because it  
29 puts it front in the centre, rather than ancillary’, and your answer was, ‘I disagree, but  
30 it is difficult to set up all the activities we want until we have secured our position  
31 with the definition of LGB as we would want to establish’. I think I have accurately  
32 noted that. I would like to know what you mean by ‘secured our position’, what it is  
33 that you would like to see that would represent that security?

34 A. Well, preventing self-ID, basically, because self-ID replaces the objective reality of  
35 being gay or straight with self-definition and, therefore, erases homosexuality. So it

1 was important to prevent self-ID being imposed on the public without due reflection  
2 and consultation.

3 Q. And by self-ID, do you mean the Gender Recognition Act reforms, or do you mean  
4 it in a wider sense?

5 A. I mean the specific- The specifics of introducing the ability to change one's 'gender'  
6 by self-declaration, rather than going through the process which is rather more  
7 considerable at the moment.

8 Q. Thank you.

9 JUDGE GRIFFIN: Thank you. I do not have any questions. Ms Jackson, thank you very  
10 much for coming and giving you evidence to the Tribunal. You are now formally  
11 released, but if you would like to stay and watch the remainder of the proceedings,  
12 you are very welcome to do so.

13 A. Thank you, Madam. Thank you, Sir.

14 **Ms Jackson is released.**

15 MS MONAGHAN: Madam, before I call my next witness, I would like to raise something.

16 It would've been inappropriate to do so during the course of Ms Jackson's evidence,  
17 very briefly, and it's about social media coverage. There was a posting last night  
18 shortly after court, so shortly after LGB Alliance's first witness began to give  
19 evidence, hosted by the Good Law Project, you will recall they featured earlier on in  
20 this case, in an earlier order, and it posts a video from Mermaids' CEO. Now we  
21 don't know when the video was made, but it's the- It's a posting by  
22 Good Law Project, who are supporters, as you will recall, from the earlier order,  
23 supporters of Mermaids, and in which Ms Susie Green, who is the CEO, speaks  
24 directly of these proceedings, says that they don't believe the legal threshold for  
25 charitable status has been met, that's one thing, at least that's fairly neutral, but then  
26 says, 'In fact, we believe that LGB Alliance's true purpose is the denigration of trans  
27 people and the destruction of organisations like ourselves who support them'.  
28 Denigration is a word, of course, that Mr Nicolson used, as we've heard in cross-  
29 examination.

30 We don't know when it was made. We're concerned it was made during the course  
31 of these proceedings but, in any event, it was posted shortly after our first witness  
32 commenced evidence by the Good Law Project. The Good Law Project social media  
33 has already been the subject of comment in these proceedings. It's inflammatory  
34 and, Madam, you've already given a warning about the use of social media and the  
35 reporting of these proceedings, and I would urge Madam that a further warning is

1 given, in particular, to Mermaids, about the inappropriateness of social media  
2 coverage. This is not social media coverage by somebody who might be associated.  
3 This is with a support, by a supporter, it's already been the subject of these  
4 proceedings, or subject to observation in these proceedings, with a video of the  
5 appellant through their chief executive officer. I won't say any more than that except,  
6 Madam, to invite you to emphasise the importance, sensible comments, and if there  
7 is reporting, fair reporting.

8 There is one other comment that I'm invited to point out. Yes, I beg your pardon. I  
9 should've picked that up. At paragraph four, a reference to hate groups in that  
10 context, as well. Again, inflammatory and, for many using social media, they won't  
11 be following the fair and neutral reports. They'll be logging in to see what various  
12 organisations are saying and LGB Alliance has said nothing, save to host, without  
13 comment, the evidence as and when it's been disclosed in these proceedings. That  
14 is as and when, Madam, you've directed it can be put up online.

15 MR GIBBON: Is there a copy of that post that we can have?

16 MS MONAGHAN: Yes.

17 ACTING SOLICITOR: I sent it to you. It was sent to your solicitors this morning.

18 MS MONAGHAN: Well, I beg your pardon, we sent it and gave a clear indication this  
19 morning. I beg your pardon, sorry, if it didn't get to you. If wonder if-

20 JUDGE GRIFFIN: I think the clerk is on her way back-

21 MS MONAGHAN: Would you mind if Mr Daly hands it up?

22 JUDGE GRIFFIN: No, not at all. Thank you. Mr Gibbon, Mr Steele, this obviously is  
23 something new to you. I am going to rise for five to 10 minutes so that we can read  
24 this and that you can take any instructions you need to.

25 **Court rises.**

26 **Court resumes.**

27 MS MONAGHAN: I hate to interrupt, but there is something else I need to tell you.  
28 Regrettably, after we wrote to Mermaid's solicitors about this, this morning,  
29 Mermaids, in their own posting, not as a Retweet, or a like, posted the same video on  
30 the Mermaids' site. They have 95,000 followers. There's been 126 Retweets and  
31 15,400 views. The Good Law Project that posted it yesterday after our evidence  
32 began, has 273,000 followers. It's had 274 Retweets and the video has been watched  
33 by 66,200 people.

34 JUDGE GRIFFIN: Thank you. The document that we received does not have the Tweet  
35 you refer to, Ms Monaghan, which you said was there, or is it in paragraph four of

1 this document that we are talking about here? Was there a different Tweet? I just  
2 wanted to clarify. You talked about the reference to hate groups-

3 MS MONAGHAN: Yes, it's in the-

4 JUDGE GRIFFIN: And is that the paragraph four of the transcript on page two?

5 MS MONAGHAN: That's right, and I probably should've made it clear that that's a  
6 transcript. I hope-

7 JUDGE GRIFFIN: Yes.

8 MS MONAGHAN: But, yes, there's the hate groups, so the reference to hate groups and  
9 there is also a reference, in fact, of transphobia in the last line, but you have the script.

10 JUDGE GRIFFIN: We have also received a communication, made on behalf of those  
11 instruct you, Mr Gibbon, I am not sure whether you are aware of that sent to the  
12 Tribunal, also copied to your solicitors about Tweets that they would like to draw our  
13 attention to.

14 MS MONAGHAN: They were not made by LGBA, of course. They were made by a  
15 journalist, Julie Bindel, who's got no relationship to LGBA, a journalist, and  
16 Malcolm Clark, that did have a relationship with LGBA, but doesn't now.

17 MR GIBBON: [Inaudible]. I have been- Can I just check this microphone is working?

18 JUDGE GRIFFIN: We have had some enquiries made, which you might have witnessed  
19 about-

20 MR GIBBON: Thank you.

21 JUDGE GRIFFIN: The microphones that is going to be further investigated at the close of  
22 business today, but we will do what we can for the moment.

23 MR GIBBON: Madam, I hope I'm audible now. I'll say straightaway that a decision has  
24 been taken, as far as possible, to insulate the counsel team from whatever, if I can put  
25 it, 'noise' might be going on outside the hearing, because it's important that all of us  
26 in this room concentrates on the issues that the Tribunal is seized of. I am aware that  
27 various things have been referred to the Tribunal, not just today, but I believe there  
28 was something else earlier in the week, but no applications have been made in  
29 relation to those, or certainly, I have not been asked to make applications on the basis  
30 that, as far as possible, in fact, it's best that one proceeds, unless the Tribunal is  
31 concerned that something that is going on needs to be expressly dealt with in the  
32 Tribunal involving you, Madam, making a direct speech, or direct instruction, to  
33 those on screen. So, as I say, I don't know the detail of those. I can get the detail of  
34 those if you want to consider those at the same time, but I'm not encouraging you to  
35 unless you consider it's appropriate.

1 JUDGE GRIFFIN: They have been sent to us because your instructing solicitor asked for it  
2 to be drawn to our attention, I believe. So that is what has happened. There is no  
3 application, as you say, in relation to them.

