

1 Court File No. 07-CV-329807PD1

2
3 ONTARIO

4 SUPERIOR COURT OF JUSTICE

5 BETWEEN:

6
7 **TERRI-JEAN BEDFORD, AMY LEOVITCH, VALERIE SCOTT**

8 Applicants

9 - and -

10
11 **HER MAJESTY THE QUEEN (IN RIGHT OF CANADA)**

12 Respondent

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17 Cross-Examination of **MELISSA FARLEY**

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19
20 November 12, 2008 – **Pages 2-159**

21 November 13, 2008 – **Pages 160-224**

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31 MHFeltman Verbatim Reporting

32 375 Merton Street, #302 Toronto, Ontario M4S 1B4

33 Per: Holly Feltman, C.V.R.

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15 This is the Cross-Examination of **MELISSA FARLEY**, on behalf
16 of the Respondent herein, on her affidavit sworn May 1,
17 2008, held at the Offices of the Department of Justice, 2
18 First Canadian Place, Exchange Tower, Suite 3400, Toronto,
19 Ontario, on Wednesday, November 12, 2008.

20
21 APPEARANCES:

22 Alan N. Young, Esq.) for the Applicants

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24 E. Gail Sinclair) for the Respondent

25 Michael H. Morris, Esq.)

26 Judith Mules)

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28 Christine Bartlett-Hughes) for Attorney General of Ontario

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1 [Terri-Jean Bedford, one of the Applicants, in attendance.]

2 **MELISSA FARLEY, Affirmed.**

3 **CROSS-EXAMINATION BY MR. YOUNG:**

4 1. Q. Ms. Farley, I'm going to ask you a
5 series of questions and I just want to know when we start,
6 have you testified in a court of law before?

7 A. Yes.

8 2. Q. And is this in relation, as you say in
9 your C.V., to evaluations you've done of individual sex
10 workers for a case?

11 A. Yes.

12 3. Q. And you've never testified in a court
13 of law about your scholarship and your research on
14 dissociation.

15 A. Let me think about that. I would say
16 that the scholarship on dissociation and on post-traumatic
17 stress disorder was a part of those testimonies.

18 4. Q. But the focus of those court cases was
19 the evaluation of an individual. You weren't tested on the
20 question of how that extrapolates to the population at
21 large. That wasn't what you were testifying to.

22 A. On those cases, that's correct.

23 5. Q. And you understand, when you're
24 testifying in a court, that you are to be answering
25 questions, not making speeches. You understand that.

1 A. Yes, I do.

2 6. Q. And I only say that because I'm going
3 to try to get us out by 4:30. In 1973, you get a degree, a
4 doctorate, counselling psychology, and previous to that you
5 had a degree in clinical psychology. Is that different
6 than a research stream? You were strictly in the
7 counselling stream, not a research stream, when you went to
8 school.

9 A. No.

10 7. Q. Were you trained as a researcher?

11 A. Yes.

12 8. Q. So why is it called counselling
13 psychology, your doctorate? Why isn't it called research
14 and methods or anything like that? Counselling is
15 clinical.

16 A. In the field of psychology, when you
17 get a Ph.D., both counselling – there are subspecialties
18 within psychology. For the Ph.D. degree, it is a research
19 degree, so all subspecialties of psychology involve
20 research methodology training.

21 9. Q. But regardless, between 1973 and 1988,
22 you didn't conduct any clinical or research in your field.
23 There are no publications prior....

24 A. I would qualify that. I did not
25 contribute any peer-reviewed publications. I actually did

1 work on research projects in that time at a mental health
2 centre where I worked.

3 10. Q. In relation to some psychiatric
4 disorder.

5 A. That's correct.

6 11. Q. And you are licensed as of 1988, to
7 practice and have you been practicing since then?

8 A. The answer to that is that I've been
9 licensed in the State of California since 1988, and have
10 been in practice there since that time.

11 12. Q. Full-time, part-time?

12 A. Part-time clinical practice.

13 13. Q. Largely with trauma victims.

14 A. Many, I would say many victims of
15 sexual violence and other types of traumatic stress, but it
16 included a general practice at a city clinic.

17 14. Q. And I doubt you saw any sex workers in
18 your clinical practice.

19 A. That's incorrect.

20 15. Q. So you did see some sex workers.

21 A. Yes, I did.

22 16. Q. About how many did you see since 1988?

23 A. I would have to give that some
24 thought.

25 17. Q. Is it more than two?

1 A. Yes.

2 18. Q. Less than ten?

3 A. No.

4 19. Q. What were they coming to see you
5 about?

6 A. A range of emotional and psychiatric
7 problems.

8 20. Q. Post-traumatic stress syndrome.

9 A. They were, the people that I saw –
10 you're asking before 1988.

11 21. Q. In 1988, you start to practice, you
12 have patients, you said you've seen some prostitutes. Did
13 they come to see you about post-traumatic stress syndrome
14 or is that what you diagnosed?

15 A. It's actually not the case that I
16 started practice in 1988. As I said, I started practice in
17 California in 1988. I practiced in other parts of the
18 United States for many years before that and throughout
19 that period of time I was seeing women in prostitution in
20 my practice.

21 22. Q. And the question was, did you treat
22 them for post-traumatic stress syndrome?

23 A. I would have to qualify that. I
24 treated them for their presenting symptoms and for what
25 they were experiencing, which was occasionally post-

1 traumatic stress disorder, but it was also other disorders.
2 It was depression, it was suicidality, it was substance
3 abuse, it was a number of other emotional – symptoms of
4 emotional distress.

5 23. Q. Do you make any mention in any of your
6 articles about what you learned from private practice in
7 terms of prostitution and mental disorder? Is there any
8 mention in your articles about this part of your life?

9 A. Generally, within the scope of
10 practice of psychology, in order to keep patient
11 confidentiality we don't bring up specific patients or
12 clients that we're working with, although I certainly
13 learned from them, as all psychologists do from our
14 practice.

15 24. Q. I guess what I'm asking you is, if you
16 saw a bunch of prostitutes with post-traumatic stress
17 syndrome, wouldn't that be something worth mentioning in
18 your articles as sort of confirming your research, that
19 your clinical experience confirms your research? Wouldn't
20 that be something you would want to say or be able to say?

21 A. No.

22 25. Q. Now, before you started to do work in
23 relation to the sex trade, you had developed a pretty
24 strong political position on pornography. This is the
25 1980s, correct?

1 A. Yes.

2 26. Q. And your thoughts and your perspective
3 is very much influenced by two leading feminists, Catharine
4 MacKinnon and Andrea Dworkin, correct?

5 A. I would qualify that.

6 27. Q. Go ahead.

7 A. My thoughts and opinions on
8 pornography were largely based on the research of two
9 psychologists who've published extensively in the field of
10 pornography, Neil Malamuth and Donnerstein, who were
11 publishing at the time and whose....

12 28. Q. But you do mention in your 2006
13 article, the *Cultural Amnesia* article – you don't have to
14 pull it up – at Tab C, that you've dedicated on the one-
15 year anniversary of Andrea Dworkin's death because her life
16 and words changed your life. That's correct.

17 A. Yes.

18 29. Q. And one of the big things that Andrea
19 Dworkin was involved in was pornography ordinances, trying
20 to get municipalities to outlaw pornography, correct?

21 A. I would say that Andrea Dworkin was
22 involved in many different causes, including that.

23 30. Q. Whether rightfully or wrongfully,
24 isn't it true that Ms. Dworkin is famous for having said
25 something to the effect that all intercourse is rape?

1 You're aware of that.

2 A. I'm aware that's a widely misquoted
3 part of her work and she's corrected that statement which
4 is in fact an error.

5 31. Q. So that's not your view.

6 A. No.

7 32. Q. But your views on pornography in the
8 1980s, they were very strongly held in the sense that you
9 were willing to break the law to express yourself, correct?

10 A. My views on pornography...

11 33. Q. ...were very....

12 A. ...caused me, are you saying....

13 34. Q. No, they were strong views, so strong
14 that you were willing to break the law to make your point.

15 A. Yes, and may I explain that a bit?

16 35. Q. Let me ask you this. We're talking
17 about 13 arrests...

18 A. Yes.

19 36. Q. ...in nine different counties. What
20 do you want to explain about that?

21 A. In those – in that era, we used civil
22 disobedience as a means of public education and it was a
23 way of teaching people and it was a way of teaching people
24 about the issue of the harms of pornography as I understood
25 it from Malamuth, Donnerstein, and from feminist writers

1 and theorists.

2 37. Q. And this was largely triggered because
3 of some problems you had with *Penthouse* magazine, correct?

4 A. I wouldn't put it quite that way. It
5 was carefully thought out.

6 38. Q. But you did write an article, and I
7 don't have a date on this, maybe you can help us, *The*
8 *Rampage Against Penthouse*.

9 A. Yes.

10 39. Q. That's your article and it's in
11 relation to a 1984 issue of *Penthouse*, so presumably this
12 was written in 1985, 1986, something around there.

13 A. This is from a book by a sociologist,
14 Dr. Diana Russell, who was documenting public education and
15 other work about the harms of pornography which were
16 particularly salient in a 1984 issue of *Penthouse* which had
17 photographs of women looking dead and appearing to be
18 harmed.

19 40. Q. This article here, if you want to take
20 a look, go ahead, but I suggest to you that at the time,
21 this time in the mid-1980s, you had no concern about the
22 prostitution issue. It wasn't on the radar screen here.
23 There is no mention of it in this article, right?

24 A. That's correct.

25 41. Q. Thank you. And you're aware that this

1 issue that you were strongly involved with ended up as the
2 Meese Commission in the United States to look into
3 pornography. Were you part of that Meese Commission at
4 all?

5 A. No, I was not.

6 42. Q. And to the best of your understanding,
7 your advocacy about pornography did not result in any
8 changes to state or federal laws that you're aware of.

9 A. I don't know the answer to that.

10 43. Q. But even though you don't talk about
11 pornography here, your position would be that pornography
12 and prostitution are pretty much the same thing, maybe just
13 different points in a spectrum or continuum. Is that
14 correct?

15 A. I wouldn't put it that way, no.

16 44. Q. Let's take a look at Tab H to your
17 affidavit, which is an article called *Prostitution and the*
18 *Invisibility of Harm*, and if you turn to page 271, it's the
19 paragraph starting "Stripping," I'll read the first line:

20 "Stripping, exotic dancing, nude dancing, table
21 dancing, phone sex, child and adult pornography,
22 online prostitution, and Internet pimping of women and
23 children ... lap dancing, massage brothels, and peep
24 shows are different types of prostitution, but
25 prostitution nonetheless."

1 You've equated all these as being the same
2 problem, right?

3 A. I'd like to explain that in a little
4 more detail, the way I see it.

5 45. Q. Are they the same or not?

6 A. No.

7 46. Q. You say "but prostitution
8 nonetheless." Okay, explain it.

9 A. They fall under the category of
10 prostitution in some instances and some of the research
11 I've done shows a very high frequency of – in some
12 instances, I think it's about 47 percent of people in
13 prostitution having had pornography as an integral part of
14 the harm and they have informed us of that and, in fact,
15 it's a situation where, when pornography has been made of
16 people in prostitution, their symptoms of post-traumatic
17 stress disorder have actually been shown to increase. So I
18 guess I'd leave it there.

19 MS. SINCLAIR: Could I just interject? A
20 couple of times you've asked permission to answer the
21 question. You have a right to answer the question, you
22 don't have to say, "May I explain?"

23 MR. MORRIS: Go ahead and explain.

24 47. BY MR. YOUNG: Q. If the explanation is
25 responsive to the question, not a problem. But I don't

1 think that's what you're saying here and I'm not exactly
2 sure what you tried to explain to me. In your mind, Jenna
3 Jameson is a prostitute, not a porn star as she's promoted
4 in popular media, she's a prostitute, in your mind.

5 A. I've read accounts of Jenna Jameson's
6 life by her and she states that she prostituted.

7 48. Q. I'm not saying what her antecedents
8 were. When she was being called a porn star in popular
9 media, the most famous porn star in the world, whatever, in
10 your mind, that was just a high paid prostitute.

11 A. No.

12 49. Q. Do you approve of erotica, explicit
13 pornography?

14 A. I don't think this is about my opinion
15 about erotica. I'm not sure. I don't mention erotica in
16 this or any article, I think, I've written. I don't use
17 that word.

18 50. Q. But I'm trying to understand, when you
19 draw some equation between prostitution and pornography,
20 I'm just trying to understand what part of pornography you
21 see as equivalent. Is it all erotica or is it just – you
22 give an example in *Cultural Amnesia* about – I forget her
23 name, but the gang bang situation. You go on at length
24 about a horrible pornographic movie. Is that your problem
25 or is it just people having sex for money?

1 A. Pornography is pictures,
2 documentation, and filming. It's not the same thing as
3 prostitution.

4 51. Q. But in your mind, it's a human rights
5 violation just like prostitution. That's the way you
6 characterize it.

7 A. In the research that I've conducted,
8 it has been shown that pornography in the context of
9 prostitution causes additional harm, and in repeated
10 interviews with women in prostitution, they have stated to
11 me that the filming of them, the distribution of those
12 films, particularly after they've exited prostitution,
13 caused them great emotional distress. That's how I would
14 describe the relationship between pornography and
15 prostitution, as I see it after 15 years of research on
16 prostitution.

17 52. Q. The paragraph we were looking at, just
18 one more time and then we'll leave it, after you describe
19 all these different activities and say they're all
20 prostitution, you then go on to say one's political
21 perspective will determine whether you view prostitution as
22 a public health issue, a zoning issue – I'm skipping a bit
23 as I read – vocational choice, sexual liberation, freedom
24 of speech, and then right at the end, a human rights
25 violation. And my question was, the last one, that's your

1 perspective, the human rights violation, none of the
2 previous political perspectives.

3 A. On the basis of my research, yes, I
4 would agree that I have come to see prostitution as a human
5 rights violation.

6 53. Q. Now, why have you dropped or abandoned
7 this porn war that was going on with a rampage? Why is
8 that not an issue any more for you?

9 A. I guess I would say there are many
10 things – I can't say why. I mean, one's career changes,
11 one spends time researching one area. I guess the simple
12 answer to that is, when I became aware of a lack of
13 research in the area of prostitution and, in particular, an
14 almost complete lack of empirical documentation of the
15 emotional harms of prostitution, I made some choices to
16 spend my time doing that.

17 54. Q. Didn't the fight against prostitution,
18 the battle you're waging now, more or less derive from the
19 porn war with Janice Raymond, that eventually people
20 shifted their perspective away from pornography to
21 prostitution? Would that be a fair statement?

22 A. No.

23 55. Q. Didn't the Coalition Against
24 Trafficking in Women derive itself from the anti-porn
25 group?

1 A. I'm not aware of the history of the
2 Coalition Against Trafficking in Women.

3 56. Q. How long have you known Janice
4 Raymond?

5 A. Maybe seven, eight years. I'm not
6 absolutely sure of that.

7 57. Q. That's fine. Let me put this to you,
8 tell me if I'm wrong. Was the shift made from rampage
9 against *Penthouse* to rampage against prostitution because
10 the political goals weren't being achieved in terms of
11 pornography law reform? Nothing was happening, so you
12 shifted on to a different social issue. Is that a fair
13 statement?

14 A. No.

15 58. Q. But right now, your current concern
16 would be the fact that you see various jurisdictions in the
17 world moving towards decrim and legalization and you feel
18 you've got to stem that tide. Isn't that a fair statement?

19 A. No.

20 59. Q. Haven't you travelled....

21 A. I would – my response to that would be
22 that right now I am continuing 15 years of research on
23 prostitution and trafficking and I'm spending the majority
24 of my career as a psychologist involved in a range of
25 research enterprises and projects in collaboration with

1 other people in the world.

2 60. Q. I understand, but is it not a concern
3 of yours that numerous jurisdictions are changing their
4 laws in the direction of decrim and legalization? Isn't
5 that a concern of yours?

6 A. That doesn't state it accurately.

7 61. Q. Why did you go to New Zealand in 2003?

8 A. I went to New Zealand to discuss with
9 people – I went to New Zealand at the request of some
10 people in New Zealand. I travel to many countries
11 regularly, including Canada, and I'm certainly interested
12 in policy that evolves out of empirical research on the
13 topic of prostitution and trafficking. That does interest
14 me, yes.

15 62. Q. But you went in 2003, to New Zealand,
16 and in 2003, New Zealand was considering the legalization
17 of brothels, correct?

18 A. Yes.

19 63. Q. Do you consider yourself a researcher
20 or an activist?

21 A. Both.

22 64. Q. You chose New Zealand in 2003, not
23 because it was an ideal research environment, it's because
24 you wanted to change their public policy, correct?

25 A. As I said, as a human being I'm both,

1 and we actually did some very fascinating research in New
2 Zealand which was consistent with findings, for example, in
3 Canada on the extreme vulnerability of Aboriginal peoples.
4 Whether they're Maori in New Zealand or whether they are
5 First Nations and other groups of people in Canada, we
6 found similar findings. So I did conduct research in New
7 Zealand when I went there.

8 65. Q. You also went to Scotland, right?
9 Also Scotland was considering changes in the law at the
10 time, correct? Both U.K. and Scotland were looking at
11 changes to their approach at the time you went.

12 A. At the time I went to Scotland, I was
13 not aware of the changes that were being recommended in the
14 Scottish Parliament.

15 66. Q. We'll return to that. So you become a
16 researcher on prostitution, so checking the best I could,
17 and correct me if I'm wrong, the first thing I find that
18 you've written is 1994 – actually, this time I do have a
19 copy – called *Prostitution: The oldest use and abuse of*
20 *women*, and this is 1994, correct?

21 A. Yes.

22 67. Q. And you'd agree with me this is not a
23 research-based article.

24 A. Well, I'm actually not seeing a date
25 on this, so let me just....

1 68. Q. You can look at your C.V. to cross-
2 reference it.

3 A. This isn't a peer-reviewed article.

4 MR. YOUNG: No, I know that. While you
5 check, that first article will be Exhibit A and this will
6 be Exhibit B.

7 EXHIBIT A: Farley article, *Rampage Against Penthouse*.

8 EXHIBIT B: Farley article, *Prostitution: The oldest use*.

9 69. BY MR. YOUNG: Q. I will tell you this,
10 if this helps you refresh your memory. It isn't in your
11 C.V. because, as you mentioned, it isn't a peer-reviewed
12 article. This is off the Wikipedia site about you. You've
13 looked at the Wikipedia site about you, you've got a
14 reference, right?

15 A. I would say that Wikipedia is a Web-
16 based resource that, when law students have offered me
17 material from Wikipedia, I have rejected every bit of it.

18 70. Q. Fair enough.

19 A. Everybody and their third cousin poses
20 as an expert on Wikipedia.

21 71. Q. I know, you're right, but Wikipedia is
22 saying you wrote that article in 1994. Does that help you
23 remember? Look at the top of this page 2, it says May,
24 1994. It's not that important.

25 A. I wrote the article. If you bring up

1 Wikipedia, I have a few comments to make about it. It's a
2 source of information.

3 72. Q. We can do that later, let's focus on
4 this. Is this the first thing you've written about
5 prostitution?

6 A. I don't know.

7 73. Q. It's one of the first things you've
8 written about prostitution.

9 A. Actually, my recollection would be
10 that the first thing that I wrote about – the first two
11 publications, this is from a magazine, the first, to the
12 best of my recollection, the first publication that used me
13 as a reference in talking about prostitution was a
14 newspaper in Minneapolis which cited the results of the
15 first 130 interviews with women in prostitution in San
16 Francisco, and the discussion was on something that's
17 relatively – that was relatively new at the time, which was
18 the emotional violence and the harms resulting from that.
19 The second publication that I recall came also from that
20 first research study in San Francisco and that was
21 presented at the – I think it was the Tenth or Eleventh
22 International Conference on Violence Against Women in
23 Beijing, and I would say those two, those two probably
24 predated this, but I'm not sure of the exact dates.

25 74. Q. Do you know that for every one of the

1 studies that you write articles about, you've never once
2 mentioned the date that you did the investigations and
3 questionnaires, not once? When did you start doing this
4 work? The first article that you've written is 1998,
5 that's the first one that I've found that deals with San
6 Francisco, so I'm just curious when you started that
7 research because it's not mentioned anywhere.

8 A. The kind of research that
9 psychologists do takes years and the process from start to
10 a peer-reviewed publication, which was the 1998 article
11 you're referring to, the process from start to peer-
12 reviewed – peer-review itself can take up to a year and a
13 half, sometimes even more, so that frequently what we do in
14 psychology is we will present preliminary versions of
15 research that withhold certain details which are only put
16 out in the final peer-reviewed product. The process of the
17 first research I did in San Francisco, it happened years
18 before the 1998 article about it was produced. I'm not
19 sure how many years, but for sure years.

20 75. Q. You really can't remember when you
21 started this work.

22 A. I could if I had my calendar with me.

23 76. Q. It's okay.

24 A. I can take a guess. Would you like me
25 to take a guess?

1 77. Q. No, no.

2 A. If you'd like me to take a guess, I
3 would be happy to take a guess, and when I go home, I will
4 look it up and see when my first meeting was with the
5 person who – the two people who helped do those interviews.

6 MS. SINCLAIR: We could offer an
7 undertaking.

8 78. BY MR. YOUNG: Q. I don't need an
9 undertaking on that. Let me ask you this. If this article
10 is 1994, that I would like you to check, I think you should
11 be able to check, you wrote it. If it's 1994, would you
12 agree, take a look, you don't mention one thing about
13 research, so I don't think your research was starting yet.
14 Does that help?

15 MS. SINCLAIR: Perhaps we could first
16 establish that Dr. Farley agrees that that article as
17 appears on Wikipedia is in fact an article that she penned.

18 THE AFFIANT: It is. The date I'm not a
19 hundred percent sure of, but it is an article I wrote, yes.
20 I don't have a problem.

21 79. BY MR. YOUNG: Q. We'll leave the date.
22 Perhaps at a break we could check to see if we can confirm
23 or refresh your memory in a way. But my point is, at the
24 time of writing this, you're not indicating there are any
25 research findings, clinical research findings. This is an

1 opinion piece.

2 A. Yes.

3 80. Q. And your opinion is stated very
4 clearly in paragraph 1, let's look at it:

5 "The liberal lies about prostitution: that it is a
6 victimless crime, that it is a woman's free choice,
7 that women enjoy sex while prostituted, that women
8 become wealthy and are empowered in prostitution – all
9 of these ignore the simple facts that prostitution is
10 a terrible harm to women, that prostitution is abusive
11 in its very nature, and that prostitution amounts to
12 men paying for a woman for the right to rape her."

13 This is still your opinion today, nothing
14 has really changed since (we'll say) 1994, if that's the
15 date. That's your opinion today.

16 MR. MORRIS: What's the question?

17 MS. SINCLAIR: Could you phrase it as a
18 question?

19 81. BY MR. YOUNG: Q. Is that your opinion
20 today?

21 A. I'd like to talk about what's in this
22 article, which is....

23 82. Q. Is it your opinion today? I read a
24 paragraph, is that your opinion?

25 A. At the time I wrote this, it was my

1 opinion and it was based on discussions with the person who
2 I'm writing about, Norma Hotaling, who is a survivor of
3 prostitution, who had given me a great deal of information
4 about her interviews and her work with prostituted women in
5 the jails, she'd given me a great deal of information about
6 her life, and I actually met her and first became involved
7 in the research that she and I together conducted on
8 prostitution, because she was being thrown off a task force
9 which was convened to study prostitution and I was very
10 perplexed by that, why someone would want to, on apparently
11 ideologic grounds alone, remove a person who was talking
12 about her experiences and her life. So I wrote this after
13 talking with Ms. Hotaling for many, many hours, after
14 beginning the process of the research which I've now spent
15 another 15 years doing, so....

16 83. Q. The answer is yes, it's your opinion
17 today, you might word it differently. I didn't understand
18 why you told me the story. The question is, is this your
19 opinion today?

20 A. I told you the story because that's
21 where the opinion came from.

22 84. Q. Not a problem.

23 A. The opinion came from anecdotal
24 information, it came from my understanding of the stories
25 and narratives and life histories of the women I was

1 meeting at the time and the women I had discussed
2 previously. I was learning about prostitution and what I
3 quickly learned is that while what I wrote at the time was
4 based on anecdotal information, in the last 15 years, my
5 conclusions have come to be based more on empirical
6 findings.

7 85. Q. We're going to be here a long time. I
8 didn't ask you how you formed your opinion. I appreciate
9 you answering that, but the question is, is this your
10 opinion today? Yes or no?

11 MS. SINCLAIR: You're entitled to answer
12 fully.

13 86. BY MR. YOUNG: Q. But the right question.
14 I'm not being rude, I'm sorry, I just want to be sure we
15 move along, that's all.

16 A. Okay. What I would say about the
17 paragraph that you just read is that it is my opinion today
18 that it is incorrect that prostitution is a victimless
19 crime. It is incorrect that in the vast majority of cases
20 women in prostitution have a range of alternatives for
21 economic survival; thus, it isn't what is frequently called
22 a free choice. It is also my opinion that it's not the
23 case in the vast majority of instances that women enjoy the
24 sex of prostitution, they tell us in fact that they
25 dissociate or distance themselves or remove themselves.

1 And it is also not the case that the vast majority of women
2 in prostitution are wealthy as a result. In fact, most
3 women leave prostitution with very, very little money,
4 so....

5 87. Q. The answer is yes.

6 A. My opinion is that those are to this
7 day, yes, they are incorrect statements.

8 88. Q. And this statement of opinion was
9 based on primarily, as you said, anecdotal discussion with
10 the woman who was kicked off the task force, correct?

11 A. And a number of other women, both in
12 my clinical practice and women who I had met at agencies
13 that offer services to women in prostitution.

14 89. Q. But the opinion is formed prior to the
15 beginning of your research, that's clear.

16 A. That's correct.

17 90. Q. Can you, as a researcher, define for
18 me what confirmatory bias means?

19 A. In psychology, we do what's called
20 hypothesis testing. That means you make the perspective
21 with which you approach research transparent, which I have
22 attempted to do in my work, and then you subject – those
23 hypotheses and assumptions and beliefs and opinions are
24 based on anecdotes, reading the other people's literature,
25 and you subject them to rigorous scientific evaluation, to

1 the best of my ability.

2 91. Q. And you do the rigorous examination to
3 offset any potential bias or lack of objectivity that may
4 come from having a predetermined opinion, correct?

5 A. I wouldn't put it that way. I would
6 say that in the research I've done, I have attempted to be
7 as scientifically rigorous as possible, and that's what
8 psychologists do.

9 92. Q. Knowing about confirmatory bias and
10 the need to be rigorous, how come in Vancouver, your
11 interviewers were all survivors? How come you tend to use
12 survivors all the time to do your research for you, knowing
13 you've got to guard against confirmatory bias?

14 A. Researchers frequently use survivors
15 of prostitution in this work. Plumridge and Abel have used
16 them in New Zealand. I use – I ask women in prostitution
17 who I work with to help me do research. The majority of
18 the people who've done research – done the actual research
19 interviews in nine countries, the actual research
20 interviews of more than 900 people, the majority have not
21 been survivors of prostitution. I would never exclude
22 someone as a survivor of prostitution who's trained and
23 knowledgeable about how to conduct research interviews.

24 93. Q. We'll return to that. We've made this
25 allegedly 1994 article Exhibit B, and I will remind you to

1 check to see if we can date that as 1994. The next thing
2 in the sequence – this, I think, we can date pretty well –
3 is you start and become the director of PRE, Prostitution
4 Research and Education, in 1995, correct?

5 A. Yes.

6 94. Q. And you state here that it is the
7 goal, first paragraph, is to abolish the institution of
8 prostitution. Is that a research statement or is that your
9 statement as an advocate?

10 A. The Prostitution Research and
11 Education is a non-profit, non-governmental agency in the
12 U.S. and its first two goals are research and education, as
13 the name states. Over the course of learning about
14 prostitution and trafficking, one of the goals of the
15 agency has become not only harm reduction, which we've
16 consistently focused on as a goal, service alternatives for
17 women, listening carefully to women in prostitution. One
18 of the goals of the organization is advocacy for service
19 delivery, which includes housing, job training, substance
20 abuse treatment, and over the years, those goals of harm
21 reduction came to include, in a public health model, harm
22 elimination, and harm elimination would be the abolition of
23 prostitution and, at the same time, provision of
24 alternatives for those in it.

25 95. Q. You mention one of the goals is

1 education, but I'm just looking at what you're saying here.
2 You only mention one goal, to abolish the institution. You
3 do say you conduct research, you didn't say that's a goal.
4 Should you be changing your Web site or is it really one
5 goal plus education?

6 A. The whole paragraph is a statement
7 about the purpose of the organization and I think the
8 sentence you just read, you've just read the first half of
9 the sentence. The second half of the sentence discusses
10 the advocacy for alternatives. So I'm not sure I have
11 anything to add to that brief paragraph that explains the
12 organizational goals of the non-profit.

13 MS. SINCLAIR: Perhaps it would be useful
14 for the record if you read the second half of the sentence
15 that you're referring to.

16 THE AFFIANT: Okay. Actually, I'd like to
17 read the first sentence of the description of the
18 organization.

19 96. BY MR. YOUNG: Q. It's going in as an
20 exhibit anyway.

