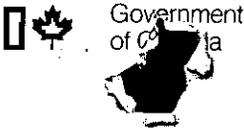




*File 5-126  
Mr. Hollies*



Government of Canada  
Gouvernement du Canada

MINISTRY - MINISTÈRE  
SECRETARIAT  
MEMORANDUM NOTE DE SERVICE  
SOL. GEN.

74 FEB 27 14:00

TO  
À  
MR. J. HOLLIES  
DEPARTMENTAL COUNSEL  
MINISTRY SECRETARIAT

FROM  
DE  
CORRECTIONAL INVESTIGATOR

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE 26 February, 1974

SUBJECT  
OBJET  
KINGSTON RIOT - 1971

During my work relating to the above, I prepared:

- a) a list of inmates charged with criminal offences during the riot;
- b) a list showing when inmates were transferred after the riot.

Could a copy of each please be made available to me?

I should also like a list of the names of the officers who were charged with criminal offences, but I cannot recall whether it was made up. If it is not too much trouble, could I please have that information as well?

*Inger Hansen*  
Inger Hansen

*Lists sent to  
Miss Hansen  
Feb. 28/74  
P.B.*

646-5/29-1

SOLICITOR GENERAL OF CANADA  
SOLLICITEUR GÉNÉRAL DU CANADA

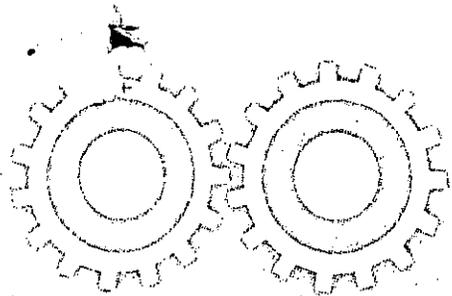
MEMORANDUM

*Stitt*  
*1/4/73*

Don,

For your information. As far  
as i am concerned Paul  
Gas cow is a dangerous offender!

Marie-ève.



# Information

Document communiqué en vertu de la Loi sur l'accès à l'information  
Document divulgué en vertu de la Loi sur l'accès à l'information

OTTAWA, Monday, March 12, 1973.

IMMEDIATE RELEASE

Mr. Paul Gascon, Executive Secretary of the Solicitor General Component of the Public Service Alliance of Canada, the union that represents the employees of the Canadian Penitentiary Service, blames the so-called penal system reform experts, whether they are politicians, reporters or members of different associations, for the actual climate prevalent in penitentiaries.

This statement was made following the publication of the Commission of Enquiry Report on the Kingston Penitentiary disturbances of April 1971.

The Report, made public and tabled in the House of Commons on February 28 of this year blames the prison guards, the administration, the system, the buildings, for being, according to the Commission, the main causes of the Kingston Penitentiary inmates' uprising.

Mr. Gascon says the Report makes several favourable and laudatory comments in favour of the inmates. At one point while reading the Report, continues Mr. Gascon, we are tempted to believe that the inmates deserve the Canada Medal for their acts of bravery committed during the uprising: 6 prison guards held as hostages, 2 hateful inmate murders, 13 wounded inmates, some of them seriously, the buildings wrecked, a reign of terror and horror that lasted 4 days and cost the Canadian citizens more than one million dollars.

Thriving on the publication of the Report, several so-called experts, among them Kingston reporters and politicians, made written and verbal statements which prompted some dangerous criminals confined in Canadian prisons to revolt thereby undermining the authority of established institutions.

These so-called experts, according to Mr. Gascon, accuse the prison guards of brutality against the inmates. We wonder whether prisons exist to protect society or simply to punish prison guards.

Then, says Mr. Gascon, why do the so-called experts forget to talk about the violence and brutality of some of the inmates that are guilty of murder or serious assaults against prison guards and other inmates. These inmates are responsible for thousands of dollars of material damage to property each year.

Why don't they describe to the public the brutish conditions under which prison guards must often work? The personal abuse, the threats to themselves or their families, the spit in the face, the unceasing provocation directed to guards are rarely expressed in the newspapers, says Mr. Gascon. "Who should be accused of brutality?" asks Mr. Gascon. More than 200 prison guards have been wounded and held as hostages by inmates during the last few years."

Some of these guards will remain crippled for the rest of their lives and many more have had to relinquish their jobs because they could no longer cope with such conditions.

These so-called experts are nothing but public shams, says Mr. Gascon, and are responsible for the actual atmosphere prevalent at the Millhaven Institution where recent acts of violence have caused considerable damage.

These so-called experts cannot understand, says Mr. Gascon, that the rehabilitation of prison inmates will remain a monumental farce costing millions of dollars to Canadian citizens each year as long as we remain unable to separate the inmates capable of rehabilitation from those whose behaviour is closer to that of animals rather than human beings.

Once more, the guards in penitentiaries are used as scapegoats to conceal the failure of the penitentiary system's to rehabilitate hopeless inmates for whom the sole fate remains prison.