4 MR GIBBON: And in relation to that, my understanding is that it's important that the  
5 Tribunal is aware, perhaps, that there's things in the background in case matters get  
6 worse, but it's not with the intention of troubling the Tribunal unnecessarily. In  
7 relation to the matter that my learned friend has raised this afternoon, this is obviously  
8 something that's new to me. I've taken some brief instructions. The first thing I can  
9 say and it's of some importance is that on instructions, this was filmed about a week  
10 ago, so in advance of the hearing and, obviously, in those circumstances, in the  
11 advance of the directions that were given in relation to live Tweeting and, as you will  
12 recall on Friday, it wasn't clear until the Tribunal had made a ruling what the position  
13 would be made- What position would be put in place in relation to that and, although  
14 I hesitate to use it as an explanation, it does appear to be the explanation. It was the  
15 death of Her Majesty last week that delayed the posting of this matter and to that  
16 extent, I suspect a significant element of the timing which I suspect is of significant  
17 concern to the Tribunal, is an accident of the process and for that, clearly, I make  
18 apology.

19 In relation to the content, all I can say is that the content is what it is. There is a  
20 great deal of concern and emotion associated with the issues in this case and  
21 everybody involved knows that position. Perhaps standing back from the frame  
22 somewhat, while there may be one or two elements of this which could've been better  
23 phrased, it is not a sort of a pungent opinionating that one might have seen elsewhere  
24 in Twitter or in some of the evidence in these proceedings, for instance, but to the  
25 extent that the Tribunal considers anything was inappropriate, naturally, that's a  
26 matter of great regret. Madam, at this stage, I can't go any further, but if you'd like  
27 me to take further instructions, or provide further detail, clearly, I can and will.

28 JUDGE GRIFFIN: Thank you for that. I do not think there is any need for that at the  
29 moment. I will hear from Mr Steele if has anything to add.

30 MR STEELE: [Inaudible].

31 JUDGE GRIFFIN: Right, thank you. Well we are not asked to do any more than simply  
32 remind everybody of the rules, and the rules are that any live reporting from the  
33 hearing, whether from this room or from our remote observers, should be accurate  
34 and I know that you and Mr Loveday will advise those who instruct you and, through  
35 them, your clients, about what is appropriate during the course of proceedings.

1 Thank you for the apology and the regret that has been expressed. I do not think we  
2 need to spend any further time on this now.

3 MS MONAGHAN: You will understand why it was right for us to draw that to your  
4 attention, Madam.

5 JUDGE GRIFFIN: What I want to avoid, if I can say that to everybody, is loss of time,  
6 dealing with things that, perhaps, we do not need to deal with. All right. It is 3pm.  
7 Have we got time to complete the next witness today, do we think and, if so, where  
8 do we stand in relation to the remainder of the case?

9 MR GIBBON: My current position is that I anticipate I should be about to finish Ms Harris  
10 this afternoon, but I can't guarantee that, as my learned friend said at the start, cross-  
11 examination is, obviously, to give the witness the opportunity to answer in their own  
12 words and I don't have complete control. So it's a more than 50%, but I wouldn't  
13 claim it's dramatically higher than that. I certainly won't have had the chance to get  
14 to Ms Gallagher and speaking off the cuff now, and it may be that this is a matter  
15 counsel need to discuss between themselves, I do have quite a few questions for  
16 Ms Gallagher, as you will understand.

17 JUDGE GRIFFIN: Yes.

18 MR GIBBON: And that does raise a question which we should perhaps deal with at close  
19 of business today about how best to go forward, bearing in mind the limited time that  
20 remains this week.

21 JUDGE GRIFFIN: Well, I would be grateful if you could discuss that between the three of  
22 you, or four you, including, obviously, Mr Loveday and, perhaps, give us an agreed  
23 proposal for us to consider about how we can best use the time this week and whether  
24 we might need some more time. All right. Shall we call the next witness?

25 MS MONAGHAN: Yes, thank you. I call Kate Harris, please, Madam.

26 JUDGE GRIFFIN: I think you have got quite a lot of papers there, have you not, open? Do  
27 take a moment to-

28 **Ms Katharine Harris is sworn in.**

29 EVIDENCE OF MS HARRIS

30 Examination-in-Chief by MS MONAGHAN KC

31 Q. Thank you very much. Ms Harris, please can you tell us your full name?

32 A. Katharine Rosemary Harris.

33 Q. And you should have a witness statement in the small bundle there. I can see you  
34 have it in front of you, at page 216, and we can see that appears to be a statement  
35 from you and if you could turn, please, to page 233, which is the last page of that



1 statement.

2 A. Yes.

3 Q. Is that your signature there?

4 A. Yes.

5 Q. And are the contents of the statement true?

6 A. Yes, but I think there's one mistake.

7 Q. Mm-hmm. Would you like to make that correction for us?

8 A. Page 222, paragraph 29-

9 THE CLERK: Sorry to interrupt again. Ms Harris, could you please speak closer into the  
10 mic?

11 JUDGE GRIFFIN: Mr Nuir, Ms Harris did not, in fact, have a microphone, that is our fault-

12 THE CLERK: Oh. Ah, okay.

13 JUDGE GRIFFIN: You cannot see that from where you are, I am sure. She does now-

14 THE CLERK: Okay. Okay.

15 JUDGE GRIFFIN: We will swap it back in a minute.

16 THE CLERK: Thank you.

17 A. Page 222, paragraph 29, there's a stray sentence in the fifth line up which says,  
18 'Stonewall's position is reported at the time is set out at'. Those words need to be  
19 deleted. Everything else is fine.

20 MS MONAGHAN: Madam, I have one supplementary question if I may, and this concerns  
21 a-

22 **Discussion *sotto voce*.**

23 MS MONAGHAN: You have seen it.

24 JUDGE GRIFFIN: Has Mr Steele seen it?

25 MS MONAGHAN: Yes, they've all seen it, as well. Thank you. May I hand you this?

26 JUDGE GRIFFIN: Thank you.

27 MS MONAGHAN: And if I may just hand two copies to the Tribunal, please. You were  
28 asked about the composition of LGBA's supporters. I think Mr Nicolson, or perhaps  
29 you weren't asked, forgive me. Certainly in evidence earlier on in the week, there  
30 was a suggestion, or an assertion, that LGBA's supporters were largely not lesbian,  
31 gay, or bisexual, do you remember that?

32 A. Yes, I do.

33 Q. And can you tell us what this pie chart is and where it's come from and what it tells  
34 us?

35 A. Yes, one of our biggest battles is to fight disinformation and on 11 August we sent

1 out a survey, quite a complicated survey, to our 6,000 subscribers. Those are people  
2 who subscribe to LGB Alliance newsletters. There were many questions, and we're  
3 still going through the responses, but one of the first questions was to ask people  
4 whether they were lesbian, gay, bisexual, straight, trans, etc. These are- We got a  
5 20% response rate, which is unusually high. We were pleased about that, and it more  
6 or less shows an 80/20 split which is 80% gay, lesbian, bisexual, 20% straight, so it  
7 could be families of LGB people, it could be supporters. So 34% are lesbian, 33%  
8 are gay, the rest of bisexual and straight. Just to clarify and to add something else.  
9 The two founders are lesbians. The management team has always been made up of  
10 lesbian, gay and bisexual and the same with our trustees. So it's very irritating to  
11 constantly be told that we have been led by homophobic, straight, white men, which  
12 is quite a common accusation.

13 MS MONAGHAN: Thank you. I don't have any other supplemental questions, Madam.

14 JUDGE GRIFFIN: Thank you. Can we pass the microphone back to Mr Gibbon? Thank  
15 you.

16 Cross-examination by MR GIBBON KC

17 Q. Good afternoon, Ms Harris.

18 A. Good afternoon.

19 Q. Just picking up on this document which, obviously, I've only seen today. When you  
20 were giving your answer orally just then, you asked- You were asked about the make  
21 up and you said the questionnaire had been sent out and you included amongst the  
22 list of categories, trans, and I can't see trans on there.

23 A. You're quite right. I can't see trans either. So that is an error on my part.

24 Q. Okay, so it wasn't asked or there aren't any trans respondents?

25 A. It wasn't asked.

26 Q. And, secondly, you said this was sent out on 11 August. My understanding of  
27 Mr Nicolson's evidence is that he was referring back to his understanding of the  
28 chain of evidence that had been given in some previous proceedings.