21 A. "Prostitution Research & Education ...
22 is a 501(c)3 nonprofit organization that conducts
23 research on prostitution, pornography and trafficking,
24 and offers education and consultation to researchers,
25 survivors, the public and policymakers. PRE's goal is

1 to abolish the institution of prostitution while at
2 the same time advocating for alternatives to
3 trafficking and prostitution – including emotional and
4 physical healthcare for women in prostitution.”

5 MR. YOUNG: Thank you. Exhibit C.

6 EXHIBIT C: One-page of PRE Web site.

7 THE AFFIANT: Thank you.

8 97. BY MR. YOUNG: Q. So you become director
9 of an organization in 1995, with a goal to eradicate the
10 trade, and are you able to tell me whether or not this is
11 before you started your research or got results from your
12 research, 1995?

13 A. The research began before then.

14 98. Q. But no findings had emerged yet, it's
15 a work in progress at the time.

16 A. As I said, there have been some
17 findings before then that were not peer-reviewed. I
18 generally report peer-reviewed findings, but when there's a
19 request from a local agency or a group of women who feel
20 that it would assist them in giving voice to their
21 experiences and their needs, I have always made an attempt
22 to provide the data at the earliest possible time when it
23 could be useful. So the answer is yes, there was data
24 previous to the formation of the non-profit organization.

25 99. Q. So I'll ask it this way. This goal

1 was set before your research was completed, correct?

2 A. It's 2008, and my research is not
3 completed.

4 100. Q. We'll leave that. Let's talk about
5 your research, not your activism, your research, primary
6 research, research you've conducted, not literature
7 reviews, things you've conducted, I want to be clear
8 because it's scattered all over. The biggest topic is the
9 dissociation studies, correct? That's really the heart and
10 soul of your research, correct?

11 MS. SINCLAIR: It may be helpful, you say
12 the research is scattered all over, could you help Dr.
13 Farley understand the premise of your question and the
14 focus?

15 101. BY MR. YOUNG: Q. It's not important,
16 it's not important. The question was – we can leave that,
17 it doesn't even aid the question – is dissociation the main
18 topic of research that has yielded a number of different
19 peer-reviewed articles?

20 A. No.

21 102. Q. That's not your main area of research.

22 A. No.

23 103. Q. Let's break it down. Did you travel
24 to nine countries to do research on dissociation and the
25 sex trade?

1 A. No.

2 104. Q. You didn't, so other people went. Is
3 that what you're saying?

4 A. In some instances other people went
5 and in all instances there was a study of a range of types
6 of lifetime violence, there was a study of post-traumatic
7 stress disorder, there was a study – to summarize it for
8 you, we were looking at violence throughout people's
9 lifetimes, we were looking at violence preceding
10 prostitution, during prostitution, we've looked at health
11 care issues, we've looked at post-traumatic stress
12 disorder, we've looked at substance abuse, we've looked at
13 the needs articulated by this group of people, we've looked
14 at childhood sexual abuse, and I would refer you to the
15 summary in the beginning of my affidavit.

16 105. Q. We'll get there.

17 A. That gets at – I mean, what I'm
18 suggesting to you is the question was just a small part of
19 the research that I've done.

20 106. Q. The instruments that you used in the
21 nine different countries are virtually the same. You had
22 the same methodology that you developed starting in San
23 Francisco, correct, which looked at a range of things?

24 A. I would like to be very specific about
25 what we used in the nine different countries. That

1 research took place over a period of close to 15 years, so
2 as I learned more from these interviews, some of the
3 questionnaires themselves evolved. The basic structure of
4 the interviews we did was the same, but there were
5 additions to it.

6 107. Q. Would it be fair to say that pretty
7 much every place you used the PCL to determine symptoms of
8 post-traumatic stress syndrome? That's consistent.

9 A. That is correct.

10 108. Q. And then there's a questionnaire about
11 other things that changes over time.

12 A. That's correct.

13 109. Q. And that basic structure stays the
14 same across the nine countries.

15 A. As we learned about physical health
16 sequelae, we developed a questionnaire that dramatically
17 expanded some of the original questions we asked, so we're
18 now including a physical health symptoms questionnaire.

19 110. Q. In some locations.

20 A. In some locations more recently.

21 111. Q. And nobody reading your articles would
22 know you've changed questions because you never indicate in
23 an appendix what questions you have. Yes or no, you never
24 indicate the questions you ask?

25 A. That's incorrect.

1 112. Q. In what article do you have a list of
2 questions, not samples, a list, the 23 questions?

3 A. In the scope of practice of
4 psychology, it's not within our customary standards of
5 practice to offer psychological tests *in toto* in
6 publications.

7 113. Q. I hear you. The question was – that's
8 not my question, you're not answering my question. Is
9 there anywhere in your articles you list the questionnaire
10 in its entirety, yes or no?

11 A. I'd like to qualify my response to
12 that.

13 114. Q. Could you answer first, yes or no?
14 Because if it's yes, show me where.

15 A. While the questions are not described
16 verbatim, they are described in extensive, substantial
17 detail in several articles and I'd be happy to tell you
18 which ones.

19 115. Q. We'll do that at a break because I
20 don't want to slow things down. We'll take a look.

21 A. And I also have indicated in more
22 recent articles where changes were made and why those
23 changes were made. For example, on the topic of verbal
24 abuse, that is something that I learned myself only after
25 conducting a number of interviews.

1 116. Q. We'll have an opportunity for you to
2 show where you give a fairly detailed description of the
3 questionnaire. I'm just trying to identify your primary
4 research. So you've got the nine countries, dissociation
5 and other health-related issues. Then you did Nevada, you
6 did primary research in Nevada, I understand, with a fairly
7 recent report. You did some primary research in New
8 Zealand, we talked about that already, and Scotland most
9 recently. Have I missed something in terms of primary
10 research?

11 A. I would have to – I'd have to look and
12 see if there was anything else. I don't want to say that's
13 everything if there was something else.

14 117. Q. You would remember if you went to
15 Albania to do research, wouldn't you? Do you really have
16 to look? Okay, make a note, we'll look for other research.

17 A. The reason I'm hesitating is that in
18 the last six years I've been a co-author on a number of
19 articles with people who've done dissertations on related
20 areas and you're not mentioning that academic research
21 which actually, some has been published in peer-reviewed
22 findings, some is in progress. For example, a study on
23 what's called complex PTSD, which is a kind of personality
24 change that happens after extended periods of captivity and
25 abuse, I was involved in that. So it's actually not

1 accurate to say that that's the only research I was
2 involved with. The purpose of this affidavit, I'm mostly
3 talking about my own research, but there is others.

4 118. Q. In other areas, perhaps. I'm talking
5 about in the sex trade.

6 A. This is. I'm talking about research
7 on....

8 119. Q. You're saying there are other articles
9 that you're a co-author with where primary research was
10 done that's not in relation to the countries I spoke of.

11 A. That's not quite correct. What I
12 stated was I'm involved in supervising and consulting on
13 dissertation research and have been involved in other
14 research projects in ways that are important to me, but
15 that are not on my C.V.

16 120. Q. Beyond the primary research you've
17 done, you would agree that you, in your affidavit and your
18 articles, you rely a lot on secondary sources to support
19 some of your claims.

20 A. When we do – when any psychologist
21 publishes an article, it's necessary to review the
22 literature...

23 121. Q. The answer is yes.

24 A. ...which I've done. Well, the way you
25 put it....

1 122. Q. There's nothing wrong with that. I
2 just asked, you rely on other researchers.

3 A. The way you put it was relying on
4 secondary sources, which isn't exactly what we call a
5 literature review. I don't know, it just wasn't clear to
6 me.

7 123. Q. I guess what I'm getting at is, let's
8 just take a look at Exhibit B as an example.

9 A. In my affidavit.

10 124. Q. Yes. Your style of scholarship, and
11 there's nothing wrong, I just want to confirm that this is
12 your approach. This is the nine countries article, it's an
13 important article of yours, and basically it starts with an
14 introduction where you cite a lot of secondary research
15 done by other people before you talk about your research,
16 and that's kind of your structure. You always start with
17 these fairly lengthy introductions before you get to
18 method.

19 A. That is what research psychologists
20 always do. We actually can't get things published unless
21 we do that.

22 125. Q. I understand. I alluded to this
23 earlier and I just want to confirm because we've sort of
24 circled around, you've taken this research to different
25 places around the world trying to convince politicians to

1 adopt the Swedish model of prostitution control. Is that a
2 fair statement? You've had occasions to go to a bunch of
3 different places, give input as to why the law shouldn't be
4 decriminalized, and, if there should be a change, it should
5 be the Swedish model. That's your activism.

6 A. I wouldn't put it that way. What I
7 would say is that a number of governments have requested
8 the multi-country study of prostitution. Some of them are
9 South Africa, Guyana, several other locations, and I
10 presume that when governments ask for this research,
11 they're looking at it from a policy point of view.

12 126. Q. Turn to Tab B again, your nine-country
13 article, page 37, in the middle paragraph before Methods,
14 what you say here is you had published the study on the
15 five countries, that's the 1998 study, and it says you were
16 contacted by other researchers and advocates. I don't see
17 any governments contacting you, researchers and advocates.
18 Not advocates for decriminalization, they wouldn't contact
19 you, right?

20 A. In South Africa, one of the colleagues
21 that I worked with was an advocate for decriminalization.
22 We actually didn't – we actually, in the course of that
23 research that they assisted me with, there were two people
24 who I later learned were advocates for decriminalization
25 and we didn't discuss politics. We were focused on

1 research interviews and they helped me a great deal with
2 that research and they're named....

3 127. Q. But ultimately in South Africa, you
4 tendered an affidavit in a court case to support the
5 government's law. There was a constitutional challenge,
6 like here, and you....

7 A. The government asked me for it and I
8 provided that evidence.

9 128. Q. We're going to come back to this. Let
10 me just ask a couple of questions, some more background,
11 and then maybe we can take a break. And you can tell me
12 when you want a break. I can go forever, so you've got to
13 tell me.

14 A. I'm drinking water, so I'm okay as
15 long as I have some water in front of me, but a break is
16 fine.

17 129. Q. I'm at a pretty good point in a couple
18 of minutes. Let's talk about the ugly issue of money.

19 MS. SINCLAIR: I thought we were taking a
20 break.

21 MR. YOUNG: All right.

22 --- RECESS

23 130. BY MR. YOUNG: Q. Just for the record,
24 the witness indicated that she's content to identify
25 Exhibit B as being dated 1994. I'd like to ask you about

1 funding issues. Who funds the PEA?

2 A. The PRE.

3 131. Q. The PRE, sorry.

4 A. PRE is funded by a range of
5 governmental and non-governmental sources and private
6 donors, the way many U.S. non-profits are.

7 132. Q. What's the primary government source
8 for you?

9 A. In the last few years, the primary
10 governmental sources have been the Glasgow City Council,
11 the Glasgow Health Board, and the Trafficking in Persons
12 Office of the U.S. State Department.

13 133. Q. And the Trafficking in Persons Office,
14 is that who funded your Nevada study?

15 A. Yes.

16 134. Q. Does the Trafficking in Persons Office
17 have the policy that you need to sign a declaration that
18 you do not support decriminalization in order to get
19 funding?

20 A. No.

21 135. Q. You're aware of this thing that people
22 call the Prostitution Pledge in the United States. You're
23 aware of it.

24 A. I am aware of it and I signed an
25 *amicus* brief in support of it and in an articulation of

1 that policy.

2 136. Q. And for the record, since you've
3 submitted a brief, you should be able to describe what that
4 policy is. What is that policy?

5 A. The policy states that persons seeking
6 to have funding for support for programs assisting in HIV
7 prevention for people in prostitution cannot at the same
8 time advocate legal prostitution, that the fundings have to
9 be exclusively for harm reduction and harm prevention and
10 not for political advocacy. That's my understanding of the
11 law, or the policy, I guess.

12 137. Q. People who support decriminalization
13 and legalization, then, can't get money to do research on
14 HIV/AIDS, they wouldn't be able to get money from the U.S.
15 government, correct?

16 A. I don't know what's happened as far as
17 that policy goes.

18 138. Q. Are you aware of Brazil turning down
19 about \$50-million because they wouldn't sign this pledge?
20 Are you aware of that?

21 A. I read a newspaper article about that,
22 I believe.

23 139. Q. You don't have any independent
24 knowledge of that.

25 A. No.

1 140. Q. Who sent you around the world or your
2 people around the world, the nine countries? Who was
3 paying for that?

4 A. That was, in each country, we
5 attempted to raise funds to do that. It came from a range
6 of sources. None of it was government sources.

7 141. Q. Any U.S. government funding for those
8 studies?

9 A. None.

10 142. Q. Do you have any affiliation with a
11 university to conduct research or are you pretty much on
12 your own?

13 A. I have no university affiliation.

14 143. Q. Do you have some researchers that you
15 work consistently with that are sort of part of a team or
16 are you pretty much flying solo?

17 A. I work with one team at home base and
18 am always working with teams of researchers and
19 collaborators.

20 144. Q. But not one or two of the same people,
21 that's what I was asking.

22 A. Yes, I do work with....

23 145. Q. And who do you work with primarily?

24 A. A psychologist who has published 130
25 peer-reviewed articles.

1 146. Q. Does he have a name?

2 A. Her name is Jacqueline Golding, is our
3 statistician and research design expert.

4 147. Q. At PRE.

5 A. At PRE, and we also, as a federal non-
6 profit agency, we have a board who makes and approves
7 decisions about the agency's directions and decisions.

8 148. Q. Do you have affiliations with any
9 associations or NGOs in the area of prostitution, any other
10 groups you're associated with?

11 A. I've been a member of the
12 International Society for Traumatic Stress Studies. I am a
13 member of Psychologists for Social Responsibility, which is
14 a group of psychologists concerned about social issues.

15 149. Q. What about (I mentioned earlier) what
16 about the Coalition Against Trafficking in Women, are you a
17 member?

18 A. No.

19 150. Q. Have you been asked to be a member?
20 You're pretty prominent in this field.

21 A. No.

22 151. Q. By any chance, are you not a member
23 because you don't agree with their position that all
24 prostitution is a form of exploitation, or do you agree
25 with that position, all prostitution?

1 A. Let me see if I can answer that
2 question. It is the case that I am not a member of the
3 Coalition Against Trafficking in Women and it is not
4 because I disagree with what they have to say about
5 prostitution and trafficking.

6 152. Q. So let me ask you directly, then. Do
7 you believe that anyone working in the trade makes a
8 choice?

9 A. Yes, I do. I'd like to make a further
10 statement about that, which is that according to my
11 understanding, over the last 15 years of research and
12 according to the empirical findings, somewhere between 89
13 and 98 percent of all those in prostitution tell us that
14 they urgently want to escape and don't feel that they have
15 options for escape. To me, that means it's not a freely
16 made choice, the way most of us would think about a choice,
17 so that leaves one or two percent of people who apparently
18 make a choice.

19 153. Q. I want to show you a speech you gave
20 in 2007, to talk about your Nevada research, Annual
21 Conference, San Francisco, Trafficking for Prostitution,
22 and if we can turn to page 4, to the paragraph starting, "a
23 pyramid-like hierarchy," what you say is that there is a
24 hierarchy and then you say: "At the top are a very few
25 women who service a few men for a lot of money in a short

1 period of time in their lives – and then they get out, or
2 are bought by one man who supports them.” Is that the one
3 or two percent you were just talking about, the few on the
4 top?

5 A. Yes, that is for the most part,
6 indeed.

7 154. Q. And then later on in the paragraph,
8 what you say is: “The farther you descend in the
9 hierarchy, the greater the numbers of women....” So as you
10 go down the scale you have more women and the less
11 meaningful the choice. You don’t say no choice, you just
12 say less meaningful. So is there a choice or no choice?

13 A. Are you asking about the statement:
14 “The farther you descend in the hierarchy, the greater the
15 numbers of women in prostitution, and the less meaningful
16 any discussion...”? Are you asking me what the sentence
17 means?

18 155. Q. I’m asking the last part of the
19 sentence. You don’t say as you descend farther in the
20 hierarchy, choice is completely obliterated, you just say
21 it’s less meaningful. So it seems like a little bit of a
22 spectrum here, kind of loose.

23 A. It’s actually – the discussion of
24 choice is actually not particularly meaningful because at
25 the bottom of that hierarchy are people who are, as we just

1 saw on the front page of the *Toronto Sun* this morning, in
2 the bottom part of that hierarchy, choice is not meaningful
3 for someone who is trafficked into some form of debt
4 bondage or captivity or slavery in prostitution. I would
5 certainly say that the discussion of choice is not
6 meaningful for that person who's on the front page of the
7 *Sun* today.

8 The discussion of choice is also not
9 meaningful for someone who is under pimp control, which is
10 the case with many people in prostitution, and they would
11 be in that category of persons in the bottom of that
12 hierarchy. The discussion of choice is also not meaningful
13 for children who are pimped out by parents and it isn't
14 particularly meaningful for someone who is pimped out by a
15 parent at age twelve or 14 and then who happens to have
16 their 18th birthday and is age 18 in three months. Suddenly
17 the choice doesn't become meaningful if that person
18 continues to be under the control of an abusive parent or a
19 pimp, boyfriend, or husband. So that's the group of people
20 I was saying that any discussion of choice is not
21 meaningful at all for them. Actually, the expression "less
22 meaningful" is a polite way of putting it.

23 156. Q. I understand. What about at the top?
24 What about, let's say, the people who were involved with
25 Spitzer? Do they have a choice, the women who were

1 providing services to Governor Spitzer? Is that a choice?

2 A. I'm trying to figure out how to answer
3 that in a way that I'm comfortable with. The words that I
4 would use to describe – for example, one person in the
5 Spitzer case that I've learned what I can about, the words
6 I would use to describe her are the words that a Dutch
7 researcher has used to describe it, the words that a
8 Vancouver woman in prostitution has used to describe it,
9 it's the choice that is not a choice. It appears to be a
10 choice, but there are so many elements of coercion and
11 inequality that enter into the equation that truly it's not
12 a choice the way, for example, you or I might make a
13 choice, are we going to become a lawyer or a psychologist.

14 157. Q. I was pressured by my parents.

15 A. They wouldn't have let you become a
16 psychologist?

17 158. Q. I'm sorry, I didn't mean to interrupt.

18 A. No, I appreciate it. So I'd like to
19 finish that.

20 159. Q. Yes, please finish, I'm sorry.

21 A. A couple other details about one of
22 the persons who was in fact the most publicized individual
23 that Spitzer bought was a young woman who at first glance
24 appears to be a high class, high-end call girl, but once
25 one looks in detail at the material circumstances of her

1 life, what she has in fact told us via the media is that
2 she ran away from a abusive home as a minor, she was
3 homeless for some period of time, she developed a substance
4 abuse problem, and in the case of this particular young
5 woman, Ashley Duprey, she actually was filmed by a man who
6 had a previous conviction for child prostitution, a man
7 named Joe Francis who films young women engaged in acts of
8 prostitution, and we also know that the pimps who ran that
9 particular escort agency, Emperor's Club VIP, the pimps
10 took their 50 percent cut, just as they always do, and that
11 they pressured women who had children to work more hours at
12 the agency than they felt comfortable to. So once you look
13 beneath the surface, even what appears to be high class,
14 high-end, in some instances there is evidence to my eyes of
15 coercive factors.

16 MR. YOUNG: Could we make that Exhibit D.

17 EXHIBIT D: Farley, 2007, *Trafficking for Prostitution*..

18 160.

19 BY MR. YOUNG: Q. So if I understood what
20 you're saying, is even at the top end you question whether
21 there's choice. You scratch below the surface, you may see
no choice. Is that what you're basically saying?

22 A. No, I would put it that there are
23 elements of sexual exploitation and sexual harassment in
24 that what I would describe as two percent and that there
25 are some elements of choice. I actually was in a

1 discussion once with someone who was an advocate for
2 decriminalized prostitution and when I stated to her that
3 our research had shown that 89 percent of people in nine
4 countries wanted to get out of prostitution, she said, "Oh,
5 come on, I don't even want to hear those numbers. We all
6 know that a hundred percent of people in prostitution want
7 to get out." And I was surprised at that statement and I
8 said, "I wouldn't say a hundred percent, I would put it a
9 little lower." Julia O'Connell Davidson in England also
10 cites some numbers.

11 161. Q. When you say two percent at the top,
12 that's kind of a figure you're pulling out of a hat. You
13 don't have a specific study that you'd say two percent are
14 at the top. A minority is at the top, correct?

15 A. My impression is that – my opinion
16 based on my reading of the literature and from Davidson who
17 actually gives a one percent number, I'm not sure – she's
18 another researcher, a UK researcher on prostitution.

19 162. Q. And would you agree that pretty much
20 most of the research that's been done on the sex trade in
21 the last 20 years doesn't focus on the top end which
22 doesn't want to be interviewed, but focuses on the bottom
23 end generally? Is that a fair statement?

24 A. I would answer it this way. People
25 who are the most visible are the most accessible to

1 researchers.

2 163. Q. Which are the street people, and being
3 most accessible, most research is on the street, correct?

4 A. Much of the research is on the street.

5 164. Q. Most research, you wouldn't agree with
6 that.

7 A. I tend to go for numbers, you know, so
8 we would have to look carefully at articles and see exactly
9 which study included people from off-street prostitution.
10 In fact, there are more studies on that than we think
11 sometimes, but I've said and I agree that the most
12 accessible people to researchers are people on the street.

13 165. Q. The last thing just about this choice.
14 There is a quote I want to put to you that's attributed to
15 you, but I don't have the original source. If you grab
16 Professor Weitzer's, Volume 1, Exhibit B, just a small
17 quote, I just want to see if it is your quote and whether
18 you still agree with the statement. Exhibit B, page 213,
19 in the second complete paragraph which begins, "In its
20 central arguments..." Weitzer attributes a quote to you
21 from a Farley and Kelly publication, I couldn't get that,
22 2000, that said: "To the extent that any woman is assumed
23 to have freely chosen prostitution, then it follows that
24 enjoyment of domination and rape are in her nature." Did
25 you say that?

1 A. I would have to look up that article.

2 166. Q. You don't remember saying that.

3 A. I would like to check on it.

4 167. Q. You're not going to find it unless you
5 brought it with you. I couldn't find it. Do you want to
6 make a note and we'll take a look? Farley and Kelly, 2000.
7 But while we figure out whether you actually said it, why
8 don't I just ask you, do you agree with that?

9 A. The statement is an explanation of the
10 assumptions that people make about what prostitution is.
11 When it's assumed, this goes to the widespread social
12 acceptance, including acceptance by some researchers, this
13 goes to the social acceptance of what prostitution is, the
14 assumption that people enjoy it, the same as you were
15 asking me about a little while ago.

16 168. Q. Do you believe that if a sex worker
17 says, "I've chosen this career," that her nature is to
18 enjoy domination and rape? Do you agree?

19 A. No.

20 169. Q. So assuming we can attribute that to
21 you properly, you are now pulling away a bit from that
22 statement, correct?

23 A. No.

24 170. Q. Which is it? You either agree or
25 don't agree with it.

1 A. You're misinterpreting the statement,
2 this statement which is here a little out of context. The
3 statement is about the assumptions that people make about
4 what prostitution is. To the extent that any woman is
5 assumed to have freely chosen prostitution, in other words,
6 I am talking about the assumptions the public makes about
7 what prostitution is, their assumption is she chose abuse
8 and violence. That's how I would explain that statement.

9 171. Q. What about the last part?

10 A. It's part of an explanatory – it's a
11 way of explaining how people think about the institution of
12 prostitution.

13 172. Q. So you're saying the statement should
14 read: To the extent that any woman is assumed to have
15 freely chosen prostitution, then it must also be assumed
16 that she's enjoying domination and rape. Is that what the
17 statement is saying?

18 A. To the extent that any woman – I'm
19 repeating what you're saying here – to the extent that any
20 woman is assumed to have freely chosen prostitution, then
21 it follows that it's also assumed that enjoyment of
22 domination and rape are in her nature.

23 173. Q. Is that what the public is assuming?

24 A. That's what the statement means. It's
25 about assumptions.

1 174. Q. So that's not your assumption, you're
2 saying that's the public's assumption. They must be
3 assuming she likes to be dominated, that's not your
4 perspective.

5 A. What it's explaining is my
6 understanding of how people see prostitution.

7 175. Q. Would it be fair to say that your work
8 has generated a fair amount of controversy and debate?

9 A. That's such a vague statement.

10 176. Q. Okay, I'll be more specific.

11 A. I really don't feel that – my response
12 to that would be there have been many responses to my work,
13 some from scholars, some from academics, some from policy-
14 makers, some from advocates, and some from people who on
15 ideological grounds don't agree with me.

16 177. Q. Some of these comments (that's the
17 word you used) are more in the nature of accusations,
18 aren't they?

19 A. I'm not sure what you mean.

20 178. Q. You know that you've been accused of
21 poor research methods. That's not news to you, you've seen
22 those comments.

23 A. I'm not sure who you're referring to
24 or what you're referring to.

25 179. Q. We can just start with Professor

1 Weitzer, to start off with. You know people have written
2 about your work and been critical. That's all I'm asking.

3 A. I know that Professor Weitzer has
4 written critically of my work.

5 180. Q. We'll return to other people. Is this
6 why in your affidavit, paragraphs 136 to 144 – you don't
7 have to look – you have comments on your research methods?
8 Maybe we should look, let's see how you start that,
9 paragraph 136. I'm going to suggest to you, if you look at
10 paragraphs 136 to 144, it's quite evident that you are
11 aware that people have been critical about your research
12 methods and you preemptively want to address that here.

13 A. Is there a question?

14 181. Q. The question was, by putting in
15 paragraphs 136 to 144, you're preemptively addressing the
16 fact that people have criticized your research methods,
17 right?

18 A. I'm aware that Mr. Weitzer wrote an
19 article criticizing my research methods and several of
20 these paragraphs are a response to the inaccuracies in that
21 criticism, yes.

22 182. Q. Do you know what this document is?

23 A. This document is titled *The Link*
24 *Between Prostitution and Sex Trafficking.*

25 183. Q. U.S. Department of State, have you not

1 seen this before?

2 A. Yes.

3 184. Q. And you know you're cited for some of
4 the statistics. First page where it says prostitution is
5 inherently harmful, you're footnote 2.

6 A. I think it's 1 and 2. It's a footnote
7 to the nine-country study that's in the affidavit.

8 185. Q. You must have been made aware of the
9 fact that nine academics, and Weitzer is not one of them,
10 wrote a letter complaining about your reference in that
11 government Web site.

12 A. Are you asking me?

13 186. Q. Yes, you must have been made aware of
14 this by Ambassador John Miller. This is the office that
15 funds your work, some of your work.

16 A. I have never seen this letter before.

17 187. Q. People have told you about it.

18 A. No one has told me about this letter.

19 188. Q. You're telling me that the Department
20 of State who funds you receives a letter and you're not
21 made aware. This is the first you've heard about this.

22 A. This is the first I've heard of this
23 and the Department of State had nothing to do with the
24 funding for that study.

25 189. Q. There's no question about it, no

1 question about it.

2 A. I've never seen this letter before,
3 I've never seen these signatures before, and no one has
4 told me about it.

5 190. Q. Let me jump a little bit ahead, I want
6 to see something. You're aware that critical comments have
7 been made about you in the Scottish Parliament and in the
8 New Zealand Parliament. You must be aware of some of this.

9 A. I'm not sure what you're asking.

10 191. Q. I was very clear. You must be aware
11 of the fact that negative comments were made in both the
12 New Zealand Parliament and the Scottish Parliament about
13 your work. You're not aware of that either.

14 A. I'm aware of many comments about the
15 research on men who buy sex that was funded in part by the
16 Scottish Health Board – the Glasgow Health Board, pardon
17 me, and the Glasgow City Council. There were many comments
18 and responses to it, including newspaper articles, and I'm
19 aware of lots of comments.

20 MS. SINCLAIR: Perhaps, if I could ask you
21 to break it down, there are two things built into one.
22 You're asking whether Dr. Farley is aware of comments about
23 her work or criticisms about her methodology? I think
24 you've merged the two into one and it may be helpful to
25 break down the two and deal with one country at a time.

1 192. BY MR. YOUNG: Q. I'll get to that, thank
2 you, I appreciate that. Do you care about what people say
3 about your work?

4 A. I don't know how to answer that.

5 193. Q. When you write something, are you
6 curious how people respond?

7 A. Obviously, I spend a great deal of
8 time in my life doing research to the best of my ability
9 and it's important to me. It's important to me. I guess
10 that's all I'd say.

11 194. Q. Just to leave this, you're not aware
12 of a complaint made to the Secretary of State about your
13 research. You're not aware of that, just to be clear.

14 A. I am not and I would very much
15 appreciate the opportunity to read this. I've never seen
16 it before.

17 195. Q. Take it, go ahead. Paragraph 138,
18 when you talk about your research, you talk about all
19 research permeated with values, researchers have opinions.
20 In terms of having a clear demarcation between ideology and
21 fact, I want to ask you something about Raphael and
22 Shapiro. You know who they are, not personally.

23 A. Yes, Jody Raphael and I don't know
24 Shapiro's first name...

25 196. Q. Deborah.

1 A. ...Deborah Shapiro conducted research
2 on indoor and outdoor prostitution in Chicago and found
3 similar rates of rape in both indoor and outdoor
4 prostitution there, I believe.