29 A. That's correct.

30 Q. And do you recall what you think he was talking about?

31 A. Yes, I do.

32 Q. And could you-? Could you explain what that was from your perspective?

33 A. Yes, it was a series of errors. Unfortunately, Mr Nicolson often makes serious  
34 allegations about us, or about LGB Alliance, which are incorrect. He was referring  
35 to the Allison Bailey trial, a recent trial where Allison Bailey sued her chambers and

1 sued Stonewall. At that trial, representatives of several groups were asked to give  
2 rough percentages of the sort of demographic groupings. It wasn't Allison Bailey  
3 who said anything about how many lesbians were in our organisation, so that was  
4 one error. It was our managing director, Kate Barker, who said that of our- The only  
5 data we had at that time, which is why we followed up with a survey, was a very  
6 rough post-conference survey, asking people whether they enjoyed the conference,  
7 feedback for next year, what we can do better and how do you- Are you a lesbian,  
8 gay, etc., etc? I think it was a ridiculous figure which came out at 7%. Mr Nicolson  
9 inflated it 20%. Again, that was a factual error.

10 So two factual errors there but, at that time, the only evidence we had was that in  
11 response to the clunky post-conference survey, which had a very unprofessional  
12 approach to asking the question, we came up with that figure of 7%, which none of  
13 us can explain. It seems to have just been an error which is why we wanted to do a  
14 survey soon after that because we know, we know who our supporters are and what  
15 their commitment is to us, and why the vast majority of them are so keen to support  
16 a same sex attracted charity.

17 Q. So when Mr Nicolson gave evidence to say that, as you say, he actually inflated the  
18 figure, when he gave evidence to say his belief, based on evidence that had been  
19 given in those proceedings-

20 A. Yes.

21 Q. He was actually giving a higher figure than the figure that had been given in evidence.

22 A. Correct.

23 Q. Are you blaming him for giving evidence based on his recollection, which doesn't  
24 prove to be particularly wrong?

25 A. I'm describing a disturbing pattern that we see of lies. The way that we like to work  
26 is what I call cup of tea politics. We offered to have a cup of tea and a chat with  
27 Mr Nicolson and as we have done with politicians of all parties. Immediately a  
28 politician registers an interest in us, as a start up charity, you can imagine, it's very,  
29 very important if an MP actually notices you on Twitter and makes a connection. So  
30 immediately he made these strange allegations that we were so called LGB Alliance  
31 and sinister, without having met us, we offered to meet him for a cup of tea, let's  
32 explain to you who we are, what we are about. We can then go on to disagree, but  
33 let's at least get to know each other. In his evidence he said that we offered to have  
34 a cup of tea once we'd been granted charitable status. That, again, I'm afraid, is  
35 incorrect.

1 Q. We can hone back in this document. I was hoping that it was a relatively short point  
2 because it was one that cropped up in examination of Mr Nicolson and led to a  
3 disagreement with Ms Monaghan. I understand what you're saying is that he was  
4 correct that a figure was given-

5 A. Yes.

6 Q. In those proceedings.

7 A. Indeed.

8 Q. He was correct that it was a low percentage, though, in fact, he gave a slightly higher  
9 percentage than the one that was given.

10 A. Correct.

11 Q. Subsequently, a survey has been done and you're still analysing that survey, is that  
12 correct?

13 A. Yes, it's very much more detailed than just about people's sexual orientation.

14 Q. So we've been provided with, as it were, an early cut of some of the information  
15 today.

16 A. Yes.

17 Q. And you're not suggesting that Mr Nicolson had access to this document when he  
18 was in the witness box?

19 A. No.

20 Q. So- So leaving to one side the wider issues in terms of Mr Nicolson's recollection  
21 and belief that not unfairly is a reasonable recollection of what had happened in the  
22 Allison Bailey proceedings, isn't it? On this particular issue?

23 A. I disagree. I like facts. Everything that LGB Alliance tries to do is evidence-based.  
24 So for somebody to say, 'Allison Bailey gave evidence at her trial', which is not  
25 correct, and then to give an incorrect figure makes him, in my opinion, an unreliable  
26 witness.

27 MR GIBBON: Madam, this is maybe a small point, my recollection was that he didn't say  
28 it was Allison Bailey gave evidence, and it was evidence was given at Allison  
29 Bailey's trial, but I haven't got a transcript, but let's park that issue, then. The  
30 substance seems to be an attempted recollection of evidence that was genuinely given  
31 at the trial. I don't want to spend any longer, if you don't agree, please say.

32 A. It is his recollection, but it reflects a pattern of either in the Houses of Parliament, or  
33 a DCMS Select Committee or, indeed, in this courtroom of lying about  
34 LGB Alliance.

35 Q. So, I'm- I'm not going to ask you questions deliberately that are going to accuse

1 you, or anybody else, of lying and you must give whatever answers you think. I do  
2 suggest that if you're going to allege that he is lying it is a serious matter and,  
3 therefore, give it careful consideration, but I shouldn't say anything further as  
4 counsel. Now, I'm not going to repeat all the questions I asked Ms Jackson because,  
5 to a significant degree, they would overlap, so there will be a bit of overlap, but I  
6 don't think it will be a good use of this Tribunal's time. I am interested to explore  
7 with you, just as I did with Ms Jackson, something about the founding of  
8 LGB Alliance.

9 A. Yes.

10 Q. And in respect of that, if I can ask you to turn to page 227, and that's in your witness  
11 statement, and in paragraph 53, and I don't think this is controversial, 'On 18 July  
12 2019, Ms Jackson called me to say that she would be travelling to London, in any  
13 case, and that she thought we call our own meeting on that date, and the meeting had  
14 been planned for- The date the meeting for, 22 October, that was the day when we  
15 both realised we could finally move forward in setting up a group specifically aimed  
16 at-'. There were no charitable objects.

17 A. Yes.

18 Q. And you contacted over 70 people you believed would be interested in coming to  
19 your meeting.

20 A. Yes.

21 Q. And the description there is if I can put it fairly vanilla. 'It's simply people we  
22 believed would be interested in coming'. Now, you gave a speech on 18 January  
23 2020 and a transcript of that is found at page 887 in volume 2.1.

24 JUDGE NEVILLE: Sorry, which page was that?

25 MR GIBBON: 887, Sir. And so after the introductory paragraph, there's applause, 'There's  
26 so much to say and I know I have only got 10 minutes. I just want to say, first of all,  
27 a very broad point, that it's less than three months since Bev and I got together a  
28 secret squirrel meeting in London by contacting anybody we thought was really  
29 stropky on Twitter'. Now, that was a word Ms Jackson said she, perhaps, wouldn't  
30 have used herself but she understood what was meant. When you say, 'Really  
31 stropky on Twitter', what do you mean by that?

32 A. What I was referring to by the word 'stropky' was that, in those days, it was quite  
33 frightening to say, 'Biological sex is real'. It was quite frightening to stand up against  
34 a general view that was being expressed by a gender-identity theorists that anybody  
35 who stood up and objected to the directions that were being taken by Stonewall and

1 others was a transphobe, a bigot. It was a frightening environment on social media.  
2 So much has changed since 2019, but what Bev and I were looking for was courage.  
3 What we had to do took enormous courage. We had to stand up knowing that we  
4 would be on the end of the most disgusting abusive insults over and over again. So  
5 when I say I was looking for people who were stropky, Mr Gibbon, I meant people  
6 who could stand up [against] the hatred that we have received on a daily basis ever  
7 since we formed what we believe to be a charity based on the principles of love and  
8 freedom of expression.

9 Q. And what you say is, 'What is good, is we decided to contact everybody across the  
10 spectrum that became known as gender critical'. So these were- These were stropky  
11 people who were gender critical, that was the whole point.

12 A. Yes, and I think it's very important to say we contacted everybody we could think of  
13 to say, 'Whatever you believe, whether it's right or left, whether you're a radical  
14 feminist separatist, whatever you are, whether you are straight, trans, bi, if you  
15 believe that there is a need to return to biological fact to inform dialogue and to push  
16 back against the silencing of sensible discussion, then join us'.

17 Q. So when you say, 'Whatever you believe', it's whatever you believe if you are gender  
18 critical.

19 A. Well, you use gender critical a lot, it's a word, a phrase, that I find almost intolerable  
20 and fairly meaningless. It has, I agree- I wouldn't know what to say if I was in your  
21 shoes, Mr Gibbon, it's difficult, but what we believe, we believe in the values of the  
22 enlightenment. We believe in science. We believe in reasoned debate. So to sort of  
23 pop our views in a little box that says they're gender critical diminishes that.

24 Q. It's a phrase I've used because it's in the evidence.

25 A. Yes, and it's-

26 Q. It's defined, in fact, in a way that everybody seems to agree with, more or less, the  
27 fundamental of it.

28 A. I think *faute de mieux*.

29 Q. Yes, so- So if you can forgive me, *faute de mieux*, using it as a shorthand and, indeed,  
30 a shorthand that you, yourself, used in this speech.

31 A. Yes, guilty as charged.

32 Q. And so coming back to my question, recognising your caveat that you don't like the  
33 phrase and it puts things in a box, but if it's the best we have, the lack of anything  
34 better, when you say, 'Whatever your belief is', whatever your belief, as long as you  
35 were gender critical. I think that's not unfair.

1 A. Yes, you're- It's- I mean, yes, in principle, but it was so much more than that.

2 Q. And if we look through to page 889, for instance. Now towards the bottom of the  
3 page, the penultimate applause is followed by, 'So I'm afraid Stonewall is at the heart  
4 of the dissemination of the lie of gender identity and, therefore, we have to pursue it  
5 until this is clear and a spotlight is shone upon it'. I'll just read the next paragraph  
6 and then we can discuss, but just to have everything together. 'That's the tricky one.  
7 The easier one, and I apologise, but it only relates to England, but I hope it may be  
8 of interest anyway. We're going to stop the implementation of the planned primary  
9 school curriculum for sex and relationship education, which is supported by the  
10 Government Equalities Office. We're going to campaign for the introduction of a  
11 sex and relationship education curriculum that confirms controversial, there are two  
12 sexes', and from the way it's written, the cadence is of a speech here, this isn't a  
13 written text, this is a speech, isn't it?

14 A. That's right.

15 Q. Now, this is, I would suggest, clearly, a pungently expressed political agenda, isn't  
16 it?

17 A. It's the culmination of a lifetime of lesbian and gay activism mainly through  
18 Stonewall and supporting Stonewall and at the end of three years of trying to engage  
19 with Stonewall simply the only request that we ever had of Stonewall was to have a  
20 dialogue. We even had a petition that was signed by 10,000 people just to have a  
21 dialogue. So if you think that asking for a dialogue is a political act, then that was a  
22 political act. That was what we were trying to do.

23 Q. But the focus and, perhaps, just to bring you closer to where I was intending the  
24 question to have as its springboard, 'We're going to stop the implementation of the  
25 planned primary school curriculum which is supported by the  
26 Government Equalities Office'. Now the focus there, the primary focus, is what  
27 should happen in schools and, no doubt, what should be said and done to persuade  
28 the Government Equalities Office to withdraw its support, isn't it?

29 A. Yes, and I think we should have probably said there, the Department for Education,  
30 who subsequently went on to agree with us that the curriculum was deeply flawed,  
31 and only groups presenting biological facts should be used in schools.

32 Q. And it may be that this is simply the way you speak plainly, but it's pretty straight  
33 up to say dissemination of the lie of gender identity, isn't it?

34 A. It's very straight up and I think we are straight up. I think it's very strange when  
35 people say we're coy. The way we work is to try to build bridges. Now, sometimes,

1 to build bridges, you have to be very straightforward about what you're saying. I  
2 believe the theory of gender identity ideology is damaging to children. I have  
3 evidence to prove that, for example, in the Cass report. If you disagree with me and  
4 you have evidence that says, 'Gender identity exists. Here is the scientific evidence',  
5 we should have a dialogue, and there should be that dialogue in Parliament. So  
6 what's happening is that there is a lack of dialogue and understanding. When I was  
7 saying in the speech gender identity is a lie, I can say that with conviction because  
8 there is no evidence that gender identity is any more than a feeling.

9 Q. Perhaps, I should say now it will be no function of the Tribunal to rule on the  
10 questions like people's beliefs. The question will be whether LGB Alliance is a  
11 charity, or not.

12 A. Yes.

13 Q. But without me having to repeat it at great length, clearly, you will appreciate that  
14 your beliefs are not shared by my clients and many other people.

15 A. I understand that.

16 Q. As I say, I won't say it every time, because it wouldn't assist, but I think that needs  
17 to be made clear, so if I don't challenge every- Every statement, that's not thought  
18 to have gone by. If I can ask you to turn to page 890. It's, in fact, following on from  
19 a statement on the previous page. 'We're going to recommend that children should  
20 be encouraged to live their lives to the full without any restrictions relating to  
21 outdated gender stereotypes', and you say, this is the top of 890, 'Now, I'm told that  
22 this is a very easy thing to do. This is a piece of political lobbying, and we're  
23 beginners at that, but we've got helpers. People are coming to us whenever we need  
24 them and offering their help'. So, that's the anticipation, isn't it, it's that it's going  
25 to be lobbying, political lobbying, that's going to be part of the central purpose of  
26 LGB Alliance?

27 A. Only in support of our charitable objects and we go back to those time and time again.  
28 What are our charity objects, does this lobbying support that? In the case of  
29 education, we believe that children being told that they may have a gender identity is  
30 the first step on a possible pathway to thinking that they may be born in the wrong  
31 body and everything that follows from that. So the education issue is directly in  
32 support of our charitable objects.

33 Q. Well, I'll be suggesting to you, as you can imagine that, in fact, it came the other way  
34 round, that you were formed with those political objectives and gender critical  
35 objectives and the statement is to be read in that context, the articles, to be read in



1 that context, but we'll look through the documentation, rather than debate it in the  
2 abstract. Moving down the page, you've mentioned the LGBT inclusive curriculum  
3 which you cite from in the paragraph beginning, 'This is from the curriculum', and  
4 you've described it as chilling.

5 A. Mm-hmm.

6 Q. And you followed that citation with, 'So it's obligatory. We are going to stop it and  
7 we've got eight months to do that, but it's not going to happen. It cannot happen.  
8 We cannot allow it to happen'. So, again, I suggest that this is a political objective.  
9 It's a primary objective of ensuring that something doesn't happen.

10 A. But I would argue that it's a secondary objective in support of children who may  
11 grow up to be lesbian, gay, or bisexual.

12 Q. And you mentioned earlier about building bridges, when you're talking about  
13 Stonewall and the dissemination of the lie of gender identity, that's blowing bridges  
14 up, isn't it, rather than building them?

15 A. It's rather a rabbleroising speech and I concede that, but we had been blocked and  
16 blocked and blocked. I don't know whether you've read the correspondence between  
17 me and Stonewall that went on for two and a half years.

18 Q. If it's in the bundle, I've read it.

19 A. Yes. So you'll see how far we went even offering- I was working, at that time, with  
20 former trustees of Stonewall and we tried every angle to get a dialogue going about  
21 the direction that Stonewall was taking on sex and gender identity and the former  
22 trustees and I got to the point of saying, 'If you, Stonewall, can't talk to us in a  
23 meeting room, let's have a facilitator, let's have an independent facilitator', so I can't  
24 stress highly enough how much effort and work went in over a period of two to three  
25 years to try and get Stonewall to speak and it wasn't, by any means, just me. There  
26 were other groups. There were other individuals. Lots of former trustees, former  
27 founders, former supporters of Stonewall saying, 'Stop. Let's talk. This is a  
28 democratic society'. So when I say here, 'It is a lie', I think you can probably hear  
29 that I've come to the end of my tether, although we did continue to reach out to  
30 Stonewall, particularly when Nancy Kelley was appointed, because she said in one  
31 of her first interviews that she wanted to end the difficult situation that we were in.  
32 So we wrote to her and said, 'Let's talk. Let's get together. Let's try and move  
33 forward together', but, at this point, clearly, I was expressing my frustration that I  
34 had failed, and the former trustees had failed to engage Stonewall in normal dialogue.