5 197. Q. Yes, and you cite their study quite a
6 bit on that issue about the discrepancy between indoor and
7 outdoor. It's one of the first things you cite.

8 A. In this case, the lack of discrepancy
9 in violence.

10 198. Q. Yes, yes. I want to have you look at
11 their article, and you're obviously familiar with this
12 because you cite it many times, it's a short one, and I
13 want to show you a comment they make on page 132, and I'm
14 going to ask you, once I look at this comment, to show me
15 where you make similar comments in your articles or whether
16 you feel a need to. The first complete paragraph:

17 "Our study has several limitations that should be
18 noted. As the survey was not random, it cannot claim
19 to be representative of all women in prostitution in
20 the Chicago metropolitan area."

21 When you present your findings, do you
22 give that qualification?

23 A. Yes, in several articles, in some
24 articles, I believe one or two of my articles, I cite
25 McKeganey and Barnard, who are Glasgow researchers on

1 prostitution. I cite them as saying that a random sample
2 of people in prostitution is impossible for any researcher
3 and I cite them, agreeing with them, that yes, indeed, it
4 is indeed impossible to find a random sample, it doesn't
5 exist in this kind of research. So it's my equivalent of
6 that paragraph which you just read.

7 199. Q. And that's you speaking as a
8 researcher. When you're speaking as an advocate, you don't
9 make that qualification, do you?

10 A. No, when I speak to conferences, I
11 don't go into all details of methodology and results and
12 Chi-squares and representativeness of samples. When asked,
13 and that does happen sometimes in some speaking events,
14 when asked, I do explain that to people who are interested
15 in this.

16 200. Q. Paragraph 13 of your affidavit, which
17 lists around 30 conclusions, in bold....

18 A. What page is that on?

19 201. Q. Page 9, paragraph 13. When you state
20 these propositions, just flipping around, childhood sex
21 abuse overwhelmingly precedes, causes emotional stress, you
22 state these as definitive conclusions and you never mention
23 that this may just relate to a small subset, not a
24 representative sample, as Shapiro says. You never say
25 that. These are absolute conclusions.

1 A. Are you asking me about what I say in
2 public speaking?

3 202. Q. When you present your findings about
4 dissociation, is it not true that invariably you state it
5 as extrapolating to the entire population base of
6 prostitution as opposed to the small subset you looked at?

7 A. Are you asking me...

8 203. Q. I'm asking you.

9 A. ...in research papers or in public
10 speaking? Because there is a difference.

11 204. Q. You know what, we'll do it this way.
12 You say that in your papers you make that same
13 qualification, that's your statement.

14 A. I'm sorry, I don't understand the
15 question.

16 205. Q. In your papers, some of the exhibits
17 here and some of the others I have, you say I will find a
18 passage that you say: We can't claim this to be
19 representative of all women in prostitution. You've made
20 that statement in your research.

21 A. I would repeat what I said a minute
22 ago, which is that I have cited in agreement with them
23 other researchers that state that we don't have a
24 representative sample. I have stated in, for example, in
25 Tab B of that nine-country study, starting on page 37, I

1 spend four pages describing the conditions of who we
2 interviewed, who we did not interview, the limitations of
3 the sample. As I said, it's four pages of description of
4 the nature of the sample. I think it goes beyond what I've
5 also stated which is a simple statement that you can't get
6 a random sample in this population. It's describing, for
7 example, we are unable to interview this person or that
8 person because of X, Y, or Z reasons.

9 MS. SINCLAIR: It may be useful to state
10 for the record that the way Dr. Farley chose to present her
11 findings in her research was by stating what her findings
12 are and then organizing her affidavit under the headings of
13 each one of these findings, to then refer to her research
14 or her literature to support those findings. That's just
15 the way the affidavit was organized.

16 206. BY MR. YOUNG: Q. That's fine, I
17 understand. We don't have to belabour this, your writing
18 is here for us to look at, to see if you limit the
19 conclusions, we can look ourselves later. Let me ask you
20 this. Look back at Raphael and Shapiro and I want to ask
21 you if you've made a similar statement in your articles
22 and, if you know, please tell me, if you don't know, we can
23 check ourselves. In the second paragraph, after the one I
24 read:

25 "This research project was also designed within a

1 framework of prostitution as a form of violence
2 against women and not prostitution as a legitimate
3 industry that women or men can choose as their job or
4 career."

5 That would be an accurate description of
6 your framework, correct?

7 A. I've made a statement of my framework
8 very clearly in several articles. I don't want to lift
9 their words from their article. I'd be happy to read you
10 exactly what I said about my framework.

11 207. Q. I'm sure that you used different
12 language, but is the spirit of the comment the same?

13 A. I'm going to look up exactly what I
14 said.

15 208. Q. I don't think you have to look it up,
16 I'm asking you what is your framework. Is it the same
17 framework as theirs? You know your framework.

18 A. I've made a very similar statement to
19 that.

20 209. Q. Do you make the next statement:

21 "Every attempt has been made to interpret the data
22 objectively, but the survey questions and
23 administration were likely biased to some degree by
24 working within this framework...."

25 Is that a statement you also make?

1 A. I don't agree with that.

2 210. Q. You don't agree with their stipulation
3 that there may be bias because of this framework, you don't
4 agree with that.

5 A. No.

6 MR. YOUNG: I think you might a bit, but
7 let's just make these exhibits.

8 EXHIBIT E: US State, *Prostitution and Sex Trafficking*.

9 EXHIBIT F: Raphael, Shapiro, *Violence in Indoor, Outdoor*.

10 211. BY MR. YOUNG: Q. You say you don't agree
11 with Shapiro, that there could be a bias because of the
12 framework. Let's take a look at your Scottish report for a
13 minute, Tab Q of your affidavit, top of page 7. The first
14 line, and I put to you based on the line, and I'll read it,
15 that you're very aware that this framework can cause a bias
16 because you say:

17 "The interviewers in this project were women and men
18 who are dedicated to ending violence against women,
19 yet in order to conduct the qualitative portion of
20 this research, it was necessary for interviewers to
21 establish a nonjudgmental and friendly rapport with
22 men who were often deeply misogynist and sometimes
23 overtly violent."

24 So you had to offset the fact that these
25 people were coming in with a predetermined judgment,

1 correct?

2 A. Yes, and we train interviewers to do
3 that in two- to three-day training and subsequent to the
4 training of interviewers, all data is entered by different
5 persons.

6 212. Q. So Raphael and Shapiro's comment about
7 bias infiltrating because of framework is right. You had
8 to take measures to prevent that, correct?

9 A. It's absolutely correct that we did
10 everything we could to accurately and without bias record
11 the responses of the people we interviewed.

12 213. Q. So the answer is, there is potential
13 bias coming from the framework. I'm just trying to get you
14 to answer my question. You wouldn't take measures to
15 offset something that's non-existent, right?

16 A. Yes.

17 214. Q. Now, how do you train someone to be
18 nonjudgmental in a couple of days? I want to know.

19 A. Well, it's two long days of training.
20 You teach them exactly what questions to answer, to state,
21 what questions to follow up with, teach them about research
22 ethics, teach them about administering an informed consent
23 to all research participants, teach them about protecting
24 the privacy of the individuals being interviewed, and you
25 stress that the interviews are conducted with respect and

1 appreciation for people who are spending their time talking
2 about very personal, sometimes difficult things in their
3 lives, and we also stress that what's the most important
4 thing of all is that there be absolutely no bias in the
5 responses and that they faithfully record not only the
6 words, but the intent and the emotions accompanying the
7 responses.

8 So they are taught very detailed methods
9 of research interviewing that hopefully keeps them as true
10 to their respondents' words and meanings as possible and,
11 having engaged in a number of those interviews myself, I
12 would say that a measure of the success of the lack of bias
13 is the fact that a number of these men that I personally
14 met with asked to have further discussions or called me up
15 with additional information because they were interested in
16 contributing to the research knowledge base.

17 215. Q. Wouldn't it have been easier just to
18 get some neutral graduate students? Why would you pick
19 people that you have to go through this conditioning
20 program? Why did you do that?

21 A. We did include graduate students.

22 216. Q. And I'm asking why not all. Why would
23 you put yourself into a position where you have to now
24 address these questions about potential bias?

25 A. In my analysis and writings about

1 research projects, my inclination is to overstate the bias
2 so as to be completely transparent. I would have to say
3 that we sought out people that would appear to have skills
4 in interviewing. That was our first requirement. These
5 are people who have skills in interviewing batterers and in
6 maintaining a neutral composure. So I would say in some
7 instances, they are more likely to be able to be neutral
8 than what you're describing as a neutral graduate student
9 who might have unknown biases. These are people who have
10 overcome, as I say here, these are people who've already
11 overcome – established the – these are people who are able
12 to establish a nonjudgmental attitude because they've had
13 experience in their employment and in their roles as
14 advocate, so I actually think they were probably....

15 217. Q. I want to show you something, if I can
16 find it, about your selection of interviewers. One second,
17 please, I'm sorry. I was looking at one of your articles,
18 I didn't think I was going to refer to it today, but now
19 that we're talking about this, maybe we should take a quick
20 look. I'm going to put it to you, you can tell me, it's
21 the article that's in the book that you wrote with Lee
22 Somebody about Vancouver, you write about colonialism with
23 Lee Somebody.

24 A. I have never worked with anybody named
25 Lee. Is that their first or last name?

1 218. Q. That's fine. I'm just going to tell
2 you what I saw reading and then I'll see if I can find it
3 at the break because I'm sure I brought it. When you
4 talked about your Vancouver study, you wrote in the
5 article, where possible, we used sex trade workers and
6 survivors, where possible. So I put to you it's your
7 preference to use people who have a similar mindset to you
8 as your workers. That's your choice.

9 A. Is that a question?

10 219. Q. Yes, of course it's a question.
11 That's the choice, where possible, that's what I'm putting
12 to you, it's your choice. It's not that you just have to
13 put up with it and guard against bias, you prefer to have
14 these people.

15 A. In Vancouver, we knew that we would be
16 interviewing a number of Aboriginal women and we went out
17 of our way to find interviewers who would not be
18 interviewing across a cultural divide, as in U.S./Canada,
19 as in a race divide, as in white, Métis, or First Nations,
20 and so we sought out, to interview women in prostitution,
21 we sought out interviewers that they would feel most
22 comfortable with. One of our interviewers in Vancouver was
23 also a social worker who had skills, the same kind of
24 skills that we sought out in Scotland.

25 220. Q. So on that logic, wouldn't it have

1 been best for you to pick johns in Scotland to do the
2 interviews? Wouldn't that work the best, then,
3 comfortable, relaxed environment?

4 A. That's an interesting question. We'll
5 have to try that sometime.

6 221. Q. (So don't say that I didn't contribute
7 anything to your research.)

8 A. They tend to hide, is the problem.

9 222. Q. I understand. Let's take a look at
10 your affidavit. I want to go through some of your
11 statements and conclusions. We'll start with paragraph 12.

12 A. Can I ask a quick question? How much
13 longer are we going to go?

14 MR. YOUNG: Off the record, please.

15 --- RECESS

16 223. BY MR. YOUNG: Q. Before the lunch break,
17 we had a brief discussion about being aware of criticism of
18 your work and you did indicate that you obviously are aware
19 of Weitzer's critique because you've responded to it.

20 A. Yes, and I'm aware of others'
21 responses as well.

22 224. Q. And he has accused you of being
23 selective, of citing your own literature, and citing
24 literature that's flawed. You've heard these things before
25 and you've responded to it, right?

1 A. I've read Mr. Weitzer's article and
2 wrote a publication in response to it.

3 225. Q. Let's go through your affidavit a bit
4 and do some fact checking here. Let's start at paragraph
5 15, page 13. Your first conclusion, it's Conclusion A:
6 "Prostitution is internationally recognized as a form of
7 violence against women that is linked to many other forms
8 of violence against women." Internationally recognized,
9 are you suggesting that Germany, Holland, New Zealand, and
10 Australia recognize prostitution as a form of violence
11 against women?

12 A. The Netherlands – I'm suggesting that
13 prominent researchers in many countries have recognized the
14 overwhelming level of violence in prostitution, including
15 Ine Vanwesenbeeck in the Netherlands who has talked about
16 high rates of violence against those in window or indoor
17 prostitution and the resulting behavioural responses which
18 are quite similar to what I found.

19 226. Q. So, really, the sentence should read:
20 Prostitution is recognized by some scholars as a form of
21 violence. That would be a much more accurate way of saying
22 it.

23 A. No.

24 227. Q. You don't think the word
25 "internationally" suggests that around the world there's a

1 consensus that prostitution is a form of violence. You
2 don't think that's the inference to be drawn from that
3 statement.

4 A. No, I would say the statement is clear
5 as it reads.

6 228. Q. Paragraphs 15 and 16 are your only
7 elaboration on that statement. We're still at paragraphs
8 15 and 16 and I don't see much reference to anything other
9 than yourself. Where is the international coming in?

10 A. In each of the articles that I cite,
11 there are many people in all parts of the world, including
12 some people cited by Mr. Weitzer, who've noted high levels
13 of violence in prostitution. It includes my own research,
14 but it includes studies of many people internationally, as
15 you say, from Germany, Netherlands, New Zealand, Australia,
16 South Africa.

17 229. Q. You didn't see some need to put it in
18 this section where you're talking about international, you
19 didn't see any need to put that in.

20 A. In this section, I'm discussing the
21 findings that have to do with a linkage of prostitution and
22 violence. There are certainly many things I'm not
23 discussing here, but this section is specifically about
24 that.

25 230. Q. Table 1, maybe this is just a simple

1 mistake, but Table 1, which forms most of this discussion,
2 you say can be found in Exhibit J. I couldn't find it, I
3 don't see that table in Exhibit J. You can take a look and
4 maybe you've made a mistake and you'd like to refer to
5 something else.

6 A. It's based on -- the table is from this
7 article which was downloaded from the Web. Do you know how
8 when you sometimes download articles, you have to click an
9 extra button? It is in this article, October 1, 2004,
10 *Psychiatric Times*, line 21, number 12, which is Exhibit J,
11 but, you're right, that particular table didn't show up in
12 this iteration of the article. I'm sorry.

13 231. Q. Not a problem, I'm just checking, fair
14 enough, I can get it myself, thank you. While we're just
15 talking a little bit about international, you came to
16 Canada to give testimony before our subcommittee, and
17 here's an excerpt from that session, and I'd like to direct
18 your attention to something you say at page 67. Just so
19 you know, I excised the first 63 pages which were other
20 witnesses. Page 67, and it's the third last paragraph I'm
21 curious about, you say:

22 "Organized crime increases. New Zealand has been
23 mentioned by a couple of people this morning. We're
24 seeing a massive increase in organized crime in just
25 the little over a year and a half since ...

1 decriminalization.... This should be looked at ...
2 carefully."

3 Where is that coming from?

4 A. That statement is coming from a Maori
5 transgender community organizer named Mama Tere Strickland
6 who works with people in prostitution in Auckland, New
7 Zealand, who has reported that since the passage of the New
8 Zealand law – this person works mainly with people in
9 street prostitution – that since the passage of the New
10 Zealand decriminalization law there has been an increase of
11 about 400 percent in street prostitution in the poorest
12 areas of Auckland and, as Strickland said to me, that
13 accompanying that significant increase were organized
14 criminals prostituting – running prostitution. That's what
15 that comes from as a local source.

16 232. Q. So based on a conversation with one
17 person, you feel comfortable saying there's been a massive
18 increase and presenting that to a House of Commons
19 committee. You're comfortable with that statement.

20 A. I'm comfortable with that statement
21 given the qualification that I made which was: "That
22 should be looked at ... carefully." Certainly, it needs
23 further study.

24 233. Q. If one individual says to you there's
25 been a 400 percent increase, as a researcher, shouldn't the

1 first thing you ask to do is to look at the data? Did you
2 do that?

3 A. I spoke with other persons in New
4 Zealand as well, including an attorney in New Zealand who
5 reported similar effects. So certainly – I mean, if what
6 you're saying is the more people one hears from the better,
7 I agree with that, that our first thinking begins with a
8 single person's account, in which case we say to ourselves,
9 let's look into this further and we need to find out more.
10 Of course, one person is one person.

11 234. Q. Have you looked at it carefully? Have
12 you looked at it carefully?

13 A. No – by "it," you mean organized crime
14 in New Zealand.

15 235. Q. The New Zealand situation, yes.

16 A. I have not looked into organized crime
17 in New Zealand.

18 236. Q. Three years later, because this was in
19 2005, would you make the same statement?

20 A. Are you asking me what....

21 237. Q. If the subcommittee was to be held
22 today in 2008, not 2005, would you make the same statement?

23 A. If the subcommittee was meeting today,
24 I would have much more information.

25 238. Q. You would have probably the very

1 recent report that came out of their five-year review of
2 the law, correct? You've seen that.

3 A. Yes, I have.

4 239. Q. And would it be fair to say that that
5 report does not talk about a problem of organized crime?

6 A. I can't answer that.

7 240. Q. You've read it.

8 A. I have read it once and I've....

9 241. Q. Do you think before you say that
10 massive increase again, you would read the report before
11 you make the statement? It would be important to do so,
12 wouldn't it?

13 A. Of course it would.

14 MR. YOUNG: That will be Exhibit G.

15 EXHIBIT G: Excerpt Subcommittee on Solicitation Laws.

16 242. BY MR. YOUNG: Q. Let's flip the page to
17 number 17. You start off, when you're talking about
18 violence with Canada, and you tell us: "A Canadian
19 observer noted that 99% [of] women in prostitution were
20 victims of violence, with more frequent injuries 'than
21 workers in occupations ... like mining, forestry, and
22 firefighting.'"

23 A. I'm sorry, which page are you on?

24 243. Q. Paragraph 17, page 14, sorry. You
25 footnote two authors from a journal called *Women and*

1 *Criminal Justice*. Where did that figure come from, 99
2 percent, and higher rates of violence than mining,
3 forestry, and firefighting? Is that a research study?

4 A. *Women and Criminal Justice* is a peer-
5 reviewed journal in the field of criminology, and Gibbs,
6 Van Brunschot, and colleagues were doing an empirical
7 survey of the ways that prostitution is viewed and
8 documented in all media across Canada.

9 244. Q. So it's coming from an article about
10 media, and where is the number 99 percent coming from?
11 Maybe we should look at the article. Here's a copy and I
12 can help you a little bit, take a look at page 61 at the
13 bottom. So this actually comes directly from a newspaper
14 report, the *Vancouver Sun*, correct?

15 A. That's where the quote is from.

16 245. Q. And you've never checked with the
17 journalist to see where that information comes from, you've
18 just sort of adopted it just from the article, correct?

19 A. As I noted in this paragraph, I'm
20 calling the person an observer and not a researcher, and in
21 the course of my research, I listen to observers, people
22 who've experienced the events themselves, law enforcement,
23 I talk to pretty much everybody. But, yes, indeed, this
24 comes from the *Vancouver Sun*.

25 246. Q. And as a general practice, it's a

1 little dangerous, is it not, to rely upon data that comes
2 from a newspaper? You should do more work once you see it
3 comes from a newspaper. Isn't that true?

4 A. I would not say that my research
5 relies on data from newspapers. As I said, this particular
6 paragraph refers to the way that it's understood and
7 reported in the media. It's one part of the whole picture,
8 which I think has some validity.

9 247. Q. Okay, that's fine, that's fine.

10 A. I think that's all I can say about it.

11 248. Q. So let's look at the next paragraph.

12 Now we have some more figures, 90 percent and 78 percent,
13 and no source. Is that just an omission or where is this
14 coming from?

15 A. This is coming from Cunningham and
16 Christensen in Vancouver.

17 249. Q. And Christensen and Cunningham study
18 street prostitution. Why is it you don't qualify the word
19 "prostitution" with the modifier "street"?

20 A. Along with other researchers, I've
21 realized in the course of the last 15 years that to
22 categorize someone as only in street prostitution or only
23 in massage parlour prostitution or only prostituting via
24 the Internet or cell phone is probably a misperception of
25 the institution of prostitution, which the physical

1 location where prostitution takes place is only one small
2 piece of information in the big picture which includes –
3 and what we've found in the last five years or so, and
4 other researchers report as well, is that prostitution –
5 when a researcher, for example, like Christensen and
6 Cunningham and myself, we may interview someone on the
7 street, that person the very same day may be working out of
8 an escort agency, a massage parlour, last month they may
9 have worked someplace else, next month someplace else. So
10 while it's accurate to say Cunningham and Christensen
11 interviewed people who were currently prostituting on the
12 street, it might be important to note that people don't
13 stay in one location to prostitute, generally speaking.

14 250. Q. So if I understood your answer to
15 paragraph 18, is you didn't need the word "street" there
16 because it's interchangeable. You might one day be on the
17 street, you might one day be in a brothel, right? That's
18 your view. Have I mischaracterized your view?

19 A. Yes.

20 251. Q. You'd said that you didn't need to put
21 the word "street" in because it's a misconception to
22 restrict people to street or indoor, it's interchangeable
23 because you might move day to day. Isn't that what you
24 just said?

25 A. No.

1 252. Q. So tell me what I'm saying wrong.

2 A. It could be – it would be correct to
3 say that Cunningham and Christensen interviewed people in
4 street prostitution, but that that gives an incomplete
5 picture because people prostitute elsewhere.

6 253. Q. Did you ask Cunningham if that's their
7 view?

8 A. No.

9 254. Q. And there should be a footnote to
10 their article, correct?

11 A. Yes.

12 255. Q. And if it's a footnote to their
13 article, don't you think you should put in the words that
14 the researchers would be using, street prostitution, and
15 not bringing in your interchangeability theory?

16 A. When I report other people's research,
17 I'm sure there are many things – I can't report the whole
18 study. This is a brief summary of the study.

19 256. Q. I understand, it's one word.

20 A. And I don't think it's
21 interchangeable.

22 MR. YOUNG: Exhibit H, please.

23 EXHIBIT H: Van Brunschot *et al*, *Images of Prostitution*.

24 257. BY MR. YOUNG: Q. Let's go to paragraph
25 42, right at the bottom. The quote from the message

1 parlour woman: "Memory is an amazing thing ... I can't
2 remember a thing," when I leave here. There's a footnote
3 to Exhibit P, and I'm sorry to be anal about this, it's the
4 second time I'm asking, but there's nothing in Exhibit P, a
5 quotation of that nature. It's not there, right?

6 A. I would like to – I don't see it on a
7 quick review and I'm sure you've done a more careful review
8 than I have. This quote is from a woman in New Zealand,
9 brothel prostitution, whom I interviewed. It is possible
10 that that is cited in another study, I'm not sure. What I
11 can say is that I interviewed her and she said that, and it
12 appears to be an incorrect footnote. I'm not sure, I just
13 am not sure. Let me read that and find out if it's quoted
14 someplace else, which I think it might be.

15 **U/T 1** MS. SINCLAIR: Shall we make an
16 undertaking?

17 258. BY MR. YOUNG: Q. Yes, we're making a
18 list here. Let's assume it's an innocent error, as you
19 explained, but can you see how an academic reading your
20 affidavit, or if this was an article, checking that, would
21 start to wonder about some of your sources? It may be all
22 innocent, but you can see why people might start to become
23 critical if a lot of mistakes are made like that. We've
24 got two so far. Was this done quickly? Let me ask that.
25 Was your affidavit done very quickly?

1 A. No.

2 259. Q. Let's take a look at this, then.

3 Paragraph 51, again we have a statement, a quantification:

4 "Half of the women interviewed in a recent study ...

5 reported that they had pimps." Shouldn't we have a

6 footnote there? What study are we referring to?

7 A. Paragraph 51 of my affidavit is

8 referring to Table 3 on page 31 of the book, *Prostitution*

9 *and Trafficking in Nevada.*

10 260. Q. So this is a recent study you did that

11 you haven't referenced. It should be a reference to you,

12 right?

13 A. Yes.

14 261. Q. And if some sex worker said she had a

15 boyfriend, he's put down as a pimp, right? Pimp,

16 boyfriend, same thing.

17 A. No.

18 262. Q. You don't see a difference.

19 A. No.

20 263. Q. What if the boyfriend lives with her

21 and doesn't work and just enjoys her resources, is that a

22 boyfriend or a pimp?

23 A. I'm not sure what your definition of

24 "pimp" is.

25 264. Q. I think we know your definition, let's

1 take a look, paragraph 12, page 8, subparagraph (d): "A
2 commonly used definition of pimp is 'a person who is
3 supported by the earnings of a prostitute'." So that's a
4 pimp even if they have a loving relationship and he's not
5 exploiting her, that's a pimp.

6 A. The entire paragraph is my definition
7 of "pimp." The last part of it is a commonly used
8 definition of "pimp."

9 265. Q. Which is a definition that you would
10 use, too, so I'm asking whether that 50 percent included
11 people who were living together? When you say 50
12 percent....

13 A. The 50 percent, I'm sorry, I'm not
14 clear what question you're asking.

15 266. Q. When you did your survey and you asked
16 a sex worker, "Do you have a pimp?" and they say, "No, I
17 have a boyfriend," would you assume that that's a pimp?

18 A. No.

19 267. Q. When you said 50 percent in the recent
20 study, we're talking – I forget now – your sample was about
21 45 or so for Nevada.

22 A. Forty-five women were interviewed in
23 the legal brothels in Nevada.

24 268. Q. Now, I know you don't suggest that
25 this is anything other than Nevada, but you're not making a

1 claim that the same result would hold true for Canada, are
2 you? You don't know that.

3 A. I'm sorry, I'm not clear about the
4 question.

5 269. Q. When you say 50 percent of sex workers
6 have pimps, that's strictly restricted to your Nevada
7 study. You're not trying to extrapolate and say that's the
8 situation in Canada, U.K., New Zealand. You wouldn't know.

9 A. I have made – I have learned about
10 pimping over the years through my own and other people's
11 research in a number of countries and, in fact, it is my
12 impression from a number of anecdotal accounts and the
13 empirical evidence and service providers, that the actual
14 numbers of women controlled by pimps is higher than 50
15 percent, not lower. Our numbers in Nevada were low.

16 270. Q. I'm talking about Canada now. You
17 were in Vancouver, so you've done a little bit of work
18 here. Do you have any basis to know what percentage of
19 workers are pimped out in Canada?

20 A. I have not done research on pimps in
21 Vancouver.

22 271. Q. You know the Fraser Committee report,
23 correct?

24 A. Let me just finish the second part of
25 that.

1 272. Q. I'm sorry.

2 A. Except insofar as violence is
3 committed by women against pimps – by pimps against women.

4 273. Q. I understand, but for the Canadian
5 scenario, you've read the Fraser Committee report. I know
6 you have, right, the 1985 report in Canada? You took a
7 look at this, you said you hadn't seen it in hard copy.

8 A. Yes.

9 274. Q. You read that. It's a pretty
10 comprehensive report, isn't it?

11 A. Yes, it appears to be so by the inch.

12 275. Q. No, no, you've read it, you know the
13 contents. It's pretty comprehensive, probably the most
14 comprehensive study in Canada to date. Wouldn't you agree?

15 A. I don't know the answer to that.

16 276. Q. But you do rely upon it. Let's take a
17 look at Tab C, page 107, second paragraph: "Prostitution
18 can be lethal. A Canadian commission found that the death
19 rate of women in prostitution was forty times higher than
20 that of the general population." So you have used Fraser
21 Committee studies.

22 A. I have used the Special Committee on
23 Pornography and Prostitution from 1985. I don't refer to
24 it as Fraser.

25 277. Q. I'm sorry, but they're one and the

1 same.

2 A. Yes.

3 278. Q. So you've read it, you rely upon it at
4 least in one instance. Could I ask again why you don't put
5 the word "street" in? Clearly, this is about the street.
6 It is, you know that, right?

7 A. I'm not sure how to answer that
8 question. There are many words that aren't – there are
9 certainly many words that aren't in here and, you're right,
10 the word "street" is not in that sentence.

11 279. Q. But when we're talking about the death
12 rate of women in prostitution, we are talking about the
13 street, correct? When you're talking about murder, you're
14 not talking about indoor locations very often. I'm not
15 saying it never happens.

16 A. I would not have any way of knowing
17 whether the people that were murdered that are included in
18 the Fraser report had ever prostituted anyplace else other
19 than the street. I also don't know the actual physical
20 location of the murders themselves. I have actually
21 inquired about that. I would like to know about the
22 physical locations and I don't know about that.

23 280. Q. Did you notice yesterday, Arthur
24 Shawcross died? Do you know who he is?

25 A. No.

1 281. Q. Do you know who Gary Ridgway is?

2 A. Yes, I do know who he is.

3 282. Q. He's the Green River killer, right?

4 A. Yes.

5 283. Q. Forty-eight prostitutes, does that
6 sound right to you? You might not know the exact number.

7 A. The question is....

8 284. Q. Does it sound right to you that he
9 killed about 48 sex workers? It doesn't matter if you
10 don't know the number.

11 A. I know he killed women in
12 prostitution, yes, I do.

13 285. Q. On the street, correct?

14 A. Ridgway.

15 286. Q. Yes.

16 A. I don't know.

17 287. Q. Pickton, you were in Vancouver after
18 Pickton was arrested. Was it on the street?

19 A. My understanding is that Pickton
20 largely solicited women from the street. I don't consider
21 myself an expert on Pickton or Ridgway, however. I have to
22 say that.