35 Q. Now, I've taken you to a couple of bits of that speech and they're slightly out of

1 sequence, but as we were in the document, I didn't want to dash back to it later, but  
2 what brought me there originally was, of course, the statement about speaking to  
3 people who are stropo on Twitter in terms of getting LGB Alliance off the ground.

4 A. Mm-hmm.

5 Q. And returning to that point, if we could, you approached, you and Ms Jackson  
6 approached stropo people, confrontational people, people who were prepared to  
7 stand up and be counted, perhaps, you might say.

8 A. Yes.

9 Q. With gender critical views to form a confrontational institution and that's  
10 demonstrated in some of the language used in the speech, isn't it?

11 A. No, I disagree. I- The organisation that Bev and I set up and discussed and thought  
12 through, how can I put this? We had not a single clue what we were doing. Not a  
13 single clue. We had no idea what would happen to us. When we- When we spent  
14 all that time talking to people, what we were talking about is how do we protect  
15 children, particularly, who may grow up to be LGB from what's going on? What  
16 can we do? How can we look at education? Help the media and, particularly, social  
17 media which, at that time was just out of control on this issue and, you know, to say  
18 we thought, oh, let's have a confrontational organisation is such a misrepresentation.  
19 When we got the reaction we got, it was 50% thank you, thank you from around the  
20 world. 'We need you desperately. You're the only organisation in the world that's  
21 standing up and telling the truth', and then, the 50% were telling us we were  
22 Ku Klux Klan bigots funded by right wing fundamentalists, so I can assure you that  
23 there was-

24 We didn't want confrontation. We wanted to be a charity that imitated the best of  
25 what Stonewall used to be, but that was forward looking, looking to the future, how  
26 can we best look after generations of children to come who, like us, grew up to be  
27 happy lesbians and gay.

28 Q. In the period running up to the meeting, you and Ms Jackson had prepared a draft  
29 mission statement, as well.

30 A. Yes, I must confess I think Ms Jackson was more involved in that than I was, but I  
31 agreed with the content, there's no question there.

32 Q. So- So in the runup, if you like, there's two elements to the runup, if I can put this  
33 way, at least in this context. There's your one-to-one relationship with Ms Jackson,  
34 particularly moving on from the middle of July 2019, and there's the exercise that  
35 you have of reaching out to individuals who you think, both of you think, may be

1 interested in getting something off the ground.

2 A. Yes.

3 Q. So, if you like, you're at the core of it, the two of you.

4 A. Yes.

5 Q. And then, obviously, you're working towards a date, I think you described it as a  
6 secret squirrel that you would have attendees at that meeting.

7 A. Yes.

8 Q. You weren't sharing ideas with them for the first time, no doubt, you discussed by  
9 phone or by email, or DM, or something.

10 A. Yes.

11 Q. And that was going to be an opportunity to ensure that everybody was onsite for the  
12 launch of what becomes LGBA, is that broadly correct?

13 A. Yes.

14 Q. I don't think it's contentious-

15 A. No.

16 Q. I'm just trying to go through the sequence.

17 A. Yes. Yes.

18 Q. And so in the course of that, there's a statement, a draft mission statement being  
19 prepared, and I think you've said primarily by Ms Jackson, but you would've agreed  
20 to it and that was, presumably, put to the meeting, or available at the meeting.

21 A. We had, you know, when you put posters up round the room, and if people wanted  
22 to work on the mission statement, they could put their name on these, what do you  
23 call them? You know when you have a flipchart. So we had flipchart sheets, people  
24 who wanted to talk about the mission statement, people who wanted to talk about  
25 other things, you know, they may have been interested in health, education, whatever.  
26 So those people then refined, got together, and refined various angles of what we  
27 were doing. That's how we did it.

28 Q. And I think Ms Jackson said that it went through a number of drafts, the timing of  
29 that isn't clear from the papers, but if I can ask you to turn to page 883 in the same  
30 volume.

31 JUDGE GRIFFIN: While everybody does that, can I just indicate that if counsel want to  
32 take their jackets off, I am about to. I do not know what it is about this room, I am  
33 afraid, in the afternoon-

34 MR GIBBON: It does get warm.

35 JUDGE GRIFFIN: It does get increasingly airless, does it not?

1 MR GIBBON: It does. I was, perhaps, getting ahead of myself. I would say that afternoons  
2 aren't, necessarily, the best time to sit on late, as a result, in terms of best evidence  
3 from witnesses.

4 JUDGE GRIFFIN: Absolutely.

5 MR GIBBON: I'm going to keep mine on, just because it has my pens and things in, so-

6 JUDGE GRIFFIN: As you wish, Mr Gibbon.

7 MR GIBBON: I hope I don't stand out too much.

8 **Discussion *sotto voce*.**

9 JUDGE GRIFFIN: I think-

10 MR GIBBON: You'll never know whether mine is inappropriate.

11 JUDGE GRIFFIN: We need say no more.

12 Q. I'd ask you to turn to page 883 in bundle 2.1.

13 A. Yes.

14 Q. So I believe this is from January 2020, but it doesn't say on its face, but I discussed  
15 this briefly with Ms Jackson and you'll see on page 884, the mission statement and  
16 also above that, and I'm afraid it was cut off for some reason, but I'll fit in the words  
17 that I gave to Ms Jackson, and she said they weren't controversial. 'It should have  
18 one to advance the interests of lesbians, gay men and bisexuals at a time when we  
19 are under threat from concerted attempts to introduce confusion between biological  
20 sex and the notion of gender'.

21 A. Yes.

22 Q. And then later on, 'To protect children and young people from being taught  
23 unscientific gender doctrines etc'.

24 A. Yes.

25 Q. And under the mission statement, it includes, 'Standing with lesbians in rejecting  
26 pressure to accept sexual partners, males who define themselves as women on the  
27 basis of gender. We uphold the definition of homosexuality', etc, 'and the biological  
28 reality of two sexes'. Now it's this material, this sort of material, isn't it, that  
29 would've been the discussion at the discussion that took place on 22 October? This  
30 is what everybody there knew LGB Alliance wanted to do.

31 A. In general I would say, yes. I mean, we had several speakers. This definitely reflects  
32 the main direction that we were going to take, yes.

33 Q. And amongst the several speakers, obviously, yourself, you would've been one, and  
34 Ms Jackson would've been one and, presumably, a range of other individuals.

35 A. We had Simon Fanshawe, one of the founders of Stonewall and Miranda Yardley, I

1 think Miranda describes himself as transsexual gay man.

2 Q. And so all the things covered in the document that these are all known by the people  
3 who attended the meeting and supported the launch of LGBA.

4 A. Yes, I mean, none of these, obviously, were in place. We were not- We didn't exist  
5 on 22 October 2019. We existed from the timing of Allison Bailey's Tweet. So we  
6 had no name. We had no written documents. We had no website. We weren't a  
7 company. We were an idea. Allison Bailey's Tweet went viral about, I think, about  
8 11pm that night.

9 Q. I'll come back to that very shortly.

10 A. Sorry. Sorry. Sorry. Yes. Sorry.

11 Q. No, no, you were fair to put it.

12 A. I was just making the point that this didn't exist at that time.

13 Q. But the mission statement, of some sort, was-?

14 A. Yes.

15 Q. Agreed to that day, wasn't it?

16 A. No, not that day.

17 Q. I'll come back to that then and, in fact, a different thing. What subsequently became  
18 the articles, you're not suggesting they're inconsistent with the mission statement?

19 A. No.

20 Q. No. So, if you like, there's a process and it's suddenly, if I can put it this way, it  
21 launches with the Tweet, is what you said.

22 A. Yes.

23 Q. So let's come to the Tweet now. That's found at 1445 in volume 2.2 and this, as  
24 you've rightly remembered, at 11.12pm, so, presumably, after the meeting has  
25 finished, rather than during it.

26 A. Mm-hmm.

27 Q. 'This is an historic moment for the lesbian, the gay and bisexual movement.  
28 LGB Alliance', emphasised, 'launched in London tonight and we mean business'.

29 A. Yes.

30 Q. 'Spread the word. Gender extremism is about to meet its match'. It's quite  
31 gladiatorial sounding.

32 A. Yes, again, I think you need- We need to think about the context here. Many  
33 lesbians, in particular, but also gay men, trans, straight people, have felt under siege  
34 since 2015. We had felt completely abandoned by Government, by Stonewall, by  
35 the media. We were being written out and, in the bundle, you can see how the word

1 lesbian is gradually eliminated between 2015 onwards from many reports etc. So  
2 there was a feeling at that meeting of euphoria. We were happy to be together again.  
3 We were happy to be lesbian, gays, bisexuals, trans, straights, saying, 'Don't be  
4 frightened. It is okay to say that there are two sexes. It's okay to say to children,  
5 "You can be anything you want". It's okay to say that we stand up for reading  
6 dialogue and we won't be frightened', so it was gladiatorial is actually really good,  
7 because it was, and remains, David and Goliath.

8 Q. I'm not sure gladiators are always David Goliath.

9 A. No, you're quite right, but you see what I mean. We are a pinprick on an elephant in  
10 terms of funding, in terms of the situation in the world, where gender identity  
11 ideology has been massive absorbed into the United Nations, the European Union,  
12 etc., etc., so we are, maybe I should just say, 'We're a [inaudible]'.

13 Q. I felt, if I can be colloquial, I had a bit of pushback from you earlier about your  
14 confrontational stance. I would suggest, though, the idea that meeting the match of  
15 gender extremism it's- It is about an organisation set up for a fight with what you  
16 label but, no doubt, would be denied by those on the other side, as gender extremism.

17 A. And I would place it in the context of having struggled for years to point out that  
18 children are in danger, that safeguarding was being ignored. I think it's very  
19 important to think of what we were up against and what we were fighting for. In the  
20 Cass report, she deliberately talks about the care of this group of young- Of children  
21 and young people is all of our business and we wanted to say loud and clear, 'We're  
22 not going to let this go any further', and we've seen some of our work is paying off.  
23 The closure of the Tavistock, the Cass review, a much more holistic view of how we  
24 treat gender non-conforming children. That was at the heart. It was about caring for  
25 children, so the fight was on their behalf.

26 Q. Without wishing to get side-tracked into it, a document that I produced earlier in the  
27 week was in relation to what's happened in respect of the Tavistock and it's an  
28 oversimplification, isn't it, to say, 'The Tavistock is being closed'? The service is  
29 being developed in the way it's announced by NHS England.

30 A. GIDS has been found to be unsafe in its present form and a much more holistic local  
31 method of caring for children who might previously have been referred to GIDS is  
32 going to be set up.

33 Q. We have the press release somewhere as to what's happening. As I say, in the course  
34 of that, the Tavistock is fully involved, isn't it, with the transition to what's hoped to  
35 be a new and hoped by everybody to be a new and better system for young people

1 with gender dysphoria? Belinda Bell gave evidence in respect of that.

2 A. We have to wait- We have to wait for the full report, but the current service is found  
3 to be not safe or sustainable.

4 Q. And, as I say, beneath that brief summary, there's quite a complicated story and the  
5 full report isn't out yet and the full new developed service isn't out yet, is it?

6 A. But this is all we asked for. All we asked for was an examination. How are we  
7 treating these children? Is this the biggest medical scandal since thalidomide that we  
8 are about to see? We don't know yet, but what's happening now is that the light is  
9 being shone on these services, and that is all we ever asked for was to talk about these  
10 issues that up until we arrived on the scene and started to make ourselves heard, these  
11 issues were all taken as a given.

12 Q. I put to you that it was an oversimplification but, as I say, it's a side-track and I'm  
13 not to pursue it at great length, but we'll move on to another point related to the  
14 founding of LGBA. You used the slightly unusual phraseology in paragraph 59, the  
15 first action of the meeting was to send a letter to the  
16 Equality and Human Rights Commission.

17 A. Where are you?

18 Q. Paragraph 59 of your statement-

19 A. Oh, I'm sorry-

20 Q. Page 228, I apologise.

21 A. I'm sorry. The first action-

22 Q. Of the meeting.

23 A. 228. Oh yes, here we are. Yes. Yes, we decided to be, sort of, suffragette-ish or  
24 Pankhurst-ish, and action, not words. So that's correct. The first thing we did was  
25 to present a letter to EHRC, I think, Ms Jackson has already commented on the  
26 importance of their role in balancing, the protected characteristics, that's what we're  
27 interested in, balance.

28 Q. And I'm just focusing on the word 'meeting' here. It wasn't everybody at the  
29 meeting sent a letter. They might have agreed that the letter should be sent-

30 A. Yes.

31 Q. Maybe that's what you mean.

32 A. Yes, we- What happened, as I remember it, is we distributed the letter, maybe we  
33 read the letter out. A few people with- Again, a few volunteers offered to refine it  
34 and we sent it the next day on 23 October.

35 Q. Yes, and it may be that's the appropriate moment to turn to that. That's at volume

1 2.1 at page 874, and it's two pages and as you'll see on the second page, it's signed  
2 by you, Kate Harris, on behalf of LGB Alliance, with  
3 LGBAllianceFuture@gmail.com as an email address, and was that an email address  
4 you already had set up?

5 A. Yes, that's now changed, but yes.

6 Q. I understand.

7 A. Yes.

8 Q. But set up in advance of the meeting.

9 A. Yes.

10 Q. And this is headed 'Formal request for EHRC intervention at Stonewall', and you  
11 say this. 'A group of influential lesbians, gay men, and bisexuals resolved at a  
12 meeting in central London last night to set up a new LGB Alliance to counter the  
13 confusion between sex and gender which is regrettably widespread in the public  
14 sector and elsewhere'. So that was the purpose, wasn't it, was to counteract what  
15 you regarded as the confusion?

16 A. Yes.

17 Q. And you say, next paragraph, 'The participants', and you then give some examples,  
18 'agreed a mission statement for the new organisation focusing on biological sex  
19 rather than gender theories which many regard as pseudoscientific and dangerous'.

20 A. Yes.

21 Q. And, so these are the first two sentences, 'LGBA has signed to', is two paragraphs,  
22 and when you say 'many regard as pseudoscientific and dangerous', it may not be  
23 everybody but most people at the meeting, would that be right?

24 A. I think all people at the meeting.

25 Q. All people at the meeting and although we haven't necessarily, therefore, got the  
26 mission statement in the form it existed on 22 October, it was very similar to what  
27 we looked at already this afternoon.

28 A. Yes.

29 Q. And it doesn't say it was formed to provide benefits to LGB people as the primary  
30 purpose.

31 **Pause.**

32 A. No, we don't spell it out. What we do say is that we are concerned at the erosion of  
33 the most basic rights and dignities and we also talk about the refusal to have dialogue  
34 about the confusion between sex and gender which, as I mentioned before, through  
35 education, can confuse children who then go on to do- To follow the medical



1 pathway, which we think in so many cases is completely unnecessary for children  
2 who would otherwise grow up to be LGB.

3 Q. Obviously, I'm not going to read the whole of the letter out and, by all means, if there  
4 are bits that you'd like to refer to which I am not referring to, please say. I was going  
5 to pick up next where it's said in the fourth paragraph, second sentence, 'Stonewall  
6 is in receipt of very significant public funding and the wider public must be reassured  
7 that this money is being spent in a responsible way, particularly in the light of the  
8 disproportionate monies being dispensed towards the trans community and the  
9 relative paucity of funds dispensed towards the lesbian community'. So, to  
10 summarise, you're suggesting that there's too much, perhaps too much of a limited  
11 pie, if that's what it comes down to, being spent on trans people.