23 288. Q. Just back to the Fraser Committee
24 report for a moment, because you've referred to it, I'm
25 just wondering if you recall the Fraser Committee report

1 saying it would appear that most prostitutes are
2 independent operators. Does that ring a bell to you about
3 the Canadian scene?

4 A. I don't have a memory for that entire
5 book.

6 289. Q. So we can leave it that you don't know
7 whether your 50 percent pimping rate has anything to do
8 with Canada, you just don't know.

9 A. Obviously, the purpose of the research
10 that I'm doing is to understand more about prostitution per
11 se in many locations and since I've studied Canada,
12 obviously I'm interested in prostitution in Canada. I
13 actually think these days, it's such a global phenomenon,
14 it's – just as it's becoming irrelevant to locate
15 prostitution physically indoor or outdoors, I predict that
16 it's going to be so global an enterprise, if it isn't
17 already, that we really are going to have to change the way
18 we look at the whole institution. So the long answer to
19 this – sorry – is that I have to say it's the purpose of
20 the research, it's why we went to so many countries, to try
21 and understand something generally about prostitution and I
22 would hope that it would bear some relevance on Canada, all
23 of the research that I've done, some of which has been done
24 in Canada, some of which has not.

25 290. Q. But you wouldn't transplant your

1 findings from one jurisdiction to another without some
2 qualifications, right?

3 A. Further study, it would be – there
4 have been relatively few in-depth studies of pimps. That
5 would be a good idea.

6 291. Q. And it would be wrong, would it not,
7 to take your conclusions about how prostitution is
8 organized in Zambia and apply it to Canada? That just
9 wouldn't make sense, would it?

10 A. I think what you're asking about is
11 what's the point of research. Research is always done one
12 place or another. It always has specific limitations. The
13 whole point of going to nine countries was to find out
14 what's culturally specific and what's not, and we were
15 indeed able to draw some things that are probably true in
16 Canada as they are in Zambia. Even though these are vastly
17 different countries, I think that we have found some common
18 threads and that is in part what much of my affidavit is
19 about, is the common threads.

20 292. Q. Let's continue, paragraph 60, drugs
21 and alcohol. I'm looking at paragraph 61 and when I read
22 61, it suggests to me that only a small percentage, eight
23 percent, were using drugs when they went into prostitution,
24 whereas 39 percent become drug abusers after they become
25 prostitutes. The idea, I guess, being it's such a horrible

1 existence, you end up taking drugs, 39 percent of you end
2 up taking drugs. Is that kind of what you're trying to say
3 here?

4 A. Not specifically. What I'm saying in
5 this grouping of four paragraphs is that there is a
6 misconception about prostitution, that it always has to do
7 with drug-addicted people and, as I say in paragraph 60, a
8 number of studies have shown that women increase
9 recreational drug use to the point of addiction after
10 entering and they're – I'm just trying to stop myself from
11 rambling on.

12 293. Q. That's okay, I'll stop you right now.
13 Why don't we take a look at the article where it came from.
14 You cite this Lexington article for that figure, and I've
15 got to ask you to look at page 612 where there's a chart.
16 Again, it could be an innocent error, but I put to you that
17 you've inverted those figures, whether intentionally or
18 unintentionally, it's the exact opposite of what you say.

19 A. That's not my perception. I'm seeing
20 eight percent prostitution before drug use and 34 percent
21 after drug use.

22 294. Q. Meaning that the drug use preceded
23 their career in prostitution.

24 A. I'm talking about the females.

25 295. Q. It doesn't matter, it's the same

1 thing.

2 A. Eight percent prostitution before drug
3 use, 39 percent after drug use. I need to look at this.
4 Receiving treatment for addiction. I have to look at this
5 more carefully.

6 296. Q. I'm happy to give you some time at a
7 break. I think it's just wrong.

8 A. I'm still trying to get this clear.

9 297. Q. It took me a while, too.

10 A. Yes, it's taking me a few minutes
11 here. Receiving treatment for addiction. What the table
12 says is eight percent of the women in the sample, which was
13 14 people, were prostituting before drug use and that 39
14 percent were prostituting after drug use, right?

15 298. Q. Yes, which means that 39 percent were
16 using drugs before they became a pimp. The language is
17 very confusing.

18 A. It's got me confused right now.

19 299. Q. So, generally, when you see something
20 as confusing as that, it shouldn't be relied upon, if we're
21 having trouble just understanding it.

22 A. That's the table. We should read the
23 results.

24 MR. YOUNG: We'll make it an exhibit and
25 we'll return to it later. I'm happy to let you have a

1 look, but that's the only place I could find the figures.

2 EXHIBIT I: Lange *et al*, *The Lexington Addicts*.

3 300. BY MR. YOUNG: Q. If I may suggest that
4 we move on, we have the article.

5 A. Sure. I'm trying to read the results
6 and stuff, take a few minutes.

7 301. Q. When we have a break, you can take a
8 look. We were at paragraph 61. As we start turning the
9 pages, I just want you to follow with me for a moment.
10 Page 26 has three footnotes, right?

11 A. Yes.

12 302. Q. The next page has nothing, then page
13 28 has two footnotes, page 29 has three footnotes, and page
14 30 has three footnotes, but I'd like to now start at
15 paragraph 78 where you're going to do an indoor/outdoor
16 comparison, and is it not true that between paragraphs 78
17 and 83, you do not cite any references about what's going
18 on indoors, not one, except right at the end from an
19 anecdote?

20 A. If we're ranking these pages on the
21 basis of the size of the footnotes at the bottom, there are
22 a number of pages that don't have footnotes. What I would
23 say about those paragraphs that you're mentioning is that,
24 in the interest of time, many of the sources come from
25 several articles that are attached as exhibits and that....

1 303. Q. When you were asked to be part of this
2 case, you were aware that one of the biggest issues in this
3 case is the indoor/outdoor distinction. You're aware of
4 that.

5 A. I am aware that there are a number of
6 - I mean, here's how I would put it. I'm aware that there
7 is - let me think of how I'd put that.

8 304. Q. Let me put it to you very
9 specifically. You're aware that we're trying to strike out
10 the bawdy house provision, correct? You must have been
11 advised of the nature of this case, were you not?

12 A. I haven't been told the legal details
13 of the case.

14 305. Q. You were shown affidavits in this
15 case, you respond to Lowman.

16 A. Yes.

17 306. Q. And every affidavit ends by saying: I
18 make this affidavit in support of an application to strike
19 out three sections.

20 A. Yes.

21 307. Q. So you knew we were knocking out the
22 bawdy house law, correct?

23 A. Yes, I would say so.

24 308. Q. So you're telling me that when you
25 come to the critical issue in our case, indoor/outdoor, you

1 just didn't really feel like putting in footnotes. Is that
2 what you're telling me?

3 A. No.

4 309. Q. Let's take an example, paragraph 81.

5 When you say: "Women and children can be controlled in
6 indoor prostitution in ways that they can not be controlled
7 on the street," that's a statement of opinion. That
8 doesn't come from any study, correct?

9 A. No.

10 310. Q. I'm sorry, no, it doesn't come from a
11 study.

12 A. That's incorrect. It comes from two
13 articles that I wrote that are attached as exhibits.

14 311. Q. And what's the study? If you want to
15 tell us the articles and we'll look for the study, but
16 what's the study that said women and children are
17 controlled indoors? It may make sense, but I'm saying, is
18 that a statement of opinion or is that based on a study?

19 A. I would say that it's not based on a
20 specific study, it's based on a number of studies and my
21 review of the literature and my speaking with trafficking
22 victims, with children in prostitution over a number of
23 years.

24 312. Q. Then what about paragraph 80, the one
25 before? "Reports from many countries indicate that

1 residential brothels ... are locations to which women are
2 secretly trafficked...." What countries, what reports,
3 from government agencies, from advocates like yourself?
4 Where is this coming from?

5 A. I can give you one example of where
6 this statement is coming from. It comes from a recent
7 report from the Poppy Project, which is an anti-trafficking
8 organization in London, which recently put out a report
9 called Big Brothel which essentially reports exactly that.
10 It comes from – and when I say reports, I'm not talking
11 about – I'm talking about reports, police reports,
12 newspaper reports, that indicate that, for example in my
13 own city, San Francisco, the places to which women and
14 children are inevitably trafficked are usually indoor
15 prostitution. In San Francisco, which is not unlike many
16 cities in North America and in Europe, in San Francisco,
17 people are trafficked to massage parlours, saunas, and
18 flats that serve as brothels, all indoor venues. That's a
19 statement I feel very confident in making.

20 313. Q. And it's okay you're confident, but
21 tell me what a trier of fact, a judge, does who opens up
22 your affidavit and sees that statement. Should the judge
23 assume you have sources or should a judge simply say, "I
24 don't know where this comes from"? What would you do?

25 A. I'm definitely not a judge.

1 314. Q. Would you rely on a statement like
2 this if it was in one of our affidavits? It was the exact
3 opposite: Reports from many countries indicate that
4 residential brothels are not being used for trafficking.
5 No footnote. What would be your impression of that?

6 A. I would ask where it came from and the
7 response would be it's further documented in four or five
8 articles which are appended as exhibits. I think that's a
9 reasonable question.

10 315. Q. And if I didn't ask that question,
11 then we would have nothing, so what would a court do
12 without that? You've got to put it in the affidavit. When
13 you met with counsel and were drafting this, did they not
14 advise you that when you made factual statements that you
15 should source it? That's okay, that's fine. You know
16 what, let's just for the sake of completion turn to
17 paragraph 88. Paragraphs 88 to 91 are under the heading
18 Prostitution damages women's sexuality, regardless of its
19 location. We've got the same problem here. I don't see
20 any footnotes, I see the quote, sort of an anecdotal thing,
21 so I'm going to ask you, is this an opinion or are there
22 studies that indicate consistent harm to sexual integrity
23 as a result of being in the sex trade?

24 A. Two things come to mind. One is that
25 I wrote an article called *Prostitution and the Invisibility*

1 of Harm that goes into that particular issue sourced in
2 more detail, and the other is that this comes from a number
3 of conversations with women in prostitution, reports from
4 people who actually disagree with me in some things but who
5 write about their experiences who I quote in my articles.

6 316. Q. Let's look at something more specific.

7 A. There is documentation. I'm just
8 going to say one thing. I could use a little caffeine
9 right now, if that might be possible.

10 MR. YOUNG: Yes, sure.

11 --- RECESS

12 317. BY MR. YOUNG: Q. We're going to continue
13 on with some paragraphs and I'm going to turn your
14 attention to paragraph 94 of your affidavit. At paragraph
15 94, you're suggesting the differences between indoor and
16 outdoor are minimal when it comes to physical risk, and the
17 last sentence which starts, "Yet," is that italicized? I
18 can't even tell. The font changes, right?

19 A. Yes.

20 318. Q. So you're trying to emphasize that
21 statement.

22 A. Yes.

23 319. Q. I'd like to look at the source for
24 that. Here's the article.

25 A. I've got it here, let me get it.

1 320. Q. It's a very short article, but one
2 often cited because it was a fairly large sample, and the
3 statement you make is: "...48% of the women prostituting
4 indoors were subject to frequent and severe violence."

5 That's your statement, and I'd like to direct you to page
6 525 where there's a chart and, if you look on the column
7 Indoors (you have Outdoors, Indoors, and P Value) if you
8 scroll down – sorry, if you let your eyes go down the page,
9 tell me where 48 percent emerges in the indoor, under what
10 category.

11 A. The indoor prostitution – I'm not sure
12 what the question is.

13 321. Q. You make a statement about 48 percent
14 experience frequent and severe violence, so I'm going down
15 the indoor column to look for where we have 48 percent of
16 the indoor population. I see it, I just want to make sure
17 you see it.

18 A. Why don't you point it out to me.

19 322. Q. Sure, right in the middle, ever
20 experienced client violence, 81 percent outdoors, 48
21 percent indoors. Do you have that now?

22 A. Yes.

23 323. Q. And would you agree that there is no
24 way that you could take from this chart the words
25 "frequent" and "severe" for 48 percent of indoor workers?

1 Those are your own words.

2 A. No. What I'm referring to are two
3 things in this study. One is Church *et al's* listing of the
4 types of violence they're referring to in this study, which
5 is slapped, punched, or kicked, threatened with physical
6 violence, robbery, attempted robbery, beaten, threatened
7 with a weapon, held against will, attempted rape,
8 strangulation, kidnapping, forced to give client sex,
9 raped, and attempted kidnap. They are discussing these
10 types of violence in this study and their conclusion is
11 that while prostitutes working outdoors were involved in
12 prostitution at a younger age, reported more illegal drug
13 use, and experienced significantly more violence, that's
14 the 81 percent outdoors, that those indoors are
15 experiencing 48 percent acts of violence.

16 324. Q. So the word "severe" is an
17 interpretation based on your interpretation and
18 construction of this chart. You have to agree with me, it
19 doesn't say ever experienced serious violence, severe
20 violence, it just says violence.

21 A. I'm describing slapped, punched,
22 kicked, threatened. These are all, actually, in the
23 psychology lexicon, these are for the most part Category A
24 stressors that in and of themselves would cause an acute
25 stress reaction, so I don't think it's a stretch to

1 describe them as serious violence, and the researchers
2 themselves....

3 325. Q. You never looked at the
4 questionnaires. You don't have the questionnaires for
5 their study, correct? You don't have the questionnaire,
6 yes or no?

7 A. I need to qualify that. These
8 researchers, like myself, while they don't give you the
9 verbatim question, they give you enough information in the
10 tables to be able to easily guess what they asked. Have
11 you been slapped, punched, or kicked? Have you been
12 threatened with physical violence? Have you been the
13 victim of a robbery. I think, although no, I'm not looking
14 at the actual questionnaire, the researchers are letting us
15 know what questions they asked about violence. They're not
16 just using the word "violence," they're actually specifying
17 exactly what types of violence they're discussing in this
18 study and I think these are severe kinds of violence.

19 326. Q. And you don't think that's an
20 interpretation of this, your interpretation. You're
21 assuming that they didn't ask the question, ever experience
22 violence, which could be a push, correct? Let's not debate
23 it, forget that one for a minute. Where do you get
24 frequent? Forget severe, tell me where you're getting
25 frequent from for 48 percent. That has to be made up.

1 A. Let me get back to my statement. What
2 page is that on?

3 327. Q. Paragraph 94, page 35.

4 A. Paragraph 94, page 35. No, it's not
5 made up. The researchers themselves talk about reporting
6 attacks in their comment, the researchers themselves state
7 that recognizing the violence by clients occurs to women
8 working both indoors and outdoors, is an important step
9 toward preventing or reducing the incidence of violence,
10 and it certainly is an interpretation, but I think it's a
11 very logical one, to – when researchers are studying
12 violence and give us a list of the types of violence, I
13 think it's reasonable to conclude that those were the types
14 of violence they were studying and that is my
15 interpretation, that the researchers have listed for us the
16 types of violence they were studying.

17 328. Q. As a researcher, you very well know
18 that when you want to determine frequency, you ask
19 questions like how many times in the past month, how many
20 times in the past year. Those were not asked here, so I
21 still don't understand how you can put the word "frequent"
22 in. I put it to you that that was your addition and it's
23 not even a matter of interpretation.

24 A. The researchers were asking in their
25 methodology not only about the type of violence, but the

1 frequency of violence, ever or in the past six months, and
2 levels of attack, so in this study they are indeed
3 addressing the frequency of violence.

4 329. Q. And you say 48 percent experience
5 frequent violence and that 48 percent figure is only across
6 the bar that says ever, one time, have you ever experienced
7 violence, have you ever used an illicit substance. That's
8 a typical question, it means a lifetime question. That's
9 where the 48 percent is.

10 A. If you were to break down the numbers,
11 then you'd see that 26 percent experience those kinds of
12 violence in the past six months, 48 percent ever
13 experienced, that's correct.

14 330. Q. I hear you, that's not what you say.

15 A. I'm saying they were subject to
16 frequent and severe violence.

17 331. Q. What do you understand by the meaning
18 of the word "frequent"? What would that tell you?

19 MS. SINCLAIR: It may be helpful for you
20 to point out – you directed Dr. Farley to look at this
21 chart. There's a description of the chart in the preceding
22 paragraph where it is described and the word "frequently"
23 is used, so it may be helpful to look at that.

24 MR. YOUNG: I hear you, let's move on, I'm
25 just focusing on the 48 percent.

1 MS. SINCLAIR: And the 48 percent is
2 described in context there.

3 MR. YOUNG: No, it's 48 percent, and I
4 don't think we should be debating this on the record. It's
5 for the witness to address it.

6 MS. SINCLAIR: We're not debating, I'm
7 pointing out that the 48 percent is described in that
8 paragraph at the bottom.

9 MR. YOUNG: Sorry, that's not the way I
10 read it, but it's okay. Let's make it an exhibit so then
11 we can refer to it.

12 EXHIBIT J: Church *et al*, *Violence by clients towards*.

13 332. BY MR. YOUNG: Q. Let's try another one,
14 paragraph 124. This is the paragraph that starts your
15 section on attitudes of johns, which is very much your
16 study in Scotland, correct?

17 A. Yes.

18 333. Q. So you start off by saying:

19 "It has been established that violent behaviors
20 against women are associated with attitudes that
21 promote men's beliefs that they are entitled to sexual
22 access to women, that they are superior to women, and
23 that they have license for sexual aggression."

24 I'm very sorry, let me go with the
25 paragraph before. It's footnote 73 I want, not 74. You

1 say: "Another study noted that arrested johns who
2 purchased prostitutes at least once a week strongly
3 endorsed rape myths," and then you cite Monto and Hotaling.
4 I'd like to direct you to that study and it's in Weitzer's
5 materials at Tab Q. We can go through the study again page
6 by page or leave it, but I do want to point you right to
7 the abstract, right in the middle it says: "Results
8 indicate low levels of rape myth acceptance among
9 respondents...." It's the opposite of what you claim.

10 A. I have a couple comments about that.

11 334. Q. Sure.

12 A. First of all, the footnote 73
13 reference is not the same as Weitzer's. Footnote 73 is a
14 paper presented at the annual meeting of the Pacific
15 Sociological Association. Monto and Hotaling, the one
16 cited by Weitzer, is in *Violence Against Women in 2001*. So
17 these are two different papers we're talking about.
18 Secondly – well, I have a few things to say about this. It
19 is a fact that in this paper, which I'm citing from, he
20 found a frequency effect, that there was a difference in
21 the attitudes of arrested johns in terms of their
22 endorsement of rape myths and those who more frequently –
23 those who purchased prostitutes at least once a week,
24 strongly endorsed rape myths.

25 335. Q. Flip right to the end of the article,

1 page 290, because the actual conclusion that Monto reaches,
2 and I see it as different than the one cited here, that
3 there are two things. One is the last paragraph here:
4 "The relatively moderate level of rape myth acceptance
5 among the men sampled bodes well..." for john school. I've
6 just paraphrased. It's actually reaching a conclusion that
7 these men have an open mind about this and, therefore, they
8 can be taught – they can be discouraged from soliciting.
9 That's a very optimistic statement. Do you still suggest
10 that this study shows a strongly endorsed rape myth among
11 johns? This study, not yours. It's wrong, isn't it? It's
12 another wrong reference in your affidavit, isn't it?

13 A. No.

14 336. Q. The article stands for itself, we'll
15 move on for the sake of time. I'd like to talk to you now
16 about dissociation studies.

17 MS. SINCLAIR: Do you want to qualify that
18 or are you happy to move on?

19 THE AFFIANT: I think I made it clear that
20 they were two different studies, there was different data
21 presented in the different studies. I've read both of the
22 studies and, in addition, this particular finding, despite
23 the fact that the men were in police sponsored programs,
24 which were different from the men we studied, we found
25 something similar to that. So I would just say they're

1 different, they're different papers and that researchers
2 like Monto....

3 337. BY MR. YOUNG: Q. The one you cited is
4 1998, the one I referenced is 2001, three years later.

5 A. Yes.

6 338. Q. If there was a different result, do
7 you not think the same author would say: "Oh, it's three
8 years later, I have a different result, I've changed my
9 mind"? That's not in there, is it?

10 A. It's not uncommon for researchers to
11 do one analysis in one place and one in another place, and
12 this is, I would point out, a very general statement,
13 "moderate level of rape myth acceptance." We don't quite
14 know what that means and he's describing differences in
15 frequency. They're different analyses, is what it appears
16 to me, not necessarily in huge contradiction with each
17 other, I don't know.

18 339. Q. Dissociation, do you acknowledge that
19 there are studies that do exist that indicate some degree
20 of contentment – I don't want to use the word "happiness,"
21 I don't know what that means – but if I can put it
22 colloquially, there are studies that indicate there are
23 happy hookers. Would you acknowledge there are studies of
24 that nature? Happy in the sense of not being
25 psychiatrically disturbed, because that's what we're

1 talking about here, dissociation.

2 A. I'm not aware of empirical research
3 that demonstrates what you're calling happy hookers. I'm
4 confused about what you're saying here, I guess.

5 340. Q. Look at Weitzer again, I'll be more
6 clear, Tab B, a 2005 article, Tab B, page 218. If you look
7 at that page, you're going to see a bunch of references to
8 studies and I'm wondering if you're aware of them. I'll
9 point out one that's easy to read which is the first
10 complete paragraph: "Research on streetwalkers and call
11 girls ... and legal brothel workers in Nevada found that
12 97% of the call girls reported an increase in self-
13 esteem..." and it goes on. You're aware of studies of that
14 nature, aren't you?

15 A. I'm aware of this particular person's
16 dissertation from 1986.

17 341. Q. So you don't agree with this
18 necessarily, but you know there are studies like this out
19 there. For example, let's scroll down the page (sorry
20 about the scroll thing): "Research on 95 ... girls in
21 Sydney ... found that they were generally emotionally
22 healthy (Perkins and Lovejoy...)." You know them.

23 A. I'm reading the sentence.

24 342. Q. Yes, please. You've had a chance to
25 look at the paragraphs.

1 A. I read both.

2 343. Q. My question was, do you acknowledge
3 there are studies out there that don't show psychiatric
4 distress, that show some positive things?

5 A. As a psychologist, it would be
6 important for me to look at the ability of the researcher
7 to accurately screen for, for example, something like
8 dissociation.

9 344. Q. You may not agree with them or may not
10 know enough to express an opinion, but they're out there.
11 That's all I was asking. Do you make an effort to read
12 studies that are contradictory to yours?

13 A. Yes.

14 345. Q. If we go back to your affidavit where
15 you talk about dissociation, I'm going to ask you to look
16 at paragraph 35. Paragraph 34 is your conclusion from your
17 studies about 68 percent with PTSD and then you say it's
18 comparable to other groups that have been traumatized. So
19 paragraph 34 is your study, right? And then paragraph 35,
20 I assume, you put in to serve as some corroboration of your
21 findings. You've already mentioned the name Vanwesenbeeck
22 before, so you're very familiar with Vanwesenbeeck's
23 literature.

24 A. I'm familiar with her work.

25 346. Q. You reference 20 without telling me

1 where you're getting it, that 90 percent of the women in
2 Holland indoors were reporting extreme nervousness. Put
3 aside the fact there's no source for that, as a
4 psychologist....

5 A. I could give it to you, if you want.

6 347. Q. That's fine. As a psychologist, it
7 would be a huge mistake to equate extreme nervousness with
8 PTSD, wouldn't it?

9 A. I would qualify that statement. Part
10 of the diagnosis of post-traumatic stress disorder includes
11 symptoms of emotional distress that could be described in
12 lay terms by non-psychologists as extreme nervousness,
13 hyper irritability, and the like. So that when I described
14 Vanwesenbeeck's work, and she's not a psychologist, I noted
15 that she's reporting extreme nervousness, which is PTSD-
16 like, but in fact, no, it's not diagnosable technically
17 PTSD.

18 348. Q. You know, because you cite it, that
19 Vanwesenbeeck published a literature review of literature
20 between 1990 and 2000, a very often-quoted article,
21 correct? You're familiar with the article.

22 A. I am familiar with it.

23 349. Q. Let's take a look at it. I brought a
24 copy for you and it's actually in Weitzer, Tab I.

25 A. Let me look at that one, if I could.

1 350. Q. You've at least asserted in your
2 affidavit that Vanwesenbeeck notes something else,
3 consistent with your findings. I'd like to turn you to
4 page 266 where, as part of her literature review, she's
5 going to review your five-country study. You've got page
6 266 at the bottom, Farley *et al*, that's your five-country
7 study, right?

8 A. Yes.

9 351. Q. So if you turn over the page, after
10 she summarizes your findings, I want to read what she said
11 and I want to know what you think of her comment.

12 "Although this study is clearly revealing, it is a
13 pity that the authors persist in putting forward
14 prostitution per se as a hazard to the psychological
15 well-being in their samples, not the specific
16 victimizing experiences and negative circumstances
17 that were explicitly documented in this study."

18 What do you say to that?

19 A. I would say that this researcher
20 doesn't fully agree with me and that I would also point out
21 that she has described what I would call dissociation in
22 these words, "keeping a professional distance," and that's
23 from her 1994 study, *Prostitutes Well-Being and Risk*. So
24 that I think while we have some agreement in perception,
25 she fails to recognize dissociation when it's present.

1 352. Q. What about her next statement in the
2 next paragraph? She suggests as a contrary interpretation
3 of your data that: "...high levels of ... distress can not
4 be reduced to the nature of the work itself but must be
5 considered in the context of the social stigma..." So
6 she's asserting that some of the findings that you're
7 making are a result of the stigma of being a prostitute and
8 creating some sort of psychiatric distress. Would you go
9 along with that?

10 A. I do recognize that the toxic contempt
11 that's aimed at women in prostitution and men and
12 transgendered people in prostitution is extremely
13 distressing. I don't think it's the cause of what – it's
14 not sufficient in and of itself to cause the level of
15 emotional distress that we found in nine countries. We
16 found a level of emotional distress that's at the same
17 level as battered women seeking shelter, of rape victims
18 seeking treatment, and as state-sponsored torture
19 survivors. That said, I think the level of contempt and
20 stigma aimed at those in prostitution is harmful to them.

21 353. Q. Have you had an opportunity to see
22 that Vanwesenbeeck has a more updated article from 2005?
23 I'm just curious if you've had a chance to see that. If
24 not, I can leave it, but you might be interested in her
25 findings.

1 A. The title of this article is *Burnout*

2 *Among Female Indoor Sex Workers* from 2005.

3 354. Q. You've seen it or not seen it?

4 A. Well, she cites her own study first
5 and then mine second. I don't know, I don't feel that –
6 are you asking me to comment on this? What's the question?

7 355. Q. First I just want to know if you're
8 aware of it.

9 A. I'm not familiar with this study.

10 356. Q. So without commenting on the contents,
11 because it's not fair, you haven't read it, I just want to
12 point your attention to page 636, on the right-hand side,
13 and taking into consideration that you might think this is
14 a bad study, I'm just wondering what you think of her
15 comment that she says: "...that findings were partly
16 contrary to expectations and contrary to suggestions from
17 others that sex work is intrinsically traumatizing..." and
18 she cites you. She says, "...may be explained by sample
19 differences. Here, indoor sex workers were studied,
20 whereas many other studies focus ... exclusively on street
21 workers...." So is that a fair statement, that when you
22 look at your results for the PTSD and psychiatric distress,
23 it really is about a population almost exclusively of
24 street workers?

25 A. No, I would not say that's the case.

1 In a number of the countries that we studied, we
2 specifically engaged in something that is called purposive
3 sampling, where we made deliberate attempts to seek out
4 people in indoor prostitution and we asked them – in fact,
5 we asked them in Vancouver, we asked them in South Africa,
6 in Mexico, and in Mexico, for example, we ran statistical
7 analyses between people in strip club prostitution and in
8 street prostitution and we didn't find differences in the
9 emotional experience, in the emotional distress associated
10 with prostitution.

11 357. Q. You constantly state that you based
12 all your work on 854 – I don't remember the exact number
13 you use, but it's always 800-and-something, right? "I
14 studied 800 women."

15 A. The nine-country study is 854 men,
16 women, and transgendered people in prostitution.

17 358. Q. Now, I know we have 25 indoor from
18 South Africa, that's 25 of 800-and-whatever. How many from
19 Mexico? About 60, right?

20 A. I think the numbers are there. I
21 don't want to guess, I'll look them up.

22 359. Q. Do you believe that it's higher than
23 80 in total? Maybe if we can do this way, I'll help you,
24 because I'm going to go through the pages with the method
25 and we can take a look then to see about indoor/outdoor.

1 Let's mark the Vanwesenbeeck as the next exhibit.

2 EXHIBIT K: Vanwesenbeeck, *Burnout Among Female Indoor Sex.*

3 360. BY MR. YOUNG: Q. I want to ask you if
4 you've seen this study, and what's interesting here is this
5 is a study that used your questionnaire. I'm just
6 wondering if you know it because maybe the authors
7 contacted you, Chudakov, Ilan, and Belmaker. Are you
8 familiar with this?

9 A. I am familiar with this.

10 361. Q. Then we can just outright ask it.

11 Using your own criteria, they found a much lower level of

12 PTSD, correct? It was the difference between 68 percent

13 and 17 percent. Is that a fair statement?