12 A. I would argue that our focus was that nothing was being spent on lesbians, because  
13 lesbian groups were not allowed to exist, so I would turn that around the other way.  
14 There is no doubt that trans people need groups which are properly funded. Our  
15 problem was that Stonewall, and you can see this in the bundle, Stonewall's focus  
16 changed so dramatically, there was such an overcorrection that the word 'lesbian'  
17 practically disappeared off their website. There was certainly no funding for any  
18 lesbian groups.

19 Q. And the paragraph at the bottom of the page, you refer to this, 'We think that you  
20 may want to review what might soon be termed "Stonewall law"'. In fact, it was  
21 soon termed 'Stonewall law' by you, wasn't it?

22 A. Yes.

23 Q. And you don't use that longer formulation, you simply talk about 'Stonewall law'.

24 A. Yes.

25 Q. And you say what that is, and I'm not going to get into the legal arguments, but you  
26 go on to say, 'We believe this is dangerous and misleading'.

27 A. Yes.

28 Q. So, if you like, as I say, your first action as LGB Alliance, is writing to the EHRC to  
29 ask the EHRC to intervene in Stonewall because of the views and the approach it  
30 takes, and you wish to combat that.

31 A. Yes, based on their total neglect of child safeguarding, because in Stonewall law  
32 gender identity replaces sex and I am sort of repeating myself, but once a child is told  
33 at the age of five onwards, if they are in any way different, they may have a gender  
34 identity that is different from the sex they were assigned at birth, which is what  
35 Stonewall promotes, and many other organisations promote in school, that leads on

1 to children like me, and I'm afraid I do have a very specific personal interest in this.  
2 I was put in the boys' section at school for sports. I was pretty lonely. I'm 100%  
3 sure if a teacher had taken me to one side and said, 'Katharine, you know, some  
4 people maybe have a gender identity, maybe you are really a boy', I am 100% sure I  
5 would've jumped at that special attention. I would've pushed GIDS. 'Fast track me  
6 on to puberty blockers'. I would've insisted on hormone treatment. I'd be wearing  
7 a binder so I couldn't breathe and, no doubt, I would've ended up having surgery.  
8 So I declare a personal interest in this because if I was 12 today, that is what I would  
9 be doing as a direct result of Stonewall law being promoted around the country. We  
10 saw Akua Reindorf's report at Essex University. We've seen Stonewall at the  
11 Women and Equalities Select Committee saying, 'Gender identity should replace  
12 sex'. This is evidenced based, and it is all about the need to safeguard children who  
13 are vulnerable, such as I was, from being confused, at a very tender age about who  
14 they really might be.

15 Q. The final passage in the letter I was going to show you and it may be your answer  
16 will be along the lines of some of your previous answers, is in the penultimate  
17 paragraph, there's various things said about Stonewall. 'Stonewall has redefined the  
18 meaning of sexual orientation towards persons of the same sex by stating that  
19 homosexuality might be considered a term used to describe someone who has a  
20 romantic and/or sexual orientation towards someone of the same gender. Here we  
21 see a clear example of Stonewall's purposeful elision of sex and gender, combined  
22 with Stonewall's view that everyone chooses their gender identity, this theory surely  
23 contradicts the wording of the law and needs to be formally reviewed'. So the  
24 invitation is to the EHRC to intervene, and it is focused on Stonewall, in particular,  
25 Stonewall law, as you've just discussed, but it's that powerful drive, that powerful  
26 purpose that comes from fundamental disagreement with the gender identity theory.

27 A. No. It's a fundamental concern that safeguarding measures for children are being  
28 ignored leading to early use of puberty blockers. People, as we've said over and over  
29 again, medical care being inappropriately used, medicalising children who would  
30 otherwise grow up to be happy lesbians, gays, or bisexuals. So it's not a theoretical  
31 disagreement, Mr Gibbon. It's a disagreement because we feel a duty, we do feel a  
32 duty to children growing up like us, and so it's not just to say, 'We disagree with this  
33 in theory. We disagree with this in practice because we know where it leads to'.

34 Q. Moving back to your statement, if I could, there's one small thing arising out of the  
35 letter. In your statement you say at paragraph 60, which is page 228, 'In addition,

1 we set up a working group to devise our mission statement and formed a management  
2 team'. I think from the letter, you said you already had a mission statement so,  
3 perhaps, this should better be to evolve or develop that mission statement.

4 A. Yes. Yes, I think we- We took longer than we thought to finalise the mission  
5 statement. So in this letter, we say, 'We have a mission statement', and I would agree  
6 with you that it wasn't complete at that point.

7 Q. The core of it was there.

8 A. Yes.

9 Q. No doubt.

10 A. Yes.

11 Q. And as you put it at paragraph 62, 'Suddenly LGB Alliance became a thing'.

12 A. Yes.

13 Q. And, obviously, as part of the process of formalising everything, you incorporated  
14 the company to carry on that work, didn't you?

15 A. Yes.

16 Q. And you said in your evidence that, 'The application for that company to become a  
17 charity was initially drafted by me'.

18 A. Yes.

19 Q. Just pausing there, I don't believe you're a lawyer, are you, or a charity lawyer?

20 A. No.

21 Q. So, presumably, this is no criticism-

22 A. No. No. No.

23 Q. I'm just trying to get the sequence straight-

24 A. Yes. Mm-hmm.

25 Q. You, perhaps, then put together some materials which then got handed on to your  
26 solicitors who did what was considered necessary.

27 A. Yes. Yes, I mean, it is all new to me. This is all- This was not what I was expecting  
28 to be doing in 2019, so we took legal advice very promptly which was to become a  
29 company and then we had advice, it was quite clear that we should be a charity in  
30 order to fulfil our charitable objects and we took advice from our solicitors as to how  
31 to fill in all the details necessary. So I was the one responsible for filling in the-  
32 Working with the solicitors on that.

33 Q. Can I suggest to you, perhaps it worked the other way round, is that you needed to  
34 have charitable objects to become a charity?

35 A. We had charitable objects before we became a registered charity.

1 Q. But what document do you have prior to the articles of association which has a list  
2 of charitable objects? You don't. You've got a mission statement-

3 A. We don't.

4 Q. There isn't one exactly.

5 A. As we- As we say here, suddenly we were a thing, we were racing. A couple of  
6 women, suddenly, you know, we were so lucky because supporters came to us and  
7 helped us but to be perfectly honest, we were unprepared for what hit us.

8 Q. So, and I don't think this is controversial, what you would've said to your lawyers is,  
9 'Here we are. We're a thing. We'd like to be a charity', or maybe somebody  
10 suggested to you, you ought to be a charity, and you've said, 'Please can you set us  
11 up so we can be a charity. We can pursue these objects that we want to pursue'.

12 A. Well, it was actually much simpler than that, in the sense that I think I'm repeating  
13 myself a bit, but my life was very much involved with Stonewall. So I knew how  
14 good, how powerful Stonewall had been in its early days of being a highly respected,  
15 reliable organisation that gave advice that governments could trust, individuals could  
16 trust, and Stonewall decided in 2015 to go in a certain direction and abandoned the  
17 values that I appreciated them for. So in answer to your question, we, early on,  
18 decided that our charitable objects would replicate those of Stonewall. How we  
19 would fulfil those charitable objects would, of course, be different because it's 2021,  
20 at that point, whereas they started 30 years ago but, in general, you can see the  
21 parallels in the bundle between what they did and we also do, which are education,  
22 creating a good climate for LGB, etc., etc.

23 Q. And if I can just clarify for a moment, obviously, the application for charitable  
24 registration was in March 2020, not 2021.

25 A. That's right, it took a year.

26 Q. So the documentation was all in place prior to 13 March 2020 when the application  
27 was put in by Bates Wells to the Charity Commission.

28 A. Yes, we were working on it for quite a long time.

29 Q. And so, I know there's a side-by-side of the evidence that we could perhaps come to  
30 later, but the- Just to clarify your evidence, what you sought to do, at that time, this  
31 is what I make sure if it's clear-

32 A. Mm-hmm.

33 Q. You've sought to borrow, or adopt, the structure, the same structure that Stonewall  
34 had used and that was a conscious decision by you, or by the solicitors, or a  
35 combination of you?

1 A. I think we expressed it to the solicitors that we felt our duty was to form an  
2 organisation based on the best of what Stonewall had been. I- I can't be certain, but  
3 I think it would've come from me because Stonewall was in my DNA. Bev's-  
4 Ms Jackson's background was GLF, so it probably was my suggestion to the  
5 solicitors and then we went forward with that.

6 JUDGE GRIFFIN: Mr Gibbon, I am conscious of the time.

7 MR GIBBON: I was about to say-

8 JUDGE GRIFFIN: And the heat and, obviously, it is difficult giving evidence and sitting in  
9 your seat too in the heat. Perhaps our time would be best spent, perhaps, with counsel  
10 having a short conversation between you all about where this case will get to this  
11 week in terms of timing and witnesses and we will come back in at 4.15pm but,  
12 perhaps, we can finish the evidence there, because I understand you will need to come  
13 back into the witness box tomorrow, in any event, and what I do not want to do is to  
14 push on in the heat of this room and at this time of day unnecessarily. If I could just  
15 say, and I know you have heard me say it to other people, please do not talk about  
16 your evidence with anybody whilst in the pauses between these hearings.  
17 Five minutes just to allow you to have a short conversation. We can have a quick  
18 indication of where you all think we might be.

19 **Court rises.**

20 **Court resumes.**

21 JUDGE GRIFFIN: Thank you. Please sit down.

22 MR GIBBON: Madam, we've made a certain amount of progress, but I think we are going  
23 to put ourselves in the Tribunal's hands to a degree, as well, and in terms of how long  
24 I expect to be with the remaining cross-examination my best estimate, at the moment,  
25 and I think neither Mr Steele nor Ms Monaghan disagrees with this, is lunchtime  
26 tomorrow to finish the witness evidence and we are all agreed that the witness  
27 evidence has to be dealt with properly and it must take as long as it takes.

28 JUDGE GRIFFIN: Absolutely.

29 MR GIBBON: The question that arises is what happens next, and I think this is where there's  
30 a slight divergence between counsel. My personal position is to look for guidance  
31 from the Tribunal as to how best you regard the remaining time should be dealt with  
32 on the footing that this is clearly an important matter which raises a great deal of  
33 points, and the Tribunal might have a concern that a day and a half might not do those  
34 points adequate justice in oral submissions. Having raised that, I do stress that I'm  
35 very much in the Tribunal's hands. We're all in the Tribunal's hands as to what the

1 Tribunal regards as the most appropriate course and it may be that that can only be  
2 answered properly once the witness evidence has ended and it's fair to say that both  
3 Ms Monaghan and Mr Steele take the view that as we're here now, we ought to cut  
4 our cloth, and we must finish by the end of the week, because that's the time we were  
5 given and I hope that's not an unfair-

6 JUDGE GRIFFIN: No, that sounds-

7 MR GIBBON: Not an unfair characterisation. So that's all I say, if there's anything  
8 Mr Steele or Ms Monaghan wants to add?

9 JUDGE GRIFFIN: So just to be clear, you think you are going to be able to finish Ms Harris  
10 and Ms Gallagher by lunchtime tomorrow?

11 MR GIBBON: That's my current anticipation, yes.

12 JUDGE GRIFFIN: Thank you. Well, I think we need to reflect on what you have just said.  
13 Ms Monaghan, what would you like to say?

14 MS MONAGHAN: Simply, as Mr Gibbon reported back from us all, I take the view, as  
15 does Mr Steele, that we have a day and a half, we can get a lot done, by my estimates,  
16 into a day and a half, especially with detailed skeleton arguments, we have a day and  
17 a half and the right thing to do is to share that time fairly recognising we have a day  
18 and a half. The alternative is to go part heard. We don't know when a time will be  
19 available in the Tribunal that would accommodate all of us because, of course, if it's  
20 part heard, it will be at least three months, that is Mr Steele, Mr Gibbon and I, and it  
21 could be a very long time, and a very long way between the evidence and  
22 submissions, is it so problematic, but it's also problematic, it's needs everybody, in  
23 essence-

24 What happens with things like funding in that interim period? And you will have  
25 seen from the witness statements, there's been an issue with at least one public  
26 funder. I mean, there's been another public funder that has continued to fund, but  
27 one public funder that has said, 'We'll await the outcome of the proceedings', and,  
28 of course, it's a very serious matter for my clients and, it's not, 'We'll go part heard  
29 until two weeks' away', where one might think, well, that's a bit unfortunate, but we  
30 can accommodate it, but it- I anticipate it will be some time away and without  
31 scaremongering, I'd be very surprised if it was this year. I mean, I might be, Madam-

32 JUDGE GRIFFIN: You know your diary best.

33 MS MONAGHAN: Well, I mean, I don't want to be presumptuous and so on and I don't  
34 know what the Tribunal's diary is, but I do know listing cases can be very  
35 problematic even though we must give priority to this because it is part heard,

1 nevertheless, it concerns me that there would be that break and we have a day and a  
2 half and with detailed skeleton arguments, one would expect to be able to,  
3 particularly, if I may say so, with experienced counsel, deal with arguments that have  
4 already been formulated in a day and a half. As I said to Mr Gibbon, you get, well-  
5 And it's a slight over the top, but you get 20 minutes- You get half an hour in  
6 Strasbourg and 20 minutes in the European Court and it's very, very unusual to get  
7 more than half a day in the Supreme Court, so I appreciate we're not in that territory  
8 and we've got evidence which, of course, is a different context, I appreciate that but,  
9 nevertheless, courts are much used to accommodating shorter oral arguments, when  
10 detailed written arguments are provided and, in my submission, that's part of the  
11 purpose of not having the three days' worth of oral submissions that we might have  
12 had before skeleton arguments were introduced.

13 JUDGE GRIFFIN: Thank you. Mr Steele?

14 MR STEELE: Well, just a couple of observations, Madam, one is that if we do go part heard,  
15 the logic must be that the relisted hearing will be for at least two days, because the  
16 logic would be that a day and a half wasn't adequate, and two days, or it'll be three,  
17 I don't know, is a big ask in terms of finding when everyone in this room, or everyone  
18 who would need to be there, can attend, and the other thing just to mention is that in  
19 terms of provision of time, I certainly won't be looking for as much airtime as the  
20 other two parties. It's not a case you need to divide the time in three big chunks, as  
21 it were. I fully recognise that my chunk will be the smallest of the three.

22 JUDGE GRIFFIN: Are you able to estimate that?

23 MR STEELE: Well, I hope that I could be doing my part in an hour or so, without making  
24 a promise. It slightly depends on the nature of Mr Gibbon and how much of the law  
25 [inaudible] he can take us. It remains to be seen.

26 JUDGE GRIFFIN: That is very helpful. Mr Gibbon, do you want to reply to anything that  
27 is been said?

28 MR GIBBON: Only that I do stress we're in the Tribunal's hands. I think it's appropriate  
29 to raise it as something that the Tribunal may be concerned about. There aren't that  
30 many charity cases decided, they're not frequent things in this Tribunal. They are  
31 important for the development of the law generally but, on top of that, there are a lot  
32 of legal issues raised in this Tribunal which not only may be important in this  
33 Tribunal's decision, but if the matter were to go further, would be investigated further  
34 by other tribunals or courts and, finally, for reasons which are amply clear to all of  
35 us in this room, this is a matter which is of great importance and of great emotional

1 investment to many people literally around the country and beyond and that is a factor  
2 that perhaps tends to weigh in the direction of ensuring that if there is any doubt about  
3 proper ventilation of the arguments, that one should ensure that that's done in a way  
4 that the Tribunal will be fully satisfied with.

5 JUDGE GRIFFIN: Thank you. I think Judge Neville and I would like to discuss this, unless  
6 you have any questions, we will retire, and I think we need to give you an indication  
7 this evening-

8 MS MONAGHAN: Thank you.

9 JUDGE GRIFFIN: So that everybody knows what we are coming back to tomorrow.

10 MS MONAGHAN: Thank you.

11 **Court rises.**



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