14 A. Julie Cwikel is the psychologist that
15 I'm considering pressing ethical charges against because
16 she used my questionnaire and inserted questions that were
17 completely different from mine into the questionnaire,
18 thereby changing the nature of the questions, while in this
19 publication stating that she used my questionnaire. I have
20 challenged her on this and she's agreed never to state that
21 again at any conference or in any publication. So it's
22 absolutely true that she does that here, but I would tell
23 you, this is a person who is not an ethical practitioner.

24 362. Q. Do you have a copy of her modified
25 questionnaire?

1 A. I do not have it with me, no.

2 363. Q. How about your questionnaire, can we
3 get that produced?

4 A. Given the description of what just
5 happened, I hope that you can understand my reluctance to
6 provide the questionnaire unless I know the ethical
7 background of someone – unless I know that they're
8 competent to practice. I have shared questionnaires with
9 some persons who've used them and at this time it's beyond
10 the scope of practice for psychologists generally to hand
11 out our questionnaires as it limits the future usefulness
12 of tests.

13 364. Q. So how can anyone evaluate whether
14 your study makes any sense? You've shielded yourself from
15 review. If the questions don't make sense, the study
16 doesn't make sense, and you need to see the questions to
17 know if it makes sense, right?

18 A. Peer-reviewers, who are held to a
19 particularly high standard, are familiar with all of the
20 data that I've used and the studies that are cited in this
21 affidavit are all empirical evidence that have been
22 subjected to peer review in the field of psychology.

23 365. Q. But the original question is, will you
24 produce your questionnaire?

25 A. I'm not sure what to say to that.

1 366. Q. I'm asking you for an undertaking and,
2 if it's not given, I can get it reviewed, but it's up to
3 you. I can't break into your location to get the document.

4 MR. MORRIS: What's the specific question?

5 MR. YOUNG: Her questionnaire, the 23-item
6 questionnaire.

7 MS. SINCLAIR: The nine-country study.

8 MR. YOUNG: Correct.

9 THE AFFIANT: You're asking about that
10 questionnaire.

11 367. BY MR. YOUNG: Q. I'm going to get to the
12 studies right now, but since we're talking about their
13 questionnaire and you said they changed it, I'm thinking we
14 should look at yours now.

15 MS. SINCLAIR: We can take that
16 undertaking under advisement, given the ethical concerns
17 that Dr. Farley has expressed in order to determine whether
18 we will produce that.

19 MR. YOUNG: Maybe this will help, I'll
20 give you an undertaking. You provide your questionnaire
21 and it will be a sealed document in the court file for the
22 judge. That should allay your concerns.

23 MS. SINCLAIR: A sealed document pursuant
24 to a court order.

25 MR. YOUNG: Sure, I would consent to it.

1 MS. SINCLAIR: To be seen only by counsel,
2 not to be shared with expert witnesses.

3 MR. YOUNG: Yes, I'm content to do that,
4 because I have no desire to disseminate her questionnaire,
5 I just want to see exactly what she's asking.

6 **U/A 1** MS. SINCLAIR: We will take that
7 undertaking under advisement.

8 368. BY MR. YOUNG: Q. Okay. We were talking
9 about street/indoor. Let's go right to Tab B, your nine
10 countries, and look at the Methods section for a moment.
11 It would be fair to say, wouldn't it, that you describe
12 your methods a little bit differently in each article? Not
13 contradictory, but different information is provided.
14 Sometimes you give a lot, sometimes you give a little,
15 right?

16 A. When a previously peer-reviewed study
17 has gone into certain detail, in a subsequent one I would
18 refer back to the first one, yes, that's true.

19 369. Q. Because I'm not suggesting that what
20 we're going to go through is an exhaustive description, but
21 let's look at it. Nine countries, Canada, 100 women
22 prostituting in the Downtown Eastside.

23 A. Excuse me, are you on page...

24 370. Q. ...page 37, I'm sorry. Canada, 100
25 women prostituting in Vancouver's Downtown Eastside, that's

1 clearly street prostitution, correct?

2 A. Yes.

3 371. Q. And you're very well aware that the
4 Downtown Eastside is one of the most impoverished areas in
5 Canada, correct?

6 A. Yes.

7 372. Q. And that there are rampant drug
8 problems there, correct?

9 A. Yes.

10 373. Q. This would be a population of pretty
11 troubled street workers. You would expect to see a lot of
12 distressed and troubled, this is the bottom of the
13 hierarchy, as you called it, right?

14 A. That's correct.

15 374. Q. Mexico....

16 A. One comment about the Downtown
17 Eastside strolls where we were talking with women. We were
18 there a number of days and we asked women to do a snowball
19 technique which researchers commonly use who are studying
20 prostitution. We specifically said we would like to
21 interview women who are prostituting indoors. We didn't
22 ask those street workers if they were prostituting indoors
23 as well. If I were to give them the same questions now, I
24 would ask them, please list the places that you have
25 prostituted, and they might state that they've prostituted

1 indoors as well as the outdoors.

2 375. Q. And, in fairness, in one of your other
3 articles, Tab E – you don't have to turn to it – you
4 describe that attempt to snowball and find others, but you
5 do say usually you had access only to people prostituting.
6 You tried, but you couldn't get it. Is that fair?

7 A. That's accurate in Vancouver.

8 376. Q. Let's continue. Mexico, this is a
9 mixed bag here, so you got some indoor, 123 women in
10 various locales, so it's not all street. Can you break
11 that down for me or undertake to provide the number of
12 indoor?

13 A. On page 49: 54 women in strip clubs,
14 44 women in brothels and massage parlours, and 25 women in
15 street prostitution.

16 377. Q. So just under 100. Do you think the
17 dynamic, by the way, in strip clubs, brothels, and massage
18 parlours is identical or do you think they're fairly
19 different?

20 A. In Puebla and Mexico City, what's
21 called brothel and massage parlour prostitution is very
22 similar, which is why we put those in the same category,
23 and it appeared to us that the dynamic was different in
24 strip clubs.

25 378. Q. You don't mention how you found these

1 people. How did you find these 123 people?

2 A. Are you talking about the women in
3 Mexican prostitution?

4 379. Q. In Mexico, yes, how did you pick them?

5 A. We went to – who are you talking?
6 Which group?

7 380. Q. All of them, how did you find these
8 people?

9 A. We went to people who are familiar
10 with prostitution in two cities in Mexico and asked them to
11 assist us in going into these venues. In each of these
12 countries we're working with local experts in prostitution
13 and trafficking.

14 381. Q. The next country is Germany on page
15 38, we've got 54 women. From other articles, it's clear,
16 is it not, that this is street again, 54 street?

17 A. In fact, most of those women are
18 prostituting in – they're drug addicted. They were dealing
19 with drug addiction in shelters, but they were women who
20 were prostituting in legal brothels and street
21 prostitution.

22 382. Q. What year were you in Germany?

23 A. In the mid-1990s, to the late 1990s,
24 Hamburg.

25 383. Q. I put it to you that there wasn't a

1 legal regime yet in place in Germany in the 1990s. Hamburg
2 is Hamburg.

3 A. Sorry?

4 384. Q. There wasn't a legal regime in Germany
5 until this decade.

6 A. Until...

7 385. Q. ...2000, 2001.

8 A. Okay, pardon me, they were from
9 shelter – they were from a government-run program, is what
10 I'm saying.

11 386. Q. But more importantly, this is a group
12 of people that are suffering from drug addiction.

13 A. Correct.

14 387. Q. Let me just stop there for a minute.

15 How do you control, when you do your PTSD analysis, for the
16 fact that these women have some significant problems with
17 dealing with drug addiction? Doesn't that confound the
18 whole analysis for you?

19 A. The analyses that we've done have
20 broken out different kinds of violence which is what causes
21 PTSD. Drug addiction is more of a symptom than a cause of
22 PTDS.

23 388. Q. But a lot of the symptoms of PTSD
24 would also be symptoms manifested by drug addicts:
25 twitchiness, lack of concentration, right?

1 A. There is some truth to that, for sure.

2 389. Q. Then you talk about Frisco, which is
3 how you got the ball rolling. You got 130, this is clearly
4 street, you say it right there, and to my best recollection
5 from your other studies, you found these people by going up
6 to them and verbally confirming they're prostitutes,
7 correct?

8 A. In San Francisco, yes.

9 390. Q. Which you might have assessed some
10 non-prostitutes, right?

11 A. Unlikely.

12 391. Q. Unlikely, but it might have happened.

13 A. We were with somebody who was pretty
14 familiar with prostitution in San Francisco.

15 392. Q. So it's street again, and then
16 Thailand, you got 110 on the street.

17 A. We interviewed some respondents at a
18 beauty parlour that provided a supportive atmosphere.

19 393. Q. Sure, that's where you did the
20 interview.

21 A. No, that's where they came from. In
22 fact, they were from street prostitution. In Thailand, we
23 interviewed several on the street, we interviewed some at a
24 beauty parlour, and then a majority at an agency in
25 northern Thailand also offering services. So we

1 interviewed people in three locations. The majority were
2 not from street prostitution in Bangkok. It was way too
3 pimp-controlled.

4 394. Q. So let's look at where we are so far.
5 We've got Canada with a group of drug addicted sample;
6 Mexico, pretty wide array; Germany, again drug addicted
7 sample; Frisco, nothing really to say about them; and then
8 Thailand was the last one we're talking about and I see you
9 also are interviewing at an agency. So you're kind of
10 going to places that rescue sex trade workers, where they
11 could exit, where they have an opportunity to get social
12 services, correct?

13 A. The beauty parlour was not that kind
14 of an agency. We were seeking to interview a certain
15 number of people through all the sources available to us.
16 Sometimes, yes, it was agencies that help provide services.

17 395. Q. It's more than sometimes, it's almost
18 every country, and then just on Thailand it says a
19 majority, not some, the majority were at the agency.

20 A. That offered support and job training.

21 396. Q. Those are exiting/rescue
22 organizations. We have them here, you have them in
23 California, right?

24 A. This agency actually didn't take a
25 perspective, they were just providing those kinds of

1 services, but certainly....

2 397. Q. But the population is already in there
3 complaining about their lifestyle and not enjoying their
4 trade. We know that.

5 A. We know that it's a population that's
6 seeking job training, yes, we do.

7 398. Q. Then we've got South Africa and you
8 say brothel, street, and drop-in centre. Is it correct
9 that 25 are from the brothels? That's what I remember from
10 other articles, somewhere around there, 25.

11 A. I have to check that number.

12 399. Q. We'll leave it, because if it's in the
13 articles, we'll find it. I'm asking this, then. In
14 Thailand you say the majority were interviewed at the
15 agency. In South Africa, you just say a drop-in centre.
16 Do you know what percentage were at the drop-in centre? Is
17 there a way of knowing?

18 A. Yes, we have that data. This is which
19 country again?

20 400. Q. South Africa.

21 A. South Africa, I can't find it right
22 now. Are you asking me what's the number of people....

23 401. Q. I'm trying to get a sense of how many
24 indoor workers and South Africa is one of the locations
25 where there were indoor. I remembered reading 25, but I

1 don't have the reference in front of me.

2 A. I mean, that, I can't be certain of
3 that number, but if that's what you read...

4 402. Q. Probably nothing turns on the exact
5 number.

6 A. ...it's probably around that and
7 that's 25 of 68 people, so....

8 403. Q. Yes, that's fine. The next one is
9 Zambia and they are people at TASINTHA, which is a rescue
10 organization to train sex trade workers to become
11 seamstresses, right? (NJ- rescued so they can work in a sweat shop no doubt)

12 A. I think they do a number of things.

13 404. Q. But it is another exiting/rescue
14 agency.

15 A. It's a non-governmental organization
16 that offers food, vocational training, and support,
17 emotional support to about 600 women a week, at the time I
18 was there.

19 405. Q. Then you turn to Turkey and you're
20 interviewing people who have been brought to a hospital for
21 STD control by the police.

22 A. Who were all indoor.

23 406. Q. I would imagine they'd be pretty
24 distressed at the moment of the interview, wouldn't they?

25 A. It was my experience in Istanbul that

1 the women in prostitution in Turkey, and most everybody is
2 sequestered in indoor brothels that are run by the police,
3 were some of the most distressed human beings I've seen in
4 a decade. They were distressed.

5 407. Q. But my question was different. When
6 someone is being taken by force, by the police, to the
7 hospital, and you're now going to measure levels of
8 distress, don't you think that's going to skew a little bit
9 that these people are answering questions when they're in a
10 very bad situation?

11 A. I agree that it is going to affect
12 their level of distress. I can't say how much.

13 408. Q. The last country is Bogota, Columbia,
14 and it's agencies again, so again you're getting people who
15 are one foot in the door of exiting. Would it be fair to
16 say that based on what we just looked at, the population
17 you studied would represent the worst case scenario
18 generally in the sex trade, or one of the worst case
19 scenarios?

20 A. I don't think I can say that. I'd
21 like to say by way of explanation, when you're making the
22 assumption that people who receive services at any of these
23 agencies have one foot out, it's not necessarily the case.
24 It is my observation that many people who are prostituting
25 make use of services of all of these agencies and don't

1 always leave. In fact, those of us on the ground know that
2 for anyone to leave any kind of prostitution, it takes six
3 or seven attempts.

4 MR. YOUNG: The next exhibit, please.

5 EXHIBIT L: Chudakov *et al*, *Motivation and Mental Health*.

6 409. BY MR. YOUNG: Q. Let's talk about the
7 method a bit. I'm going back to your original study in San
8 Francisco to get a sense of your method. I just want to
9 point you to the Method section, this is where it all
10 starts, page 39. The method is basically to approach your
11 population, however found, and ask them to fill out two
12 questionnaires which you say here would take about ten
13 minutes, and one questionnaire is background on violence
14 and other trauma, and the second questionnaire is directly
15 tied into what you call the PCL, the checklist for PTSD.
16 That's the basic method, and then as you go to other
17 countries, these incorporate another questionnaire relating
18 to health. Is that a fair statement of the nine-country
19 survey?

20 A. And I would also state – that's
21 accurate. I would also state that that first questionnaire
22 expanded as we added some new questions as we were learning
23 things.

24 410. Q. If it's produced, we can see that.
25 The PCL, is this it? Is this the questionnaire you were

1 using, 17 items created by Weathers?

2 A. This is not the exact thing I was
3 using, but it's very similar.

4 411. Q. You said you were a member of the
5 International Society for Traumatic Stress Studies, right?

6 A. Yes.

7 412. Q. Before I ask you about it, how similar
8 is this? When you said it's similar, how similar is it?

9 A. The questionnaire that we used – let
10 me just look at this thing one more time.

11 413. Q. Because if it's virtually identical
12 with only a few words different, I would have that made an
13 exhibit. Otherwise, I'm going to ask you to produce your
14 questionnaire.

15 A. This is 1994.

16 414. Q. This was taken off....

17 A. This is taken off the Web. What we
18 were using is an actual psychological test which is one
19 page and it's not exactly like this. It appears to be –
20 the words are different and the questions are phrased in a
21 slightly differently – the gist of it is the same. These
22 are the 17 symptoms of PTSD, but it's slightly different.
23 I've never seen this version before.

24 415. Q. So, then, in fairness, it would be
25 best if I ask you to produce your PCL instead of putting in

1 something that's an approximation.

2 A. This is very close, I'd like to say
3 that.

4 MR. YOUNG: Since you've said it's very
5 close, in the event that you don't produce it, I'd like to
6 make that an exhibit and we'll just leave it at very close.

7 EXHIBIT M: Farley, Barkan, *Prostitution, Violence, and.*

8 EXHIBIT N: Weathers *et al*, two-page PTSD Checklist.

9 THE AFFIANT: The words that are different
10 is that – the sentences, as you can see in this thing, the
11 sentences are not full sentences, and in the version we
12 used, we're using complete – have you ever in the past six
13 months – it's a whole thing.

14 416. BY MR. YOUNG: Q. As a member of the
15 International Society for Traumatic Stress Studies, I want
16 to show you what I was able to find about their PCL and I'd
17 like to ask you to comment on something they say under the
18 heading Scoring, and it is: "Notwithstanding the fact that
19 self-report scales should not be used to make a formal
20 diagnosis, the PCL has shown good diagnostic utility." So
21 you are asserting that 68 or 72 percent of sex workers have
22 post-traumatic stress disorder based on something that has
23 diagnostic utility, but should not be used to make a formal
24 diagnosis. How do you reconcile your conclusions with what
25 the Society says?

1 A. I've been in touch with Frank
2 Weathers, who developed this over the years, and it's clear
3 to me that this is – this is the kind of a test that within
4 the scope of psychological research is commonly used. It's
5 a screening tool that's used in assessing post-traumatic
6 stress disorder and as you will look under the section of
7 Psychometrics, it has strong psychometric properties, which
8 means it's a reliable and valid method of examination of
9 somebody. The validity means that the correlation of this
10 particular test with a two- or three-hour clinical
11 interview for PTSD is extremely high. Thus, it's used in
12 many clinical settings and it's very commonly used by
13 researchers of PTSD.

14 MR. YOUNG: Next exhibit, please.

15 EXHIBIT O: ISTSS, PTSD Checklist article.

16 417. BY MR. YOUNG: Q. Let's take a look at
17 what Weathers actually said. I'm sorry, I only have the
18 one copy, I printed it off last night. You make reference
19 to this study, this is his Vietnam war veteran, because
20 then you say we've got PTSD comparable rates for our
21 population, and if you flip over to the last page where
22 it's the Conclusions, the first thing is Number 2: "The
23 PCL has excellent test-retest reliability over a 2-3 day
24 period." I'm not sure what that means and maybe explain
25 that to me because your tests are ten minutes.

1 A. Test-retest reliability means that if
2 you ask someone the same questions on a psychological
3 instrument, they're going to give you the same answers a
4 few days later. In other words, it's accurately going
5 after specific conditions in a person and test-retest
6 reliability is a way that psychologists use to indicate
7 it's a useful technique.

8 418. Q. You wouldn't ever treat a patient of
9 yours based on administering the PCL and then prescribe a
10 treatment regiment. You wouldn't do that, would you?

11 A. In psychotherapy, I would fully
12 evaluate someone. This kind of screening instrument would
13 give me some ideas, and then for clinical practice I
14 would....

15 419. Q. And that's what Weathers is saying,
16 like your Society, it's a good diagnostic utility. Those
17 are the words he uses in his conclusion and that's it. It
18 can't be a firm diagnosis. That's item 5. He's just using
19 the same language as the Society, good diagnostic utility.

20 A. Weathers developed the scale for a
21 very important reason which was he was working in the
22 Veterans Administration in the U.S. with combat vets who
23 were coming back with very high rates of PTSD. So what I
24 would say about this is that since the time he developed it
25 in 1993, it's been used by many, many researchers and one

1 of the reasons I chose this scale is that it had been used
2 with so many people and had demonstrated good psychometric
3 qualities.

4 MR. YOUNG: Next exhibit, please.

5 EXHIBIT P: Weathers *et al*, *PTSD Checklist: Reliability*.

6 420. BY MR. YOUNG: Q. Putting aside Weathers
7 for a moment, you provided the affidavit for the South
8 African Constitutional Court on PTSD and your conclusions,
9 correct?

10 A. Yes.

11 421. Q. And then there was an affidavit
12 submitted by a Dr. Henry de Wet in response to you,
13 correct?

14 A. Yes.

15 422. Q. And this one you're aware of.

16 A. Yes.

17 423. Q. If we can turn to it at Tab V of
18 Weitzer, please, I just want to ask a comment on a few of
19 his points. The first point is paragraph 10, page 5. Do
20 you agree with his statement that: "PTSD is a complex
21 diagnosis which is notoriously over-diagnosed or
22 misrepresented. Many aspects ... remain controversial..."
23 Do you agree with the statements in paragraph 10?

24 A. Absolutely not.

25 424. Q. Is there not some controversy right

1 now in the United States about compensating enormous
2 amounts of Gulf War veterans and wondering whether it's all
3 real? You know about that today. Have you been called in
4 on that?

5 A. No, but I'd like to make a comment
6 about that.

7 425. Q. Go ahead.

8 A. It's not about the diagnosis, it's
9 about the cost of care, it's about the cost of health care.
10 We won't get into that in this forum, but I'll bet we're on
11 the same side of the table on that.

12 426. Q. I can appreciate the comment. Let's
13 look at paragraphs 13 and 14. The doctor says that:

14 "In addition, when diagnosing for PTSD, a multiplicity
15 of psychiatric, psychological and ... physical
16 disorders must be excluded before ... a diagnosis can
17 be made."

18 And then it says:

19 "Furthermore, it is a precondition ... that the
20 various components of the symptom cluster relate
21 directly to the ... traumatic event(s)."

22 I'm wondering how it is on your
23 methodology you can create that connection between the
24 trauma and the symptomology, because you ask your
25 population a number of questions about different trauma

1 (physical abuse before prostitution, physical abuse after,
2 sexual abuse before and after) so you posit five or six
3 traumatic events. How is it you can control for that and
4 know which is the one triggering the symptomology of PTSD?

5 A. It's an important question and one we
6 are constantly attempting to answer and that any researcher
7 – I would say it's a really important question. How do you
8 know that tobacco causes heart disease? We're looking at
9 similar kinds of issues here. What's the most important
10 factor affecting the outcome behaviour, in this case PTSD
11 or emotional distress? One of the ways we attempted to
12 measure that is by looking at – as you're suggesting, we
13 had four different kinds of violent behaviours that we
14 measured. We looked at sexual abuse in childhood, physical
15 abuse in childhood, physical assault of adult women and men
16 and transgendered people in prostitution, and sexual
17 assault in prostitution, and we ranked each person
18 according to how many of those four factors they had. In
19 other words, we're trying to look at – answer the question:
20 did the sexual abuse as a child cause the PTSD? Did the
21 rape in adulthood cause the PTSD? What was it? And you
22 run something called aggression analyses in order to figure
23 that out.

24 What we ran into was a statistical
25 conundrum that other researchers have encountered when they

1 study these types of phenomenon, which is known as a
2 ceiling effect, which is that we didn't – we were not able
3 to find enough people that had not had one of those – we
4 measured people who had one of those types of abuse, two of
5 those types of abuses, three, and four, and so many of our
6 people were in the category of three or four types of those
7 abuse, that it became difficult to run the statistical
8 analyses, and we've discussed that challenge and we
9 continue to try and deal with it and will continue to do
10 that.

11 427. Q. And it's actually even harder for you
12 because we've already mentioned you got this huge
13 population of drug addicted people. That's confounding it,
14 too, correct? That may trigger symptomology that's not
15 PTSD but mimics it.

16 A. In some people, yes.

17 428. Q. And also I notice in Exhibit B, you
18 talk about the state of head injuries, 77 percent of U.S.
19 women reported head injuries. Wouldn't a head injury
20 possibly trigger some symptomology, the confusion, the
21 indecision, the dizziness, that could be on the 17-point
22 checklist?

23 A. Yes.

24 429. Q. So there are some problems, or
25 limitations, we'll say, with your conclusions.

1 A. What conclusion are you referring to?

2 430. Q. Seventy-two percent of women in the
3 sex trade suffer from post-traumatic stress disorder and
4 that's a product of being in the sex trade.

5 A. Sixty-eight percent.

6 431. Q. Sorry. That statement may have some
7 limitations.

8 A. The simplest way one deals with
9 limitations regarding conclusions is to get high numbers,
10 so the larger the number, the more confident we can be in
11 our conclusion. I have a good level of confidence in that
12 conclusion, so that's....

13 432. Q. I hear you. You make the comparison
14 between the PTSD and the sex trade with other traumatizing
15 situations. Take a look, it's a fairly common statement
16 you make, Tab E of your affidavit, page 255. You see the
17 last paragraph, the 72 percent, that's why I said 72
18 percent. Now you're saying 68, but does it matter?

19 A. The 72 percent was Vancouver, 68
20 percent was nine countries.

21 433. Q. So then you say it's similar to
22 battered women, combat veterans, childhood trauma
23 survivors, rape survivors, torture survivors, and you give
24 about six references there.

25 A. Yes.

1 434. Q. So presumably you've read those
2 studies and you know how they reach their conclusions,
3 correct?

4 A. I have read those studies.

5 435. Q. Let's just compare a little bit. I
6 only could find a few last night, but let's look at the one
7 that's Feeny, *et al* and, I'm sorry, I only have a copy for
8 yourself, and all I've done is photocopy the Method
9 section. This is female assault victims. Turn to page 91,
10 Method, 104 women were victims of sexual or non-sexual
11 assault within the previous month. Let's stop there for a
12 minute. Isn't that your ideal scenario, to do your
13 diagnosis as close to the traumatizing event as possible so
14 that you can draw a link? Wouldn't that be fair?

15 A. No.

16 436. Q. When you ask somebody were they abused
17 as a four-year-old and they show PTSD symptoms when they're
18 50 years old, that causes a problem for causation because a
19 lot of stuff happens in between, correct?

20 A. While that's true, it's also the case
21 that the diagnosis of PTSD has to do with not just an
22 immediate reaction, but a lasting exhibition of symptoms of
23 autonomic, nervous system, hyper arousal, intrusive,
24 reexperiencing symptoms, and numbing and dissociation, so
25 that most screening – many screening techniques talk about,

1 have you experienced these symptoms. I guess what I would
2 say about this is this is an extremely acutely traumatized
3 group of people, they've just been raped.

4 437. Q. I understand. Let's put that aside.
5 Look under Interview Measures. The first thing is PTSD
6 Symptom Scale, which you use, but it's a different one, and
7 then a Social Adjustment Scale, a Standardized Assault
8 Interview, an Anger Expression Scale, and a Dissociative
9 Experiences Scale. Then when you turn over, you see that
10 the assessments lasted approximately two hours and there
11 were follow-ups three times. So my first question is, they
12 used five different instruments. How come you're not using
13 more to get some sort of verification of your results?

14 A. They were studying something different
15 from what we were studying. They were studying anger,
16 dissociation...

17 438. Q. ...and PTSD.

18 A. Those are three different things. We
19 were assessing PTSD, so the first two things we were not
20 assessing in the nine countries, and the third thing
21 they're using is – yes, they were measuring social
22 adjustment. They were measuring different things. I would
23 say that it's important to note that their measure of PTSD
24 was very, very similar to the one we used.

25 439. Q. They do follow-ups. Why didn't you do

1 any follow-ups?

2 A. This was, in most places where we did
3 our interviews, we were interviewing people about an
4 illegal behaviour. It's essentially the same problem of
5 sample selection.

6 440. Q. But would it be fair that most people
7 would have more confidence in a study that uses lots of
8 different instruments and does follow-up, if it could be
9 done? If you could have tracked your population, you would
10 have done follow-up studies, correct?

11 A. No, that's actually not true. What I
12 would say is there's a thousand research studies that could
13 and should be done in addition to mine and my colleagues'.
14 I don't think there's any need to apologize for it.

15 MR. YOUNG: Next exhibit, please.

16 EXHIBIT Q: Feeny *et al*, *Anger, Dissociation, and Post*.

17 441. BY MR. YOUNG: Q. The next one, I'm
18 looking at Houskamp and Foy, this is post-traumatic stress
19 disorder in battered women, so no anger and other
20 considerations, and my only question about their method, if
21 you turn to page 369, what I want to know is, now that
22 we're just into PTDS, if you look under Instruments,
23 there's a different instrument you didn't use, Conflict
24 Tactics Scales-Revised. That wasn't something you needed
25 to use.

1 A. The Conflict Tactics Scale is not a
2 measure of PTSD.

3 442. Q. What is it?

4 A. It's a measure of physical aggression
5 and verbal aggression, specifically developed for batterers
6 and battered women. It's an assessment of battering.

7 443. Q. Fine, that explains that. How about
8 the Structured Clinical Interview? You know that we were
9 looking at the South African doctor. He criticizes your
10 ten-minute study, and why didn't you do a Structured Clinic
11 Interview?

12 A. There are certainly always many other
13 studies that could be done and certainly clinical
14 interviews of people in prostitution is another study that
15 could be done and many other tests could be administered.
16 I think you're basically just saying why wasn't some other
17 study done.

18 444. Q. Yes.

19 A. Because we did that one. I'm not
20 quite sure how to respond to that.

21 MR. YOUNG: Next exhibit, please.

22 EXHIBIT R: Houskamp *et al*, *Assessment of Posttraumatic*.

23 MR. YOUNG: Off the record, please.

24 --- RECESS

25 445. BY MR. YOUNG: Q. We left off talking

1 about methodology used in other studies of PTSD and we were
2 talking about the Houskamp article, Exhibit R.
3 Specifically, and it's just a simple question, there's an
4 instrument that's used in a few of these studies called the
5 IES, Impact of Event Scale. I'd like to know what that is
6 and why it wasn't used in your particular study.

7 A. It's one of a number of measures of
8 PTDS.

9 446. Q. So it's a second diagnostic criteria
10 like the PCL you use.

11 A. It's very similar.

12 447. Q. In addition to the Impact of Event
13 Scale, he did have a Symptom Checklist, page 370. Symptom
14 Checklist, 47 items, not 17, so it's a different checklist.
15 So I'm just wondering, is the Impact of Event Scale simply
16 redundant or is it something that gives greater detail to
17 the initial diagnosis of PTSD?

18 A. It's my impression that the PCLC which
19 we used was a screening scale that was developed later than
20 the IES, which was an earlier measure of PTSD.

21 448. Q. So there seem to be a number of
22 different instruments that can be used for this diagnosis.

23 A. Yes.

24 449. Q. And I just want to check the last one
25 here, the Kemp article on battered women.

1 A. That, I think, yes, I have a copy of
2 already.

3 450. Q. If we look at the method for a minute,
4 you'll see that four instruments were used. Again it's an
5 IES together with the Symptom Checklist, a Demographic
6 Questionnaire which, I assume, must be something like your
7 23-item questionnaire, and what I'm curious about is, like
8 Weathers, who started the ball rolling, I notice that they
9 were giving these tests over a period of five days. Again,
10 I know your population is difficult, but would you enhance
11 the reliability of your diagnosis to do like Weathers and
12 Kemp and stretch out the interactions so it's not just a
13 quick, ten, 15 minutes? Would that help?

14 A. Not in my clinical opinion, no.

15 451. Q. And in your clinical opinion, the IES
16 scale doesn't enhance the diagnosis, but simply replicates
17 other scales.

18 A. Yes.

19 MR. YOUNG: Thank you. Next exhibit,
20 please.

21 EXHIBIT S: Kemp *et al*, Post-Traumatic Stress Disorder in.

22 452. BY MR. YOUNG: Q. I'm going to change
23 gears a little bit and ask you a bit about your work in
24 other jurisdictions and we'll start with Scotland. Is the
25 context of your study the fact that Scotland and England

1 were starting to debate changes to their prostitution laws?

2 Is that what sort of got the interest in Scotland going?

3 A. No.

4 453. Q. How did you end up in Scotland as a

5 choice of jurisdictions?

6 A. I met the people who run the Women's

7 Support Project in Glasgow at a conference that they

8 invited me to speak at.

9 454. Q. And the Women's Support Project,
10 that's an agency providing services for women wanting to

11 leave the trade.

12 A. It's an agency that provides services
13 for all battered women, including women in prostitution.

14 455. Q. So you were at a conference and they
15 said to you, "Hey, we'd like you to look at men who buy sex
16 in Scotland." Is that what happened?

17 A. I don't think they used the word
18 "hey."

19 456. Q. So just out of the blue, out of the
20 blue, "Let's look at johns."

21 A. The current state of research in the
22 field of prostitution is that researchers in the last five
23 or seven years on all sides of the debate have become
24 interested in studying men who buy sex, and they and I were
25 interested in that. That's how the discussion happened.

1 457. Q. Wasn't the Women's Support Project
2 recruiting you because they wanted to be able to lobby the
3 government to go the Swedish model where the focus is on
4 criminalization of the men? Isn't that how this all
5 happened?

6 A. I don't know what their thinking was.

7 458. Q. But when you went to Scotland, you
8 became aware of the fact that there was debate happening in
9 the Scottish Parliament about this issue.

10 A. I did not know that at the time I went
11 to Scotland. Also, I would not say that they recruited me.
12 I was interested, I'm always interested in research on
13 prostitution and trafficking in any country. I have that
14 discussion wherever I go, so I was interested in the
15 discussion, too.

16 459. Q. The Swedish model that I referred to,
17 that's a model in which the sex trade worker is not
18 criminalized and the john is, correct?

19 A. That's partially correct.

20 460. Q. And you believe that that's a good
21 model because you feel prostitution can only be eradicated
22 if you eradicate demand.

23 A. I admire the Swedish model.

24 461. Q. No, it goes beyond admiring it. You
25 actually wrote an editorial for the *New York Times* about

1 the Spitzer case that people have got to look at this.
2 Buyers like Spitzer aren't necessarily so innocent, they're
3 the problem. Isn't that what you wrote?

4 A. I wrote that the State of New York
5 should enforce its laws against all citizens, including
6 Spitzer.

7 462. Q. And Spitzer is the problem. If you
8 want to solve the problem, you deal with people like
9 Spitzer, not necessarily the women who are working in the
10 agency.

11 A. The Swedish model law on prostitution
12 does not just criminalize men who buy sex and decriminalize
13 women. It also – which is important to me and many other
14 people – it also instructs the state to provide exit
15 services and support services to women leaving the sex
16 trade.

17 463. Q. Do you know Alexis Kennedy?

18 A. Yes.

19 464. Q. In fact, she shared a conference in
20 Las Vegas about the time of the release of your report,
21 right?

22 A. Yes, she teaches at the University of
23 Nevada at Las Vegas.

24 465. Q. And you must be aware that she's done
25 some work on men who buy sex from her Vancouver studies.

1 A. Yes.

2 466. Q. And would you agree that her main
3 conclusion was that they're doctors, lawyers, politicians,
4 it's all walks of life, nothing that unusual about the
5 johns? That would be her conclusion.

6 A. I'm not sure about that.

7 467. Q. But your conclusion was much more
8 negative than that, wasn't it, about the nature and
9 characteristics of johns?

10 A. Are you referring to the Scotland
11 study?

12 468. Q. Yes, the Scotland study.

13 A. Okay, we made a number of conclusions
14 in that study. I wouldn't - what is it that you just said?
15 You asked me if my conclusion was what?

16 469. Q. That your conclusion about the nature
17 and characteristics of johns is much more negative than
18 just saying they're like anyone else, run of the mill, all
19 walks of life. That is not your conclusion.

20 A. No, that's not true.

21 470. Q. There are some pretty negative things
22 in there, aren't there, about johns? Harboursing rape
23 myths, harbouring violent tendencies towards prostitutes,
24 things like that.

25 A. We reported that some men are highly

1 accepting of rape myths and some men, in particular those
2 men who are the most frequent users of women in
3 prostitution, have also committed sexually coercive acts
4 with their non-prostitute partners. At the same time, one
5 of the things we found is that they are a heterogeneous
6 group of people.

7 471. Q. I asked you earlier on in the cross-
8 examination of whether you were aware of a critical letter
9 written to the U.S. Department of State about some of your
10 research findings and you said you weren't aware of any of
11 that, correct? You have now taken the letter to read.

12 A. Yes.

13 472. Q. How about what happened in Scotland
14 after you left? Are you aware of what was being said in
15 the Scottish Parliament or is this going to be news to you
16 again?

17 A. I'm not sure what you're referring to.

18 473. Q. Let's take a look at Weitzer, Tab H,
19 page 3, please.

20 A. I'll look at my own, Weitzer's,
21 Volume...

22 474. Q. ...1. If you look at the bottom of
23 page 3, first you have a woman named Sandra White who
24 welcomes the publication of your book, notes the concern
25 about men who use prostitutes are more likely to regard

1 other women as objects, and the link between using
2 prostitutes and sexual violence. That's the negative stuff
3 I was referring to, and believes that the evidence will
4 better serve to inform the debate. So they're welcoming
5 your study. Margo MacDonald then stands up in Parliament
6 and says: "As an amendment to motion ... leave out [the]
7 'welcomes'" so they don't welcome you, "and insert
8 'deplores the publication of the report'...." Do you see
9 that?

10 A. I see Sandra White. Where's the other
11 one?

12 475. Q. It's right after, Margo MacDonald.

13 A. Okay, here it is.

14 476. Q. So instead of welcoming, she wants the
15 motion to read that they deplore the publication,

16 "... as it lacks any academic merit, is based on
17 material gathered after payments to respondents, is
18 guilty of bias leading to foolish conclusions and
19 presents the public with a simplistic view of a highly
20 complex subject; notes the outrage expressed by 16
21 distinguished academics...."

22 Are you telling me this is the first
23 you've heard of this?

24 A. Of...

25 477. Q. ...what I would consider to be

1 somewhat of a condemnatory note in the Scottish Parliament.

2 A. I've read both of those responses.

3 478. Q. So then you've probably had a chance,
4 if you turn to Tab – hold on a second. I'm sorry, it's
5 something I wanted to show you, I don't seem to have – yes,
6 I have it. So I'm going to show you what was referred to
7 in the Scottish Parliament as the letter of protest of 17
8 academics. You've seen this before.

9 A. Yes.

10 479. Q. So going back originally to when I
11 asked you if you're a controversial figure and you said, "I
12 can't really answer that," isn't this controversy?

13 A. I'm not sure how to answer that.

14 There are many, there are many responses to my research.

15 We're discussing one particular objection to it here.

16 480. Q. By 17 academics.

17 A. Yes.

18 481. Q. And some of these you know. You know
19 Weitzer, he's there, you would expect him to be there.

20 A. I've never met him.

21 482. Q. No, but he's been critical of you and
22 you know some of these other names as scholars in the area
23 (Teela Sanders, Hilary Kinnell) you've read some of their
24 work.

25 A. Yes.

1 483. Q. And if you look at their complaint,
2 page 2, let's look at the third paragraph. What's your
3 response to this: "This research violates fundamental
4 principles of human research ethics in that there is no
5 evidence of any benefit to the population studied [meaning
6 johns]." Rather, the purpose seems to vilify the
7 population. What do you say to that?

8 A. In psychology, we interview
9 populations of people who exhibit all kinds of behaviour
10 and we assume that there's a benefit to the population at
11 large and we have had no – I don't agree with this,
12 obviously. I don't agree with it. But what I would say is
13 that there's not a violation of human research ethics. I
14 would strongly disagree with that statement.

15 484. Q. Let's look at the next paragraph, this
16 is more factually specific, tell me if these things are
17 correct. They say, in the second to last paragraph:
18 "There appears to be no ethics approval or peer review in
19 terms of the design and execution..." Is that a correct
20 statement?

21 A. No.

22 485. Q. Who did you get ethics approval from?

23 A. The board of Prostitution Research and
24 Education is aware of this, colleagues...

25 486. Q. Hold it. Your board gave you ethics

1 approval to do a study. Is that what you're saying?

2 A. They're psychologists and – the
3 psychologists and psychiatrists on our board reviewed this
4 study. I've reviewed it with scholars of the Centre for
5 World Indigenous Studies. We've had ethics reviews by a
6 number of experienced researchers who understand the
7 ethical issues in doing research with human subjects. In
8 addition, we've gone through peer-review in some academic
9 institutions, such as the University of Nevada at Reno and
10 the University of Iowa in the U.S.

11 487. Q. But not for this, not for Scotland.

12 A. On some of these questionnaires.

13 488. Q. But, no, this has never been published
14 in a peer-reviewed journal. This has been published by the
15 very group that retained you to come over. It's not a
16 peer-reviewed publication, this one.

17 A. This is not a peer-reviewed
18 publication.

19 489. Q. And I'm curious, in the same
20 paragraph, these academics complain that: "...though the
21 survey methodology is described, details of the questions
22 asked are not provided." They say it's standard practice
23 that instruments are included and you're saying it's the
24 exact opposite.

25 A. To the best of my knowledge, most of

1 these persons are not psychologists who wrote the letter
2 and, with all respect, I'm not sure they know the standard
3 of practice in psychology which is that you don't
4 distribute psychological tests by publication in the
5 journals.

6 490. Q. And why is that? I would think the
7 dissemination of knowledge is the whole goal of academic
8 research.

9 A. To protect the integrity of the
10 research instrument.

11 491. Q. How is that protecting it? If someone
12 misuses it, you'll know they misused it, just like you said
13 earlier, someone changed the questionnaire.

14 A. It's notorious that people love to
15 publish psychological tests. The Rorschach has been
16 published by *Cosmopolitan* or some other mainstream
17 magazine. Items from other psychological tests have been
18 published, causing the tests to lose some of their
19 validity. They turn into a pop culture quiz rather than an
20 instrument that can be used for psychological research.
21 That's the reason. I'm not sure I'm explaining it well,
22 but....

23 492. Q. No, no, I understand.

24 A. It's not because there's a lack of
25 interest in dissemination of knowledge, which is why on

1 several parts and several pages of my affidavit, I give
2 detailed descriptions of the kinds of questions we're
3 asking, including the questions we asked of men that buy
4 sex in Scotland are described in some detail in the report.

5 493. Q. They go on to say, if you flip the
6 page – is this an accurate statement or are they
7 overstating it? They say: "The report does not

8 acknowledge that men can engage in the sex industry in a
9 respectable, non violent manner...."

10 "The report does not acknowledge that men can engage
11 in the sex industry in a respectable, non violent
12 manner, or that they may be aware of the issues of
13 exploitation and unfair treatment of sex workers."

14 This is what I asked you earlier. I said
15 your report is pretty negative about johns, you don't say a
16 lot of positive things. Is that an accurate statement?

17 A. No, we say both negative and positive
18 things about the men that we interviewed in Scotland. I
19 would also point out that Sanders is a vocal advocate for
20 certain politics around prostitution and might be a biased
21 reviewer, and her book came out in 2008, and I didn't quote
22 it. She might not like that.

23 494. Q. I understand those things. Then let
24 me ask you something that doesn't engage people's egos and
25 things like that. You make conclusions about johns and

1 their characteristics, some negative, now you say a few
2 positive. Wouldn't good research require you to have a
3 control group? Because the conclusions you've drawn about
4 johns, you don't know if they're representative of the
5 general population or unique to johns. That would be a
6 fair statement, wouldn't it?

7 A. Yes, with a qualification. What
8 you're suggesting is another great idea in research and it
9 requires funding and it would probably be the next step of
10 the research, to have a comparison sample. That's
11 absolutely what is always a good idea with any research,
12 and yet it's important that we have all research that
13 offers information about populations that are not
14 previously studied, which is what this is attempting to do.

15 495. Q. So we're sort of at a preliminary
16 stage and we need to develop this more. Is that right?

17 A. Yes.

18 496. Q. And, in your view, the development of
19 public policy, should it wait until these greater studies
20 are done or do you think we know enough about the whole
21 trade that we can make some dramatic, definitive decisions?

22 MS. SINCLAIR: Would you break that down?

23 497. BY MR. YOUNG: Q. In terms of developing
24 public policy, do you feel it would be necessary to
25 continue the research along the lines that we just

1 discussed before you make a decision for a country?

2 A. I'm not a public policy expert, that's
3 outside my scope of knowledge. I could answer it as a
4 researcher, I'm always able to find ten new things that we
5 should do in the way of research, so it's always a good
6 idea to expand our knowledge base.

7 MR. YOUNG: This is the letter, next
8 exhibit, please.

9 EXHIBIT T: Macleod *et al*, Commentary on *Challenging Men's*.
10 498.

11 BY MR. YOUNG: Q. Let's switch to Nevada.
12 You get a grant from the Office of Trafficking to do a
13 study on Nevada, correct?

13 A. Yes.

14 499. Q. And is the trigger and the context for
15 this that Mayor Goodman of Las Vegas started to talk a lot
16 about wanting to get legalized prostitution into Las Vegas
17 and not just Nevada at large?

18 A. No.

19 500. Q. But that was an issue. You're aware
20 of Oscar Goodman making statements about wanting to change
21 the laws in Nevada to allow larger counties to have
22 brothels.

23 A. I didn't know who Oscar Goodman was
24 until I started researching prostitution and trafficking in
25 Nevada.

1 501. Q. You're aware of Brents and Hausbeck,
2 the two researchers at the University of Nevada.

3 A. Yes.

4 502. Q. And they are two sociologists who have
5 spent roughly the last decade studying the Nevada
6 situation, correct?

7 A. Yes, they've interviewed 25 women in
8 Nevada brothels.

9 503. Q. And you've read, then, their
10 conclusions that, in their view, they feel safety has been
11 enhanced through the legalized regime. You're aware of
12 that conclusion.

13 A. I'm not sure where they state that.

14 504. Q. Do you want to look at the article to
15 see if it's one you're aware of?

16 A. Would you say that again, make the
17 statement that you're saying is their conclusion?

18 505. Q. Actually, it's really easy, you know
19 what, open up Weitzer, Tab G. This is the article I was
20 referring to, and just from the abstract at the beginning,
21 says they looked at three different types of violence and
22 then they conclude in the last paragraph by arguing that
23 legalization brings a level of scrutiny, regulation, and
24 bureaucratization to brothels and decreases the risk of
25 this violence. You're aware that that's been their

1 conclusion that they've been parading around for a few
2 years.

3 A. Yes, with a qualification again.
4 These scholars confuse me. This is what they stated in
5 2005, but in 2007, they formed an organization called the
6 Desiree Alliance which promotes the decriminalization, not
7 the legalization, of prostitution, so that is a somewhat
8 contradictory viewpoint, in my view. I have looked at
9 their research, however.

10 506. Q. You draw a very different picture from
11 Brents and Hausbeck because your report depicts some real
12 ugly, violent things happening in these brothels, correct?

13 A. My report describes in detail the
14 specific types of violence that occurs in the lives of 45
15 women in legal Nevada prostitution in Table 3 on page 31.

16 507. Q. I don't have your report because you
17 only gave me a table of contents, so I can't really look at
18 that, but let's look at some other things you said and then
19 we'll come back to that. Here's a quote from you in the
20 *Guardian*, roughly about the time of your report. There's a
21 little highlight where the quote is. This is September 7,
22 I think your report was released that day, and at the
23 bottom there's a quote from you:

24 "I saw a grated iron door in one brothel' ... 'The
25 women's food was shoved through the door's steel bars

1 between the kitchen and the brothel area. One pimp
2 starved a woman he considered too fat. She made a
3 friend outside the brothel who would throw food over
4 the fence for her.' Another pimp told Farley matter-
5 of-factly that many of the women working for him had
6 histories of sexual abuse and mental ill-health."

7 This is what I want to know. Did you
8 report this to the police? Is there an official occurrence
9 report of you seeing this type of captivity in an American
10 brothel?

11 A. The descriptions of captivity and
12 abuse in that brothel have been reported, not only to
13 county commissioners, but to local police for a number of
14 years. I've spoken with a neighbour of that brothel who's
15 made repeated reports to the police. I've spoken to a
16 county commissioner who recorded a wiretap of the pimp who
17 ran that brothel attempting to bribe her for a zoning
18 decision vote. She wore a wire for the Federal Bureau of
19 Investigation. The corruption that exists in this
20 particular county around legal prostitution leaves the
21 women at complete risk for the continuation of these kinds
22 of harms.

23 MR. YOUNG: Next exhibit, please.

24 EXHIBIT U: Bindel, *It's like you sign a contract.*

25 508. BY MR. YOUNG: Q. So your evidence is you

1 reported it, nothing has happened, it's over, there's
2 nothing to be done, there's no charges laid, nothing like
3 that.

4 MS. SINCLAIR: I didn't hear Dr. Farley
5 say that she reported the incident.

6 509. BY MR. YOUNG: Q. I'm sorry, okay,
7 they're aware of this brothel. Did you report what is
8 described in the *Guardian*? Would there be an occurrence
9 report in the county police office?

10 A. The occurrence, what I saw, which was
11 a grated door and the women's food being shoved between the
12 door's steel bars was not reported to the police. The
13 other events were seen by someone that I'm in touch with as
14 recently as last month who has repeatedly made reports
15 about the conditions inside that legal brothel to the
16 police, to the county commissioners and to the police.

17 510. Q. Why didn't you?

18 A. Why didn't I make a report?

19 511. Q. Yes, on what you saw.

20 A. Of a grated door.

21 512. Q. With food being shoved between the
22 door.

23 A. Food being shoved.

24 513. Q. You don't think that would be a crime
25 to report to the police.

1 A. I don't think – what crime is it?

2 514. Q. Forcible confinement, perhaps. You
3 recognize this is a human rights violation. That would be
4 your language. This is exactly what you deplore in the
5 trade.

6 A. Yes.

7 515. Q. And I want to know why you didn't
8 report it.

9 A. I have made some reports to the
10 police. It is standard – believe it or not – it's standard
11 conditions in the legal brothels in Nevada. The police
12 routinely ignore the laws of the State of Nevada, they
13 routinely ignore the fact the women are not permitted to –
14 many of their civil – I guess what I would say is that many
15 of their civil rights are violated in the legal brothels.
16 This has been a well-reported fact. I'm not someone new
17 noticing the confinement and the near captive conditions of
18 the women in these brothels. Many observers have noticed
19 this before me.

20 516. Q. What I would like you to do, there's
21 two things. You said many observers. Is any of it reduced
22 to writing?

23 A. Lenore Kuo is discussed, all of her
24 findings are reported here.

25 517. Q. And where did she report these things,

1 in newspapers?

2 A. She wrote a book.

3 518. Q. What's the book called?

4 A. The book is called – you appear

5 shocked at those conditions and Kuo writes:

6 "I cannot sufficiently underscore the intensity of the
7 impact of the physical environment of legalized Nevada
8 brothels. They are ... shocking ... [They] are
9 surrounded by high fences, some electrified, with
10 barbed wire or spikes on top. Entrance and egress are
11 controlled; you must be buzzed in and out. [Two
12 brothels that she observed] had what appeared to be an
13 unused lookout tower, reminiscent of a prison or
14 fort."

15 And that is from – and Kuo's book is, it's
16 Lenore Kuo and it's *Prostitution Policy: Revolutionizing*
17 *Practice Through a Gendered Perspective, 2002.*

18 519. Q. Publisher?

19 A. New York University Press.

20 MS. SINCLAIR: It's five o'clock.

21 MR. YOUNG: Off the record, please.

22 --- ADJOURNED

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Court File No. 07-CV-329807PD1

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

TERRI-JEAN BEDFORD, AMY LEOVITCH, VALERIE SCOTT
Applicants

- and -

HER MAJESTY THE QUEEN (IN RIGHT OF CANADA)
Respondent

This is the Cross-Examination of **MELISSA FARLEY**, on behalf of the Respondent herein, on her affidavit sworn May 1, 2008, held at the Offices of the Department of Justice, 2 First Canadian Place, Exchange Tower, Suite 3400, Toronto, Ontario, on Thursday, November 13, 2008.

APPEARANCES:

Alan N. Young, Esq.) for the Applicants
Sabrina Pingitore)
E. Gail Sinclair) for the Respondent
Michael H. Morris, Esq.)

MHFeltman Verbatim Reporting
375 Merton Street, #302 Toronto, Ontario M4S 1B4
Per: Holly Feltman, C.V.R.

1 A. One correction about the funding. The
2 funding came from Prostitution Research and Education and
3 the Trafficking in Persons Office.

4 525. Q. Two sources of funding.

5 A. Two sources is right. The grant was
6 provided in order to study domestic trafficking and
7 international trafficking into the State of Nevada, into
8 the legal brothels in particular, and also to investigate
9 the circumstances of the women in the legal brothels in the
10 state.

11 526. Q. Do you recall if your grant indicated
12 that your mandate was to, "better understand the predatory,
13 survivalist nature of prostitution and trafficking in
14 Nevada"? That was your grant terms, does that sound right
15 to you?

16 A. No.

17 527. Q. Do you have your grant authorization
18 and would say what your mandate was? Is there a document
19 to that effect? Grant 2074.

20 A. I'm not sure there is a grant mandate.
21 What there was was a congressional report to the U.S.
22 Congress provided on the basis of this research in
23 December, 2006.

24 MS. SINCLAIR: For the record, could you
25 show Dr. Farley what you are reading from, what you just

1 quoted from, and I shall give her a copy of her book.

2 MR. YOUNG: That wasn't from her book.
3 That's what someone told me her grant application mandate
4 was and I put it to her and she said it wasn't.

5 MS. SINCLAIR: Someone told you.

6 MR. YOUNG: I'm reading off an e-mail
7 here, yes, but she said it wasn't, so it's not evidence.
8 She said that's not what it was.

9 MS. SINCLAIR: And the e-mail is something
10 that is on the Web or....

11 MR. YOUNG: It doesn't matter, I could
12 have asked her that without reading. I could have said, is
13 your grant application to study survivalist nature and you
14 say no, she said no, so I have no evidence other than I was
15 asking does she have a written document that says what the
16 mandate is.

17 MS. SINCLAIR: Thank you.

18 528. BY MR. YOUNG: Q. I want to sort of
19 understand this here.

20 A. Is this finished?

21 529. Q. No, I may want to look at it. I'm
22 sorry, I did try to get a copy, I couldn't get a copy and I
23 would have liked to. I should have taken it yesterday.
24 You get money to do research on Nevada, correct?

25 A. That's correct.

1 530. Q. And the research is primarily about
2 trafficking, it's coming from the Office of Trafficking,
3 domestic or international.

4 A. Your question brings up the point that
5 was discovered in the research, that if you want to
6 discover trafficking, you have to look in locations where
7 prostitution happens, in this instance in the legal
8 brothels, among other locations.

9 531. Q. Can you show me the quote you read
10 yesterday from a book published by the New York University
11 Press (I asked you where it was published) about the iron
12 grates? Can you show me where that's in your book, please?
13 You can't find the quotation.

14 A. It's in here somewhere, I don't know
15 where it is.

16 532. Q. How did you find it so quickly
17 yesterday? It was like on your fingertips.

18 A. I found it yesterday.

19 533. Q. Yes, you read it into the record, so
20 I'm assuming it was a yellow sticky.

21 A. If I read it yesterday – are you sure
22 I read it yesterday?

23 534. Q. Yes.

24 A. I thought you read it.

25 535. Q. No.

1 A. You read it from the...

2 536. Q. ...newspaper article, that's right,
3 and then you wanted to show me how....

4 A. I read an additional quote. I can't
5 find it right now.

6 537. Q. Do you remember the name of the
7 author?

8 A. Oh, the Kuo quote.

9 538. Q. Yes, yes. What did you think I was
10 asking you?

11 A. Okay, the Kuo quote is....

12 539. Q. I don't need it read, I was just
13 wondering if you could show it to me.

14 A. It's on page 9.

15 540. Q. Thank you very much.

16 A. It's right there.

17 541. Q. Very good. Now, you get a grant to
18 study trafficking in Nevada and how many legal brothels are
19 there in Nevada?

20 A. Approximately 27.

21 542. Q. And the brothels are allowed in
22 locations, counties that have less than 400,000 people,
23 correct? That's how they choose them.

24 A. That's correct – well, let me correct
25 that. It's a kind of provincial government, so that that

1 is a necessary precondition in the state law on brothels.
2 It's also necessary for the county to vote on whether they
3 want legal prostitution or not.

4 543. Q. This woman, Lenore Kuo, that you read
5 yesterday, now that I can see the quote, she's talking
6 about how these brothels look like prisons from the
7 outside. That's the quote you read. That's not to suggest
8 that they are prisons inside, this was a description of the
9 outside with wires, spikes, high fences, correct?

10 A. That's correct.

11 544. Q. There's 30 brothels, you had two
12 years, did you look into every brothel, legal brothel? Did
13 you go to every one?

14 A. We attempted to get into about three-
15 quarters of them. We interviewed women in eight of the
16 legal brothels. Brents and Hausbeck interviewed women in
17 about five of the legal brothels. Some of them refuse
18 researchers entry.

19 545. Q. Did you advise them when you contacted
20 them that you were commissioned by the U.S. Department of
21 State, Office of Trafficking?

22 A. I advised them of the purpose of the
23 research that I was engaged in.

24 546. Q. So you saw eight of 30, and you're
25 telling me that the other 22 said, "Get lost, we don't want

1 to see you."

2 MS. SINCLAIR: I think the number was 27,
3 approximately 27.

4 547. BY MR. YOUNG: Q. Yes, sorry, just
5 because in her book it says 30. Eight of 27, thank you.
6 And the other ones just said they don't want to see you.

7 A. A number of the legal brothels refused
8 us entry.

9 548. Q. Did you see them all from the outside?

10 A. I'm not sure what the question is.

11 549. Q. Did you see the brothels from the
12 outside, drive by them, see what they look like, or you
13 took one description and used that as your model?

14 A. I would say that I have not seen all
15 27 of the legal brothels. With respect to the description
16 of them as little prisons, the outside is the least of it.
17 The women variously described the conditions inside the
18 brothels as little prisons in doublewide trailers. One
19 woman rather dramatically described them as "pussy
20 penitentiaries," and a number of observers, including a
21 number of researchers besides myself, have noted that civil
22 rights are limited in a number of the brothels in a range
23 of ways.

24 550. Q. Name the researcher who said that.

25 A. Who said that civil rights – there are

1 restricted civil rights.

2 551. Q. Yes, I'd like to see that quote.

3 A. Kuo has talked about that.

4 552. Q. Can I stop you for a minute? Is she a
5 researcher?

6 A. Yes.

7 553. Q. Just for the record, her book is
8 called *Prostitution Policy: Revolutionizing Practice*
9 *Through a Gendered Perspective*. So she's right at the
10 outset saying what the perspective is, and when you say
11 researcher, what type of research did she do?

12 A. I'm not sure what her discipline is.
13 I think she's a policy analyst and, for the record, she's
14 someone that I have a number of disagreements with, but she
15 comes to some of the same observations and conclusions that
16 I have.

17 554. Q. How did you get the 45 people to talk
18 to you from the eight brothels? How did you pick them?

19 A. As we've done in nine countries, we
20 ask everyone we were permitted access to to speak with us.

21 555. Q. Can you elaborate? Did you go to the
22 brothel manager and say, "We're doing a research project,
23 who can we speak to?" Is that how it was done?

24 A. Yes, in essence, yes.

25 556. Q. Your sample is 45, this is a purely

1 qualitative, impressionistic study. There are no
2 quantitative data that come out of this, are there?

3 A. There are quantitative data.

4 557. Q. Can you show me in your affidavit
5 where you cite something from your book? Because I found
6 it puzzling in your affidavit, I'll tell you, as I looked
7 through that you reference your book very little, and I'm
8 just wondering what is the quantitative data that you take
9 out of your book.

10 A. I'm going to have to get the book
11 back, it's tabbed. I'm going to ask you to share the book
12 with him and so I can use my tabs, if you don't mind, or
13 I'll pass it back and forth.

14 558. Q. Just let me have a look, thank you.

15 A. On page – to give you an example of
16 the quantitative data, on page 31, there's a table that
17 describes some of the violence in the lives of women in the
18 legal brothels, reports of pimps, current or past
19 homelessness, verbal abuse, coercion.

20 559. Q. I want to stop you for a moment on
21 that table. Is there any reason why you don't include
22 these statistics in your affidavit? It's your research, I
23 would have thought you would put it in.

24 A. No, there is no reason why it wasn't
25 in there, other than not wanting to put 300 pages, 200

1 pages in an affidavit.

2 560. Q. No, the tables, the tables. Why is
3 this table not in there as data?

4 A. None of the six tables from the nine-
5 country study were in there either. There are many tables
6 in many articles that I've written that were not in my
7 affidavit.

8 561. Q. I understand, but you're not
9 completely right about that. Table 1, which starts your
10 affidavit, pretty much gives all the quantitative
11 conclusions you reach from your other studies and the
12 Nevada one isn't in there. Is there a reason for that?
13 That's the question.

14 A. No, there isn't.

15 562. Q. Do you have the questions that
16 triggered these responses? Can that be produced? And I'll
17 tell you why, unless you have an explanation. When you ask
18 somebody, "Have you been verbally abused in prostitution?"
19 that does not indicate to the reader whether that happened
20 in a brothel or on the street, and your evidence so far has
21 been that these forums are interchangeable, so I need the
22 questions, if they can be produced.

23 A. Okay, I'm making note of that.

24 563. Q. Thank you.

25 A. The question about where certain types

1 of abuse happened, what might be relevant to that is on
2 page 104. We have information on the domestic
3 transportation of women in Nevada brothel prostitution from
4 other states into Nevada and there's also another table in
5 this book which shows the multiple other forms of
6 prostitution that these women in the legal brothels had
7 engaged in and some of them, for example, here we go, page
8 29. On page 29, you can see that 24 percent of these 45
9 women have been in street prostitution and 27 percent
10 massage, 49 percent escort prostitution, 51 percent strip
11 club and lap dance prostitution. So the conclusion that
12 I've come to in my affidavit that it's not possible at this
13 stage of the research, as I understand it, on where
14 prostitution happens, it's not possible to categorically
15 state prostitution happens either indoors or outdoors. It
16 moves to where the money is, as these women do.

17 564. Q. Most definitely, and you did testify
18 to that and that's why I'm saying to you, and I'll repeat
19 the question, when you say, "Have you been verbally abused
20 in prostitution?" does that not leave it ambiguous as to
21 whether that happened on the street, in the strip club, in
22 the brothels, as an escort? So did you ask the question
23 dividing it between the forums?

24 A. No.

25 565. Q. So we just know based on this table

1 what we already know, is that prostitutes are exposed to
2 violence and it's not forum specific, this table. I just
3 want to make sure we're clear on that, because if you're
4 saying you didn't ask, I don't need you to produce the
5 questions. If you're saying you did ask the difference
6 between brothel and street, I'd like to see the questions.

7 A. My response was that the verbal abuse
8 is not location specific. I think – no, it's correct, we
9 did not ask where specific types of violence occurred.

10 566. Q. And would you agree that in future
11 research, in order to draw firmer conclusions about indoor/
12 outdoor, the questions about violence should be broken up
13 to be forum specific? That would be helpful, wouldn't it?

14 A. As I said previously, there are many,
15 many research studies to be done and I welcome them all.

16 567. Q. And I know you welcome them, but you
17 also like to promote your own, correct?

18 A. No.

19 568. Q. Let's look. This book was self-
20 published, and who is Bob Herbert?

21 MS. SINCLAIR: Could you proceed with one
22 question at a time?

23 569. BY MR. YOUNG: Q. Yes. Who is Bob
24 Herbert?

25 A. The first question was the book....

1 570. Q. Sorry, we already went through it.

2 A. Well, actually, it was a statement,
3 but let me respond to it as if it's a question.

4 571. Q. Please.

5 A. It was not self-published. The book
6 was published by a non-profit organization to whom all the
7 benefit goes and it was not published by me personally. So
8 technically it is incorrect.

9 572. Q. No, I appreciate that, thanks for
10 correcting me. Who is Bob Herbert?

11 A. Bob Herbert is a reporter for the *New*
12 *York Times*, a columnist.

13 573. Q. Is he a friend of yours?

14 A. No.

15 574. Q. Do you know him? Have you known him
16 for years?

17 A. No.

18 575. Q. How is it that you got an editorial
19 piece in the *New York Times* prior to your book even being
20 published? How did that come about?

21 A. A piece in the *New York Times*....

22 576. Q. Bob Herbert wrote an op-ed piece about
23 your book and the problems in Nevada prior to publication.

24 A. I would like to respond to the first
25 question you asked: How is it that Bob Herbert reviewed

1 the book prior to publication? My response to that is he
2 did not review the book prior to its publication.

3 577. Q. Is it not true that you gave him an
4 advance copy of the book with the intent of having this in
5 the *New York Times*? This was all orchestrated to get
6 attention to your book.

7 A. I gave him a copy of the book, along
8 with others.

9 578. Q. But you do know about the opinion
10 piece. You're not denying that you're aware of it and
11 you're not denying that you gave him the book.

12 A. No.

13 579. Q. You also held a conference fairly
14 quickly after the book was published to announce your
15 findings to the community at large, correct?

16 A. Yes. I would like to describe the
17 purpose of that conference which was held at the University
18 of Nevada in Las Vegas. The purpose of the conference was
19 one of the goals of Prostitution Research and Education
20 which is the first, presenting research and educating the
21 public. At that conference, five women, who had been in
22 prostitution in the State of Nevada, presented their
23 perspectives on prostitution and trafficking in the state
24 and it is also correct that that was the first presentation
25 of the findings of this study.

1 580. Q. It was also the launching of a new
2 group, a new association, right?

3 A. Yes.

4 581. Q. The Nevada Coalition Against
5 Trafficking, is that the name?

6 A. Nevada Coalition Against Sex
7 Trafficking.

8 582. Q. Are you a member?

9 A. Yes.

10 583. Q. Are you a director or on the board or
11 something like that?

12 A. I would say I'm one of the founders.

13 584. Q. Were you aware that Brents and
14 Hausbeck, the other competing scholars, held their own
15 conference a few months later to complain about how their
16 findings don't get any attention? Were you invited to
17 that?

18 A. No.

19 585. Q. Were you aware of it?

20 A. I was not aware that there was a
21 conference, no, I was not.

22 586. Q. This Bob Herbert, the journalist,
23 here's another article he wrote about a week later. Have
24 you developed now a relationship with this man, that he's
25 reporting on this? Sorry, we'll look in a second, do you

1 have a relationship with this man now, since the release of
2 this book?

3 A. No. This, what you've just presented
4 me with, this was a column that Mr. Herbert wrote after the
5 mayor of Las Vegas, Oscar Goodman, who has long been
6 associated with organized crime in the United States....

7 587. Q. I'm sorry, you're making a comment
8 about the mayor of Las Vegas right now.

9 A. I'm talking about Oscar Goodman, a
10 former attorney in Chicago, who's had books written about
11 his mafia associations, who is currently the mayor of Las
12 Vegas, who subsequent to – in the course of an interview
13 with the journalist, Mr. Herbert, the mayor stated, in thug
14 fashion, because he didn't like what the journalist wrote,
15 he stated, quote, in this article: "I'll take a baseball
16 bat and break his head if he ever comes here." What's
17 interesting to me about that comment is the implication and
18 the violence in it that reflects what the major of
19 Amsterdam has also found about the extensive presence of
20 tolerated or legal prostitution. The level of violence is
21 pretty much off the charts when you have a mayor....

22 588. Q. Ms. Farley, I never asked you a
23 question. You've giving me a whole background on an
24 article, I appreciate it and it was interesting....

25 A. I just was reading this article that

1 you handed me.

2 589. Q. I understand, but you didn't wait for
3 the question, which is on page 2. You're quoted as
4 saying....

5 A. Sorry.

6 590. Q. It's okay. "The only place I've ever
7 had a gun pulled on me was in a legal brothel." You said
8 that.

9 A. Yes, I did.

10 591. Q. And you laid charges against this
11 individual.

12 A. No, I did not.

13 592. Q. Why would you not lay charges against
14 someone who put a gun to you?

15 A. What I did was to put a security
16 system in around my house when I got home. I did not have
17 confidence in who I might report that event to. I did
18 write about it in the book, it's also documented there.
19 The event was....

20 593. Q. This brothel....

21 MS. SINCLAIR: If she could just finish
22 that sentence.

23 THE AFFIANT: The event was traumatizing
24 and it caused me to fear for my physical safety.

25 594. BY MR. YOUNG: Q. This was a brothel in

1 rural Nevada.

2 A. This was a legal brothel...

3 595. Q. ...in rural Nevada.

4 A. Approximately two hours outside of Las
5 Vegas in rural Nevada, yes.

6 596. Q. You reside in San Francisco.

7 A. Yes.

8 597. Q. And you still felt that you couldn't
9 report something like this.

10 A. The level, the level of fear of people
11 in the State of Nevada when there's any challenge to the
12 existing systems of prostitution is palpable. People have
13 stated to me that they didn't want their names quoted
14 because they feared for the safety of their wife and
15 children. Law enforcement officers have advised me about
16 protecting my security. It's hard to describe the
17 atmosphere in some of these rural counties, but in a
18 nutshell, what I would say that I observed and many others
19 have observed is that there – what I observed was that the
20 rural sheriffs are close friends with the brothel owners
21 and the pimps, so that they're not exactly sympathetic to
22 citizens' complaints. And I might add, I heard many, many
23 accounts from the women in the brothels that it was not
24 safe for them to lodge any kind of complaints against pimps
25 or brothel owners even in systems of legal prostitution

1 because of the complicity of the police system with the
2 system of legal prostitution.

3 598. Q. I understand, and just to make sure,
4 you don't live in that corrupt county.

5 A. No.

6 599. Q. And you don't travel there very much.
7 You've done your research, you don't have much to do with
8 that rural county now, right? Yes or no?

9 A. Yes.

10 600. Q. You don't have much to do with it.

11 A. Yes, I don't have much to do with it.

12 MR. YOUNG: Next exhibit.

13 EXHIBIT V: Herbert, Editorial, '*Magnificent Brothels*'.

14 601. BY MR. YOUNG: Q. Finish off with Nevada.
15 Were you shown or were you made aware of the (--) critique
16 of your book by Barbara Brents? Someone must have sent it
17 to you.

18 A. I am not aware of that.

19 602. Q. Let me show you a document, see if
20 you've seen it in some form or another.

21 A. I have not seen this before. It does
22 say at the end, "I'm preparing a longer review," and it's
23 undated.

24 603. Q. Correct.

25 A. I have not seen this and I'm wondering

1 where it came from. I'm interested.

2 604. Q. And just to make sure, now that you've
3 gone back and I gave you a copy of the 2005 letter to the
4 Secretary of State, that didn't trigger some recollection
5 of seeing that critique either when you saw it? Yesterday
6 I gave you the....

7 A. As I stated yesterday, I've not seen
8 that letter. Who wrote that letter?

9 605. Q. Nine academics. We talked about that
10 yesterday and you said you didn't know it.

11 A. Wait. Are you talking about Scotland?

12 606. Q. No, no. That was the one to the
13 Secretary of State complaining about the references on
14 their Web site to your research. You said you hadn't seen
15 it. It doesn't matter.

16 A. May I see it? I'm not sure what
17 you're referring to.

18 607. Q. You didn't look at it, that's fine.
19 It's fine, it's fine. Do you not, as part of PRE or people
20 who work for you, go around trying to collect these
21 comments? Do you not make a concerted effort to see what
22 people are saying about your work?

23 A. I made several phone calls to Dr.
24 Brents, who works with Dr. Hausbeck, and we were unable to
25 set up an appointment for an interview.

1 608. Q. For who to interview whom? What type
2 of interview?

3 A. For both of us to talk to each other.

4 609. Q. And when was that done?

5 A. Prior to the publication of the book.

6 610. Q. And was Barbara Brents amenable, but
7 it just didn't happen?

8 A. I don't know what she was thinking.

9 611. Q. And you don't recall getting an
10 invitation to their conference to talk about their
11 findings. That just never came across the PRE desk.

12 A. I did not receive an invitation to a
13 conference hosted by Dr. Brents or Dr. Hausbeck.

14 612. Q. Tell me what you say to this critique.

15 MS. SINCLAIR: Are you reading from this
16 document that we don't know the source?

17 MR. YOUNG: Yes. I can't make it an
18 exhibit because it's not identified. I can, again, just
19 memorize this and put it to her. It just makes it easier
20 to ask the question.

21 MS. SINCLAIR: Just so we know that that's
22 the source from which....

23 613. BY MR. YOUNG: Q. Yes, no problem, if we
24 could identify it, I'd put it in. Second paragraph, it
25 says you conducted 45 interviews with women, that's

1 correct, and it says for the most part, she discounts their
2 comments saying: I knew they would minimize how bad it was
3 (page 22); and: Most of our data offered conservative
4 perspective on the dangers of prostitution (page 23). Did
5 you say that, that you don't always accept what they say,
6 that they minimize the dangers?

7 A. That's a misinterpretation of the
8 meaning of what I said.

9 614. Q. Go ahead.

10 A. Would you like to hear what the
11 meaning was?

12 615. Q. You don't have to ask, just talk.

13 A. When people are in conditions that are
14 extremely stressful and often traumatizing, it's difficult
15 for them to talk in detail about the extent of the danger
16 they're in, just as, for example, someone in the middle of
17 combat would not want to be talking about the stress of
18 that. That's what I was referring to, that the conditions
19 they were in at the time of the interview caused them to at
20 times underestimate the extent of the traumatic
21 circumstances and the violence they were subjected to.

22 616. Q. You say at page 22: "I knew that they
23 would minimize how bad it was, not only to make
24 prostitution seem like a reasonable job choice ... but
25 especially to justify it to themselves." Is this this idea

1 that because of dissociation, unhappy people aren't aware
2 that they are unhappy? Is that what you're saying?

3 A. No.

4 617. Q. Why would these people not be able to
5 tell you....

6 A. Give him that book and let me have
7 mine. Thank you. The explanation of that statement is on
8 page 22 in an extended statement from another person who is
9 a survivor and who works with women in prostitution who
10 stated:

11 "There's a protective denial. You have to convince
12 yourself and everyone around you that it's great. You
13 tell the lie - 'I like it' - so much that you believe
14 it yourself. You make it OK by saying, 'I haven't been
15 beat up today. I haven't lost ... my money today.'
16 Women have to justify it: they can't tell themselves
17 or any one else the reality of it or else they'd die.
18 In the brothels, there's the illusion of safety."

19 And I think that's what I was referring
20 to, is the grasping on to the illusion of safety in the
21 legal brothels.

22 618. Q. You said this comment comes from a
23 survivor.

24 A. Yes.

25 619. Q. And we went through your samples

1 yesterday and your research. You are focusing a lot on
2 what would be called survivors and people exiting. That's
3 where you're getting a lot of your information, correct?

4 A. No, all 45 women that were interviewed
5 for the Nevada study....

6 620. Q. I didn't ask you about that. I talked
7 about your samples yesterday. Just to confirm, this is a
8 survivor statement and I just want to confirm, we went
9 through all the various nine locations and most of them
10 came from agencies that help exit. Isn't that right?

11 A. No.

12 621. Q. Let's not go back on that. We can
13 look at the transcript from yesterday. By the way, I might
14 have misheard you. You said that you tried to visit all
15 27, 26 brothels. Isn't that what you said?

16 A. No.

17 622. Q. Because in the book you say you got
18 into eight.

19 A. Yes.

20 623. Q. And an additional six would not let
21 you in. So that's 14.

22 A. That's correct.

23 624. Q. So the majority of brothels you didn't
24 make an effort to see.

25 A. We made an effort to get into 16 of

1 approximately 27. You have to understand that in the State
2 of Nevada, these trailers which serve as legal brothels are
3 sometimes shut down, go out of business, and so at any
4 moment, some are open, some are not open. Also, it's a
5 large state, a very large state. So we, frankly, didn't
6 get to one side of the state where there are some several
7 brothels.

8 625. Q. Did you see the Mustang Ranch, by any
9 chance?

10 A. The Mustang Ranch has been closed down
11 by the U.S. government because the pimp who ran it was
12 laundering money, and in order to escape conviction is
13 currently in Rio de Janeiro, Brazil. The pimps that run
14 legal brothels are not suddenly law abiding citizens just
15 because they've been granted legal status.

16 626. Q. But the Mustang Ranch was shut down,
17 as it should have been, because evidence of criminality was
18 found, correct? You could say, correct?

19 A. Yes.

20 627. Q. Isn't that how the system is supposed
21 to work? You set up a regulated business and the
22 regulators find out who are the evil people and get them
23 out of the business, right?

24 A. Yes.

25 MS. SINCLAIR: May I note for the record

1 that Dr. Farley is having a good chuckle.

2 628. BY MR. YOUNG: Q. I'm not sure why, I'm
3 not trying to be funny. Tab P, let's go to New Zealand
4 because we don't have that much time.

5 MS. SINCLAIR: Indeed, we don't.

6 MR. YOUNG: Off the record, please.

7 --- OFF THE RECORD

8 629. BY MR. YOUNG: Q. Tab P of your
9 affidavit, this is the report you submitted to the New
10 Zealand Parliament when they were considering their
11 legalization regime, correct?

12 A. Yes.

13 630. Q. It says Preliminary Report.

14 A. Yes.

15 631. Q. So there is no final report.

16 A. Yes.

17 632. Q. Was this done very, very quickly, this
18 type of work?

19 A. This was done - no, I wouldn't say
20 that.

21 633. Q. Do you - I don't know how to ask this
22 - is this the style and structure of most reports that you
23 provide to government agencies, this sort of very scant
24 report with very little commentary?

25 A. I'd like to explain this report. This

1 is a brief report, a preliminary report, that some members
2 of Parliament were interested in and I offered them this
3 data in response. It is brief.

4 634. Q. That's why I asked if it was rushed,
5 because I know this is important to you and I just looked
6 at this and thought maybe you didn't have enough time to
7 complete it. That's what I was asking. Let's look at the
8 response. So this is the report and I'm showing you a
9 document from Hansard which is the official reporter for
10 the legislature in New Zealand. Have you been advised or
11 have you been made aware of the discussion that occurred in
12 New Zealand upon the submission of your report?

13 A. I'm aware of some discussion in the
14 Parliament about the report, yes.

15 635. Q. Now, I'd like you to turn to the
16 second page, which is Georgina Beyer, New Zealand Labour.
17 Do you know Georgina Beyer, ever spoken with her?

18 A. I believe I met her once.

19 636. Q. I'm going to tender this as an
20 exhibit, so I'm not going to read the whole thing. I'm
21 going to ask you about some things that are in here. In
22 her first paragraph she says that you interviewed the 46
23 prostitutes, so this must be a reference to the preliminary
24 report, right?

25 A. Yes.

1 637. Q. Then she says she has been reliably
2 informed about your research, this is the end of the
3 paragraph, and she questions its credibility. "As members
4 might have done, I have received not only the preliminary
5 report ... but also the questionnaire answered by those
6 prostitutes." Before we move on, how come you gave them
7 the questionnaire and yet yesterday you kept telling me
8 it's not practice to disseminate this and you're worried
9 about control of your questionnaires?

10 A. The questionnaire was stolen...

11 638. Q. So that's the explanation.

12 A. ...by an unethical person who's named
13 in the next paragraph.

14 639. Q. Let's get to this. So you know who
15 Colleen Winn is, correct?

16 A. Colleen Winn is....

17 640. Q. My question was, do you know her?

18 A. Yes.

19 641. Q. Now, let's see what was said and tell
20 me what your response is. It said she was briefly employed
21 by you while you were in New Zealand. Is that correct?

22 A. Yes.

23 642. Q. It says her employment ceased very
24 quickly because she had a number of concerns. Did her
25 employment cease quickly? Yes or no?

1 A. No. My response – I have an
2 explanation and comment on this.

3 643. Q. You'll have a chance, I just want to
4 know.

5 A. That's inaccurate.

6 644. Q. Okay, how long did she work for you?

7 A. It's inaccurate that she was....

8 645. Q. How long did she work for you?

9 A. It's inaccurate that she was
10 unemployed suddenly by me. There are a number of
11 inaccuracies in this statement.

12 646. Q. It will be a lot faster if you answer
13 the question, then you can explain it. I'm just asking you
14 very specific questions. How long did she work for you?

15 A. Approximately two weeks.

16 647. Q. And let's read the rest of the
17 paragraph about what she says. The member of Parliament
18 says she's going to read extracts from a letter she wrote,
19 and this is what Colleen Winn wrote:

20 "I believe Melissa did state the Maori women were
21 entering prostitution as young as 9 ... Part of my
22 position as researcher ... was to help to collate data
23 as I viewed all the questionnaires. I did not see
24 these figures in the study at all. However, there
25 were two women who stated that their first sexual

1 experience was at age 9.'"

2 Then she goes on to another questionnaire.

3 So she's basically saying that you're fudging data.

4 A. Yes, she is, and this is a woman who I
5 hired who had drug addiction problems, I later discovered,
6 and I also, unfortunately, discovered that she was working
7 in association with a New Zealand prostitutes collective
8 and made these statements questioning my research ethics to
9 Parliament. I have made a formal response to this and I
10 have investigated the options of suing Ms. Winn for libel,
11 but she has disappeared, and although I've spent a great
12 deal of time trying to locate her in New Zealand, I can't
13 find her.

14 648. Q. You said you prepared a response.

15 A. I did, and I would be glad to provide
16 that.

17 649. Q. I think it's fair to you if you would
18 produce it, because I'm tendering this and, if you have a
19 response, it should be on the record.

20 A. Yes, I'll get that.

21 MR. YOUNG: Thank you. Next exhibit,
22 please.

23 EXHIBIT W: Debates (Hansard) New Zealand House.

24 **U/T 2** MS. SINCLAIR: So that is an undertaking.

25 THE AFFIANT: I would like to add that the

1 response which I will provide you with was offered to the
2 New Zealand Parliament and that....

3 650. BY MR. YOUNG: Q. Did they take it, your
4 response?

5 A. I believe they did, yes, it was handed
6 to them.

7 651. Q. And they passed their legalization
8 regime notwithstanding, correct?

9 A. They did, they passed a decriminalized
10 regime, not a legalized regime.

11 652. Q. This Colleen Winn says that you did
12 not have ethics approval. Did you?

13 A. Yes.

14 653. Q. Can you produce a document indicating
15 that you had ethics approval?

16 A. No, we didn't have that kind of ethics
17 approval. Colleen Winn was stating that I didn't have
18 permission to interview Maori in New Zealand and, in fact,
19 I was interviewing everyone in prostitution, who happened
20 to be a majority of Maori, and the objection was around
21 that.

22 654. Q. But it's not about Maori. Is it not
23 common practice when there are human subject investigations
24 that you get ethics board approval? That's the standard
25 practice as a psychologist, right?

1 A. As in all research.

2 655. Q. Yes, if it's human subjects.

3 A. I've reviewed human subjects'
4 protection. This is a questionnaire that was used in New
5 Zealand, that had been used in nine other countries, had
6 been reviewed for ethics and we also have signed copies of
7 informed consents. As we do every place, subjects were
8 described the risks and the benefits of the research and
9 offered referrals, which is how human subjects are
10 protected in this kind of research. They were also
11 anonymous.

12 656. Q. But going back to my first question,
13 there's no written document that's ethics approval for this
14 particular research.

15 A. No.

16 657. Q. We talked yesterday, we saw also in
17 Scotland you were accused of not having ethics approval. I
18 didn't ask yesterday. Can you give me a document that
19 shows you had approval to do this type of research in
20 Scotland? Is there a document that exists like that?

21 A. As I explained it yesterday to you,
22 there has been an ethics review. There is not a document
23 and there is usually not a document.

24 658. Q. Are you sure about that? Could it be
25 that you don't know if there's a document because you

1 rarely get ethics approval?

2 A. I have had ethics approvals for a
3 number of studies when they were affiliated with a
4 university and I have not received documents.

5 659. Q. Those were studies you did with other
6 researchers.

7 A. I almost always do studies with other
8 researchers, some affiliated with academic institutions and
9 some not.

10 660. Q. Could it be that they have....

11 A. In the event – on the occasions when I
12 went through a university ethics process, I did not receive
13 any document stating what you're describing. I did not
14 receive any document stating. I worked in a large health
15 care organization in northern California where there were
16 ethics reviews and I did not receive a document there
17 either.

18 661. Q. So Ms. Winn, apparently, also said she
19 has written the Psychologists Board of Registration to lay
20 a formal complaint against you. Has that happened?

21 A. I have no idea.

22 662. Q. So you have not been contacted in
23 relation to a complaint made by a Colleen Winn.

24 A. No board of psychology in New Zealand
25 or in the United States and any place else has ever lodged

1 any kind of a research ethics complaint against me.

2 663. Q. But not just research ethics, was
3 there any complaint about your research at large, not just
4 ethics, that's been lodged against you? You said there
5 wasn't a complaint about ethics. Was there a complaint
6 about something else?

7 A. In the field of psychology, there's a
8 board of examiners and an ethical practice board which
9 handles complaints. There has not been ever any complaint
10 lodged against me about ethics or anything else.

11 664. Q. Okay, good. By the way, have you ever
12 been sued for libel?

13 A. No.

14 665. Q. Let's finish off, the last thing I
15 want to talk about is some statements about the indoor/
16 outdoor and we're done. Let's take a look at your
17 materials and Weitzer's for a moment just to see what
18 common ground we have. Let's look at Tab F of your work,
19 which is the *Bad for the Body, Bad for the Heart* article.
20 Let's establish our common ground. Page 1094, *Violence is*
21 *pervasive in legal as well as illegal prostitution.* *You've*
22 *cited a lot of studies here at the bottom of page 1094.*
23 *Are you with me?*

24 A. Yes.

25 666. Q. And more on page 1095. So we are in

1 agreement that there are lots of studies that show violence
2 is pervasive. That's a matter of agreement between us, is
3 it not?

4 A. Yes.

5 667. Q. Now, the disagreement might be your
6 title, Violence is pervasive in legal as well as illegal
7 prostitution. I'm sorry, you know what, I read that wrong,
8 let's forget that. The difference may be on the
9 indoor/outdoor. So these articles here that you cite,
10 without going through them individually, are probably, to
11 your best recollection, largely about street prostitution,
12 as most research is. Look at the articles. How can you
13 answer that without looking at them?

14 A. I would not say that most of the
15 research that I cite is about street prostitution.

16 668. Q. So if we were simply to get these
17 cites and look them up, we can determine that, correct?

18 A. The cites in this article are
19 specifically addressing both indoor and outdoor, legal and
20 illegal prostitution. That's the point of the article.

21 669. Q. Let's take one as an example, just
22 check your recollection. Silbert and Pines, indoor or
23 outdoor?

24 A. Silbert and Pines studied street
25 prostitution in the 1980s.

1 670. Q. Thank you. We can do that with all of
2 the articles and check to see how much is about outdoor,
3 correct?

4 A. Correct.

5 671. Q. So I don't have to take you through
6 it. Let's look at Weitzer for a moment, what he cites, Tab
7 B of Weitzer. (I can't find my reference, sorry about
8 that, give me one minute.) I'll just put the question to
9 you without the Weitzer reference – no, page 216, sorry
10 about that. Middle paragraph, we'll take a look at this
11 paragraph, the cites, but they make reference to Church,
12 they make reference to Lowman and Fraser, and then you go
13 down, there's Decker, Perkins, Perkins and Lovejoy,
14 Plumridge and Abel. We know these names, you've seen these
15 names, correct?

16 A. Yes.

17 672. Q. Would you agree, what Weitzer is
18 saying, that there are studies that show greater violence
19 outdoors? Would you agree with that, that there are
20 studies that show greater physical violence outdoors?

21 A. I've stated that myself.

22 673. Q. Right. In fact, in 1998, in your
23 five-country study, you said: "We found significantly more
24 physical violence in street as opposed to brothel
25 prostitution," correct?

1 A. That's correct, and I would make a
2 qualification.

3 674. Q. I know where you're going to go.

4 A. I know you do, but I would like to say
5 it for the record anyway.

6 675. Q. Okay, I'm going to let you say it.

7 Yes, say it. NJ: is the level of violence at the hands of law enforcement unacceptable to most
8 people too? and what about the violence in marriages- is that unacceptable or can
we excuse it because it occurs, after, in a state authorized institution of
marriage.. A. Thank you very much. While there has

9 been significantly more violence in street than indoor
10 prostitution, the level of violence in indoor prostitution,
11 both physical and emotional is unacceptable to most people
12 and, in addition, the people that researchers deem outdoor,
13 people in outdoor prostitution, are often not exclusively
14 outdoors. For example, Plumridge and Abel, authors from
15 New Zealand that Weitzer cites and I cite also, found that
16 when they described the people they called street
17 prostitutes, those people were finding, locating clients or
18 johns on the street and then they were practicing
19 prostitution in brothels and houses. So how would one
20 tell, is that street or is that indoor prostitution? The
21 distinctions blur.

22 MR. MORRIS: Can we go off the record?

23 MR. YOUNG: Yes.

24 --- OFF THE RECORD

25 676. BY MR. YOUNG: Q. We were starting to

1 talk about indoor/outdoor, and about emotional and physical
2 violence. If I can ask you to look at Tab G of your
3 affidavit, which is your reply to Weitzer, if you turn to
4 page 955, under the heading Is Indoor Prostitution Safer
5 Than Outdoor Prostitution, you're responding to Weitzer and
6 I'd like to note, is there a study that you've done or
7 anyone else has done that shows that outdoor is as risky or
8 more risky than indoor, that outdoor is as risky or more
9 risky? Do you have anything in those pages when you're
10 responding to Weitzer that shows that? On the physical,
11 I'll get to your emotional in a minute.

12 A. Hold on. Say the question again,
13 please, a little more briefly, if you can.

14 677. Q. You are responding to Weitzer and
15 you've cited your materials here. I'm asking, are any of
16 these studies showing that outdoor is as risky or more
17 risky than indoor on the physical safety level? Not
18 emotional, I don't want to get confused with that.

19 A. Researchers typically do not make – at
20 the stage we're at in studying indoor and outdoor
21 prostitution, there's currently evidence of a tremendous
22 amount of violence in indoor as well as outdoor
23 prostitution. Some of it's cited in Dr. Lowman's
24 affidavit.

25 678. Q. My question was – you're not answering

1 my question. Is there a study you're aware of that shows
2 that outdoor is as risky or riskier than indoor? That's
3 the question.

4 A. Do you mean the reverse of that?

5 679. Q. I'm sorry if I'm confusing you. Is
6 there a study that says the outdoor brothel is as
7 physically risky as – I'm doing it to myself, I'm so sorry.
8 Is there a study which shows that what's going on indoors
9 is as risky or riskier than what goes on in the street?
10 That's the question.

11 A. I'm not aware of that.

12 680. Q. And your primary response to Weitzer
13 is that there are some physical safety issues, it's not
14 like it's non-existent, that's part of your response, yes?

15 A. I'm not understanding the question.

16 681. Q. You said – I'll use your own word,
17 actually – you said there's evidence that there is
18 tremendous violence indoors. That was your word. Is that
19 your same way of saying, like Church said there's extreme
20 and frequent, severe violence? Yesterday we went over
21 that. Where is the "tremendous" coming from? Why do you
22 say "tremendous"?

23 A. I can describe the violence in indoor
24 prostitution, if you want. What I've discovered over the
25 past ten years...

1 682. Q. We have the numbers.

2 A. ...there's a range of types of
3 violence. It includes emotional as well as physical and
4 there is a great deal of physical violence and it is what
5 some people would describe, a tremendous risk and a
6 tremendous amount, indoor prostitution.

7 683. Q. Would you agree that the existing
8 studies would demonstrate greater violence outdoors?

9 A. Yes – excuse me, greater...

10 684. Q. Physical violence.

11 A. ...greater physical violence.

12 685. Q. So let's talk about your emotional
13 violence. Your position is that Weitzer is wrong about the
14 relative safety of indoor because indoor causes emotional,
15 psychological damage, correct?

16 A. The way I would put that is, and I
17 don't state somebody's wrong, I would state that the
18 studies Weitzer is reviewing are focusing on physical
19 violence and disregard evidence about emotional violence.

20 686. Q. And this term, emotional violence,
21 this is tied into your primary studies on dissociation.
22 That's what we're referring to.

23 A. No.

24 687. Q. So what's emotional violence? What
25 are you referring to?

1 A. Emotional – what I refer to by
2 emotional violence is verbal abuse, which has a lasting
3 effect on people, social contempt, words that I would
4 prefer not to enter into evidence right now but which are
5 harmful to people and are described in many legal systems
6 as hate speech. Recently, in the last few years,
7 researchers have discovered a type of brainwashing that
8 happens in most kinds of prostitution where it's pimp-
9 controlled. That I would include as verbal violence.

10 688. Q. Is that your reference to the
11 Stockholm Syndrome in your affidavit?

12 A. No, the Stockholm Syndrome is one kind
13 of verbal violence and emotional control that's exerted
14 over people that are essentially in captivity, but what I
15 was referring to was sophisticated techniques from actual
16 brainwashing that are employed by pimps to keep women in
17 indoor and outdoor prostitution under control.

18 689. Q. Have you done studies on brainwashing?

19 A. I'm working with people who have
20 researched brainwashing.

21 690. Q. Do you know who Robert Lifton is?

22 A. Yes.

23 691. Q. Have you read his book *Of Totalism*?

24 A. Yes.

25 692. Q. Do you know how the Patty Hearst case

1 worked out on brainwashing?

2 A. No.

3 693. Q. You don't know. You mention Patty
4 Hearst in your affidavit. She raised brainwashing. Do you
5 know what happened at trial?

6 A. No.

7 694. Q. Look at page 957. You're still in
8 your response here to Weitzer. I'm not finding any
9 reference to brainwashing, but what I do find at 957 is, if
10 you look at the last paragraph, I'm going to read you this
11 statement in your last paragraph and I want to know if this
12 is your primary response to the indoor/outdoor distinction
13 that some people draw. You write: "The same sexually
14 invasive dehumanization occurs regardless of the physical
15 location." Is that really your mantra, why indoor is not
16 necessarily a good thing?

17 A. It's not a mantra.

18 695. Q. Okay, whatever. Is it not one of your
19 primary responses as to why we shouldn't idealize the
20 indoor prostitution trade?

21 A. I would say that it is one of the ways
22 that I would point out – sexually invasive dehumanization,
23 it's an eloquent way of expressing why indeed we should not
24 idealize indoor prostitution. I agree with that, I just
25 don't want to use the word "primary."

1 696. Q. Would you also agree that this
2 statement is really a value or morally-charged statement?
3 It's not a scientific statement, is it?

4 A. Researchers on prostitution at this
5 point in the state of knowledge are just beginning to
6 understand the extent of the actual brainwashing in – that
7 happens in prostitution and trafficking. In fact, when I
8 read the *Toronto Sun* yesterday, there was another
9 explanation of brainwashing that I thought was amazing.

10 697. Q. That's good, but I wasn't talking
11 about brainwashing now, unless you're saying dehumanization
12 is the same. If you are, then keep going.

13 A. Invasive dehumanization is a lay
14 person's description of how brainwashing happens in some
15 instances. Brainwashing is a kind of mental invasiveness
16 in which a person who controls another person injects –
17 which is the word used by a trafficking victim yesterday in
18 Toronto – injects a certain world view. It's how invasive
19 dehumanization happens.

20 698. Q. You've never done a study measuring
21 invasive dehumanization, correct?

22 A. We're in the process of....

23 699. Q. You've never done a study measuring
24 invasive dehumanization. Just answer the question, we'll
25 get out of here quickly.

1 MR. MORRIS: (--)

2 700. BY MR. YOUNG: Q. No, I didn't ask her
3 what she's planning to do, I asked her has she done a
4 study.

5 A. I am doing a study on methods of
6 torture which include exactly what we're talking about and
7 which use a standardized measure of torture techniques...

8 701. Q. Is there a standardized -- sorry.

9 A. ...including brainwashing. This is a
10 lay person's description of some of the techniques of
11 mental coercion and control that are used in prostitution.

12 702. Q. Is there a measure for dehumanization
13 that can be empirically verified? Have we reached that
14 stage?

15 A. I don't know.

16 703. Q. So would you agree that your statement
17 saying location is irrelevant based on invasive
18 dehumanization is a value judgment? It's not a scientific
19 statement because we can't measure something like that,
20 correct?

21 A. No, I wouldn't agree with that.

22 704. Q. You think that's a scientific
23 statement. How?

24 A. You were asking about measuring it.

25 705. Q. No, I said is it not a value judgment

1 because you can't measure it. That was my question.

2 A. There's a lot of scientific studies in
3 the field of prostitution in the affidavits I've read here
4 that don't have empirically measurable results, that are
5 based on narratives and anecdotes. So while it is true
6 sexually invasive dehumanization doesn't have a test, it is
7 a description of a harmful event that occurs in both indoor
8 and outdoor prostitution and we can assess the occurrence
9 of that by paying careful attention to what people tell us
10 happens to them.

11 706. Q. If there's no test, as you said, it
12 can't be verified or falsified, therefore, in science,
13 that's called a theory, correct? If you can't falsify or
14 verify, it's a theory, not a scientific fact.

15 A. I don't know the answer to that
16 question.

17 707. Q. I'm going to show you again your
18 comments to our subcommittee. We go to page 70, you're
19 being asked a question by Réal Ménard.

20 MS. SINCLAIR: Can you identify which
21 exhibit this is?

22 708. BY MR. YOUNG: Q. Yes, the subcommittee
23 testimony, Exhibit G, and Réal Ménard, if you look at the
24 second paragraph, he says: "What is important to me as a
25 legislator is the safety of the working girls and peaceful

1 communities." And if you flip to the page before – don't
2 worry about that, let's go to your comment on page 70. At
3 the bottom of the page, in response to safety, you say:

4 "How do you make prostitution safer for a woman whose
5 customer says he's just renting an organ for five to
6 ten minutes? How would you make that safer for her,
7 psychologically?"

8 That's your way of expressing the same
9 point we've been making here, that there's emotional harm
10 involved in this.

11 A. Yes, and I'd elaborate on that by
12 saying that renting an organ for ten minutes is a
13 description of prostitution both indoor and outdoor that
14 was offered to me by a john and it indeed is a john's
15 explanation, if I might say, of what sexually invasive
16 dehumanization is. Renting a human organ for ten minutes,
17 as he described it to me, could be described as
18 dehumanization. It's turning a person into organs.

19 709. Q. It's a very colourful way of
20 describing prostitution. It's a nice metaphor, right? You
21 like it.

22 A. Johns are colourful.

23 710. Q. And you've used it as a title of one
24 of your articles, correct?

25 A. Yes.

1 711. Q. Show me the studies and tell me what
2 studies show that renting an organ for five to ten minutes
3 is psychologically damaging. It's a colourful statement,
4 now I want to see where the evidence is for the colour.

5 A. I'm not going to give you colour, I'll
6 give you 45 years of clinical experience in which I can
7 tell you that when – that one of the primary effects of
8 sexual abuse and sexual violence when someone is treated as
9 an organ rather than a human being, in other words, when
10 they're dehumanized, it has profoundly harmful effects both
11 in the moment and in the long-term.

12 712. Q. So that's based on 45 years of
13 clinical experience. I asked you for a study, a study that
14 shows the act of renting or selling your body for five to
15 ten minutes is psychologically harmful. I want to know,
16 beyond your dissociation, how you've reached that
17 conclusion.

18 A. I guess I don't know how to explain it
19 other than to say that I'm surprised that you don't see the
20 relevance of other research that I've done as it bears on
21 that question. People in prostitution talk indeed about
22 somatic dissociation and here we have a statement that you
23 quoted from a john, renting an organ for ten minutes, we
24 have a statement about the process of invasive
25 dehumanization and, on the other hand, as I've talked about

1 in articles that discuss dissociation, that is the result
2 of sexually invasive dehumanization. That dissociation,
3 which is a psychological condition that occurs when people
4 are subjected to extreme and inescapable traumatic stress,
5 the dissociation appears to me clinically and as a
6 researcher to be a direct result of sexually invasive
7 dehumanization, which occurs in all prostitution.

8 713. Q. You said it appears to you, I asked
9 you for studies. I don't really want to know what appears
10 to you.

11 A. I'm sorry, it appears to me on the
12 basis of my clinical experience and on the basis of my
13 reviews of the literature, some of which I agree with the
14 conclusions of and some of which I don't, but I've reviewed
15 as much of the literature as I could where firsthand
16 descriptions of these processes are included.

17 714. Q. Is it the money, the renting part?
18 What about a casual fling between two strangers for five to
19 ten minutes in the backroom of an office, is that
20 psychologically damaging?

21 A. It has nothing to do with the money
22 and it has nothing to do with the casualness or not. It
23 has to do with the dehumanization of a human being.

24 MS. SINCLAIR: Can we go off the record?

25 MR. YOUNG: Yes.

1 --- OFF THE RECORD

2 715. BY MR. YOUNG: Q. So dehumanization,
3 dissociation, and whatever other terms you want to add,
4 that becomes a very important part of why you don't see
5 indoor as a solution to violence. Is that correct?

6 A. I wouldn't state it that way. I would
7 state that the dehumanization causes dissociation, and
8 other forms of emotional violence cause not only
9 dissociation but a number of other psychological processes
10 that result from harm.

11 716. Q. Have you had an opportunity of
12 following what's happened in legal, decriminalized regimes,
13 any of the follow-up studies the governments have done on
14 their regimes? Do you make it a point to read these
15 things?

16 A. To the best of my ability.

17 717. Q. Have you had an opportunity to see a
18 2004 report out of Queensland by the Crime and Misconduct
19 Commission called Regulating Prostitution?

20 A. I am not aware of that.

21 718. Q. But you are aware of things that go on
22 in Australia, correct? It's important, isn't it?

23 A. I'm not sure what you're referring to
24 in Australia, what study you're referring to.

25 719. Q. Seven of eight jurisdictions in

1 Australia have either decriminalized or legalized. You
2 know that, right?

3 A. Yes.

4 720. Q. So it's important for your research to
5 know what goes on there, isn't it?

6 A. I would like to say that I have not
7 studied prostitution in Australia.

8 721. Q. You've read Mary Sullivan's book.

9 A. Yes.

10 722. Q. You rely upon that book to make claims
11 about Australia, correct?

12 A. I've read Mary Sullivan's book and
13 I've quoted from it.

14 723. Q. And you've made claims about
15 Australia, it's not working.

16 A. I'm not sure where I said that, but
17 I've quoted from her book for sure. But, as I said, I have
18 not studied prostitution in Australia.

19 724. Q. Did you make any effort to submit
20 evidence or opinions recently to Western Australia which
21 just decriminalized? Were you involved at all in that?

22 A. No.

23 725. Q. Let's end, then, look at one thing in
24 your affidavit, paragraph 117, and we can end on this. We
25 were talking just about Australia and come to your point,

1 legalization does not make prostitution safer. That's how
2 you conclude here. Have you read the recent Dutch report?
3 I asked about Queensland, have you read the recent Dutch
4 report?

5 MS. SINCLAIR: Can you specify which
6 recent Dutch report? It's my information that there are a
7 number within the last year.

8 726. BY MR. YOUNG: Q. The 2007, evaluation of
9 their program. Have you read any Dutch evaluations? I'll
10 ask it that way.

11 A. I'm not sure what Dutch evaluation.

12 727. Q. Evaluations of the success or lack of
13 success of their legal brothel system.

14 A. In 2007, what....

15 728. Q. Have you read any evaluations out of
16 Holland?

17 A. I'm not sure. I'm actually not sure.

18 MS. SINCLAIR: Are you referring to the
19 Daalder Report?

20 729. BY MR. YOUNG: Q. He's written both of
21 them, I think, in 2004 and 2007. She's not familiar,
22 that's fine, she's not familiar. So that is why paragraphs
23 117 to 121, where you talk about legalization, make no
24 reference to international situations, because you're not
25 really that aware of what's gone on there, internationally.

1 A. What I haven't read regarding the
2 Dutch situation is probably not written by – well, let me
3 put this in terms of what I have read. Who I've read
4 regarding the Netherlands is Vanwesenbeeck who, on page 276
5 of Weitzer's affidavit, in an article under Tab I,
6 Vanwesenbeeck says: "...I am not very optimistic as to
7 what advantages ... legal reform will actually bring for
8 sex workers...." And she is basically questioning the
9 effects of legalization. That I've read, I have tracked
10 Vanwesenbeeck's comments about legal prostitution in the
11 Netherlands and her statements about the problems.

12 730. Q. That's a statement where she's
13 questioning whether there's value. She hasn't made any
14 statement about whether there's value, correct?

15 A. I don't know when and where she made
16 it.

17 731. Q. In what year is that, 2000?

18 A. In 2001, I think, yes.

19 732. Q. So, back to what I said, you don't
20 talk about the experiences in other countries between
21 paragraphs 117 and 121 because you haven't really made a
22 point to see what's going on.

23 A. I'm not sure what the question is.

24 733. Q. You're making a statement of fact,
25 legalization does not make prostitution safer, and I'm

1 putting to you, you make no reference to any other country
2 that has changed their law and evaluations done of those
3 law reforms, and I'm just saying you're not familiar, then,
4 with that.

5 A. My familiarity and my scope of
6 expertise is largely within the realm of psychological and
7 social science research. I think what you're referring to
8 is government policy papers and those I am less familiar
9 with.

10 734. Q. You do quote from a survivor who says
11 at the end of the quotation: "How do you prevent it from
12 leading to danger? The answer is, you can't." Which is
13 your answer, right? That's what you answered to the
14 subcommittee, you can't prevent the violence.

15 A. That's correct.

16 735. Q. She says then: "Count the bodies."
17 What's that a reference to?

18 A. I would take that as a reference to
19 studies of homicide and deaths and the very high mortality
20 and morbidity rates among people in prostitution.

21 736. Q. And based on your knowledge and your
22 experience, murder and homicide, is that a street
23 phenomenon, largely?

24 A. Again, it's so difficult to
25 compartmentalize prostitution as to whether it's happening

1 in the street. Certainly homicides do happen in street
2 prostitution. They also happen in indoor prostitution.

3 737. Q. Have you made a point of trying to
4 study the comparative rates of homicide?

5 A. No.

6 738. Q. Have you noticed in the course of
7 studying this issue about the relationship between serial
8 killers and prostitutes?

9 A. Yes.

10 739. Q. And do you recall that virtually every
11 victim of a serial killer comes from the street?

12 A. I wouldn't draw that conclusion.

13 740. Q. You don't know. You don't know or you
14 wouldn't draw the conclusion based on what you know?

15 A. I've spoken with some of the
16 epidemiologists that engaged in the Potterat study of
17 homicide of women in prostitution, the largest study ever
18 done on death rates of women in prostitution, and they
19 described some of the difficulties to me of determining
20 actually where the actual homicide, where the body is
21 found, which gets to this challenging problem of what are
22 we calling indoor prostitution, what are we calling outdoor
23 prostitution. Yes, sometimes bodies are found outside,
24 other times....

25 741. Q. Are you aware of one case where

1 someone was abducted from an indoor location and murdered?
2 I'm not saying there isn't, but are you aware of one that
3 you can tell me about?

4 A. There are a number of descriptions,
5 just most recently, I'm sure there would be no problem
6 describing this. Victims of domestic and international
7 trafficking are almost always indoors and there is –
8 certainly one would describe trafficking as a form of
9 abduction and there is, in every country, there are
10 reported murders of women that are trafficked.

11 742. Q. But I didn't ask you about trafficked
12 women, I'm talking....

13 A. They're also prostituted women.

14 743. Q. Let's put that aside. Last question.
15 If, hypothetically, you could create an indoor location
16 that had integrity and operated safely both at a physical
17 and emotional level, hypothetically, if you could create
18 that, you still would be fundamentally opposed to law
19 reform that would authorize indoor prostitution, correct?
20 If you were able to deal with the emotional and physical
21 violence, your position politically would still be no.

22 A. I just can't answer that. It's so
23 profoundly hypothetical.

24 744. Q. It is? Let me ask you this. Is it
25 your view....

1 A. Perhaps if we could do a study of
2 that, I haven't seen – I can't answer it, I really can't,
3 it's so hypothetical.

4 745. Q. I don't think you want to answer. Let
5 me ask it a different way. Is it not your position....

6 A. Let me – you just said I don't want to
7 answer it and I object to that characterization.

8 746. Q. That's fine.

9 A. I am profoundly committed to harm
10 reduction and harm elimination and removing violence
11 against women and everyone in prostitution, so it is not
12 true that I don't want to answer it. I'm in favour of
13 reducing every single bit of violence against people in
14 prostitution.

15 747. Q. That I appreciate and I know that.

16 A. Thank you.

17 748. Q. But what I'm saying is, you still
18 would not ever approve of indoor prostitution because your
19 political view is that that would legitimize an activity
20 that you find at its essence morally repugnant. Isn't that
21 true?

22 A. What you're saying – I would say
23 again, I can't answer that. What I've been doing my best
24 to do today is to talk about what I know based on the
25 evidence and based on my clinical experience, and I'm not

1 talking about politics or religion or anything like that
2 here.

3 749. Q. I am talking about politics.

4 MS. SINCLAIR: And I am going to object
5 because you used two words in your question, your political
6 stance and a moral stance, and over the past day and the
7 hour and a half of this cross-examination, I have no
8 recollection that you have asked Dr. Farley about political
9 views or moral views.

10 750. BY MR. YOUNG: Q. So I'm asking her now
11 as my last question. Is her political and moral view that
12 prostitution is morally repugnant and, as PRE says, it must
13 be eradicated? What's wrong with that question? Is that
14 an improper question?

15 A. The answer is no.

16 751. Q. You don't find it morally repugnant.

17 A. No.

18 752. Q. And you don't want it eradicated.

19 A. Those are two questions.

20 753. Q. Last question. Why do you want it
21 eradicated, PRE, why do you need....

22 A. Because of the harm associated with
23 it.

24 754. Q. And you can't answer my question that
25 if, hypothetically, you could remove the harm, you would

1 still object. You can't answer that, you say.

2 A. If all harm was removed in some kind
3 of perfect world, I can't – it doesn't make sense to me. I
4 mean, you'd have to describe a great deal more to me about
5 what you're talking about. So I will repeat, I can't
6 answer the question.

7 MR. YOUNG: Thank you.

8 MS. SINCLAIR: In an ideal world, we would
9 have a five minute break, but we're not in a ideal world.
10 Isn't that an interesting segue?

11 THE AFFIANT: We're not in an ideal indoor
12 hypothetical – we're in a not ideal government office.

13 **RE-EXAMINATION BY MS. SINCLAIR:**

14 755. Q. Exactly. I only have what I hope will
15 be 15 minutes of questions, but you take your time. If
16 we're not able to conclude, we will finish this by video
17 conference, much to all of our regret. Yesterday, in the
18 context of asking you about your advocacy against
19 pornography, going back to the 1980s, Mr. Young asked if
20 you had ever been arrested. Were you ever convicted?

21 A. No.

22 756. Q. What was the nature of the charge?

23 A. Trespassing.

24 757. Q. Was this the only type of charge?

25 A. No. I'm not sure what the other

1 charge was.

2 758. Q. Were others arrested as well in the
3 same campaign?

4 A. Yes. These were acts of civil
5 disobedience planned in advance.

6 759. Q. At the time that you were engaged in
7 advocacy against pornography, did you have any views about
8 prostitution?

9 A. No.

10 760. Q. Did you think there was a link between
11 pornography and prostitution?

12 A. I didn't know.

13 761. Q. Yesterday, Mr. Young asked you about
14 the name of the organization for which you are the
15 executive director, Prostitution Research and Education.
16 Once PRE completes research, who does it educate?

17 A. The education of PRE is aimed at
18 mental health professionals, public health professionals,
19 policy analysts, students, scholars, other researchers, and
20 the general public.

21 762. Q. And the order is research and then
22 education based on the research.

23 A. That's the focus of the organization,
24 yes.

25 763. Q. You were asked yesterday about an

1 and what he's talking about here and what we found is that
2 the more frequent users of women in prostitution were also
3 those who more highly endorsed rape myths.

4 766. Q. I'll move on to another point. You
5 were asked whether you were aware of the possible
6 decriminalization of the regime in Scotland when you were
7 invited to speak in Scotland and you answered that you were
8 not. Rather, that you had been invited to participate and
9 that the idea of research germinated while you were there
10 in Scotland. Can you tell us which organizations
11 eventually funded the research?

12 A. The organizations that funded the
13 research were two Scottish governmental organizations, the
14 City Council of Glasgow and the Health Board of Glasgow.

15 767. Q. You were asked if this Scottish study
16 had undergone any ethical review and you replied yes. Is
17 it now undergoing peer review for publication in an
18 academic journal?

19 A. It's in the process of being submitted
20 for peer review.

21 768. Q. Thank you. Last question. You were
22 asked about a study by Bela Chudakov, Keren Ilan, R. H.
23 Belmaker, now Exhibit L to the transcript of your cross-
24 examination, and how they reached different conclusions
25 about the mental health of prostituting women that are so

1 different from your own findings even though they were
2 using your questionnaire. You recall that yesterday.

3 A. And Cwikel, yes, the fourth. She's
4 the one whose name I'll never forget. Yes, there are four
5 authors on that. Yes, I recall that.

6 769. Q. You replied that they did so, that
7 they used your questionnaire without permission and that
8 they had changed the questionnaire. Is that correct?

9 A. Yes.

10 770. Q. Do you know how they changed the
11 questionnaire?

12 A. Yes, they changed the questionnaire
13 which was inquiring about the things I've discussed
14 yesterday and the things that are described – the items,
15 the historical items that are described in the
16 questionnaires. They changed the item, one item, if not
17 more, they changed one item to state how many orgasms do
18 you have when you're with customers.

19 MS. SINCLAIR: Thank you. Those are all
20 my questions.

21 --- OFF THE RECORD

22 THE AFFIANT: The first question was –
23 would you state the first question?

24 MS. PINGITORE: Yes, we wanted to know
25 where the detailed description of the questions from your

1 research instrument were located.

2 THE AFFIANT: They're in three locations.
3 One, they're in Weitzer's Tab N, page 410, under the Method
4 section, 23-item questionnaire and it describes a number of
5 details. They're also in my affidavit, Tab B, on page 41.

6 MR. YOUNG: Very good, and just so you
7 know, that wasn't in lieu of – we made the demand for
8 production of the questionnaire, which you're going to talk
9 about.

10 THE AFFIANT: Thank you. The second
11 question was what are all the countries that I've ever done
12 research interviews in and those are Canada, Columbia,
13 Mexico, South Africa, Unites States – no, that's the wrong
14 list, pardon me. Canada, Columbia, Germany, Mexico, South
15 Africa, Thailand, Turkey, U.S., Zambia, and New Zealand.

16 MR. YOUNG: Great.

17 THE AFFIANT: That's the answer to that
18 second one. And the third question I think you had was
19 where is the quote about memory.

20 MS. PINGITORE: Paragraph 42.

21 THE AFFIANT: The quote is in my
22 affidavit.

23 MR. YOUNG: But you're looking for the
24 article where the quote comes from, right?

25 THE AFFIANT: I'm looking for the article

1 that the quote was in, wasn't that what you were asking me?

2 MR. YOUNG: You had made a reference that
3 the footnote didn't match.

4 THE AFFIANT: The footnote didn't match
5 and you didn't see the article and it is in Tab F of my
6 affidavit, on page 1107: "Memory is an amazing thing. I
7 leave here and I can't remember a thing."

8 MR. YOUNG: I see, but do you know what
9 the problem is? I think that's a circular reference, that
10 goes back to the one that didn't have it.

11 THE AFFIANT: It refers to New Zealand.

12 MR. YOUNG: It refers to the preliminary
13 report which was in here which didn't have the quote, so
14 it's still kind of not there.

15 THE AFFIANT: That's what it does, but the
16 quote, what I'd like to point out for the record is that
17 the quote is from an interview done in New Zealand and it
18 is in a peer-reviewed publication.

19 MR. YOUNG: Thank you.

20

21

CERTIFIED CORRECT

22

23

Holly Feltman, C.V.R.

24

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INDEX1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

	<u>PAGE</u>
Cross-Examination by Mr. Young.....	3
Re-Examination by Ms. Sinclair.....	218

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A	Farley, <i>Rampage Against Penthouse</i>	19
B	Farley, <i>Prostitution: The oldest use</i>	19
C	One-page of PRE Web site.....	30
D	Farley, 2007, <i>Trafficking for Prostitution</i> ::	48
E	US State, <i>Prostitution and Sex Trafficking</i> ...	63
F	Raphael, Shapiro, <i>Violence in Indoor,Outdoor</i> .	63
G	Excerpt Subcommittee on Solicitation Laws....	74
H	Van Brunshot <i>et al, Images of Prostitution</i> ::	78
I	Lange <i>et al, The Lexington Addicts</i>	90
J	Church <i>et al, Violence by clients towards</i>	101
K	Vanwesenbeeck, <i>Burnout Among Female Indoor</i> ...	112
L	Chudakov <i>et al, Motivation and Mental Health</i> .	125
M	Farley, Barkan, <i>Prostitution, Violence, and</i> ..	127
N	Weathers <i>et al, two page PTSD Checklist</i>	127
O	ISTSS, PTSD Checklist article.....	128
P	Weathers <i>et al, PTSD Checklist: Reliability</i> .	130
Q	Feeny <i>et al, Anger, Dissociation, and Post</i> ...	137
R	Houskamp <i>at al, Assessment of Posttraumatic</i> ..	138
S	Kemp <i>et al, Post-Traumatic Stress Disorder in</i>	140
T	Macleod <i>et al, Commentary, Challenging Men's</i> .	153
U	Bindel, <i>It's like you sign a contract</i>	156
V	Herbert, Editorial, <i>'Magnificent Brothels'</i> ...	179
W	Debates (Hansard) New Zealand House.....	190

UNDERTAKINGS/PAGES

78, 190

UNDER ADVISEMENT/PAGE

115

* * * * *



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10