- 30 -

INFORMATION: Paul Gascon Tel. 232-4821 (Ottawa)

BRIEF on CLAIM BY:

Leslie Zimmer

and

Julius Martiz

Kingston Disturbance April, 1971

27 March 1973

### ALLEGATIONS

The allegations against Her Majesty are that the plaintiffs suffered injuries as a result of the negligence of servants of Her Majesty in that they failed to prevent and later repress the Kingston disturbance in April 1971 that they permitted the inmates "access to the security of the institution" and failed to remove the plaintiffs from the segregated area.

### LIABILITY

The Crown is liable in tort for damages for which, if it were private person it would be liable:

a) In respect of a tort committed by a servant of the Crown or

b) In respect of a breach of duty attaching to the ownership, occupation, possession or control of property (Appendix A).

### FACTS

Both plaintiffs were housed in range 1D at the Kingston Penitentiary at the time of the disturbance. They were part of the so-called "undesirables" and presumably were beaten by fellow inmates on the 17th or 18th of April 1971, after the Committee of Inmates lost control of the Dome.

### ISSUE

The issue in both cases is therefore whether the Crown was in fact negligent and therefore liable for the injuries of these two plaintiffs, and if liable to what extent.

### EVIDENCE

The witnesses to the events which gave rise to the claims and the persons who caused the actual injuries were all inmates. The attached list shows the names of those charged with injuring fellow inmates and the outcome of their trials (Appendix B).

It is apparent from departmental files that Laslo Zimmer, one of the plaintiffs, had been scheduled to give evidence for the Crown at the trial of his fellow inmates, but that at the time of the entry of the guilty pleas he had not as yet given evidence.

- 2 -

The report of the Commission of Enquiry into certain disturbances at Kingston Penitentiary during April, 1971 dealt with the injuries to inmates by other inmates in the following terms:

### Sunday Morning Riot

At about one o'clock on Sunday morning, a meeting of the Citizens' Committee and the Committee of Inmates was interrupted by a telephone message from the Dome area. The Committee of Inmates abruptly left the meeting and returned to the Dome. The members of the Citizens' Committee testified that it was obvious that some sort of a disturbance had or was about to break out in the Dome area. Shortly after one o'clock a great uproar of noise and shouting was heard from the dome. Members of the Committee of Inmates returned to the Hospital Wing between two and three o'clock in the morning. With the exception of one inmate, the remainder of the Committee refused to return to the Dome area. It was apparent that the Committee of Inmates had lost control of the situation and members of that Committee were concerned for their own physical safety.

Events moved very quickly. A trip to Ottawa which had been arranged for the Regional Director had been cancelled. At the same time, the uproar within the Dome area continued.

Because there are serious criminal charges pending before the courts with respect to the events which occurred in the Dome area in the early hours of Sunday morning, we do not propose at this time to deal with those events.

The undisputed facts are, however, that during those hours one inmate was killed, and another suffered injuries which resulted in his death.

In addition, thirteen inmates were apparently assaulted and suffered injuries as noted:

1. Head injuries, possible chest injuries.
2. Head injuries, lacerations right knee and calf.
3. Head injuries, sore neck.
4. Head injuries, chest injuries.
5. Head injuries.
6. Head injuries.
7. Lacerations to forehead and back of head.
8. Lacerations to nose and back of head.
9. Injuries to head.
10. Head injuries.
11. Injuries to nose and left eye.
12. Lacerations to face.
13. Laceration to forehead. //

In its summary of conclusions with respect to the terms of reference the Commission reported as follows:

4. "whether, if the disturbances were planned, knowledge of the planning came to the attention of any person in the employ of the Canadian Penitentiary Service or should have come to the attention of any such person;"

There was no evidence to indicate that knowledge of the planning of the April disturbances came to the attention of any person in the employ of the Canadian Penitentiary Service, or should have come to the attention of any such person. We express concern, however, at the contents of two letters from the Warden, dated November 24 1970 and January 18, 1971, written to the Commissioner of Penitentiaries and the Regional Director of Ontario respectively. In those letters the Warden expressed grave concern with respect to conditions existing at Kingston Penitentiary. Although during the course of his evidence, the Warden testified that in his opinion tension at the Penitentiary eased considerably following his letter of January 18, 1971, the letters did graphically forecast the tragic events which in fact did occur in mid-April, 1971.

5. "whether, if any person in the employ of the Canadian Penitentiary Service had knowledge as aforesaid, he took any preventive or other action, and if so, what action;"

We find that because no person in the employ of the Penitentiary Service had prior knowledge of the plans for the April disturbance no preventive or other action was taken.

In respect of the allegation that the defendant failed to move the plaintiffs from the segregated area it is believed that one member of the Citizens Committee, Prof. John Desmond Morton might give evidence that he spoke with the undesirables on Saturday and saw no evidence of the injuries. He might state that the majority of the undesirables were fearful but were protected by inmate guards and that Prof. Morton was of the impression that there was no intention to harm the undesirables. Prof. Morton might also state that the undersirables could have been brought out earlier during the disturbance but that the failure to do so was not deliberate. Prof. Morton himself had no appreciation of the danger. The issue was of low priority among the existing problems. Another member of the Citizens Committee, Mr. W.R. Donkin, in dealing with the same question would probably be of the opinion that those who made decisions did their best on the available facts.

#### COMPENSATION FOR VICTIMS OF CRIME

The plaintiffs among others applied for compensation as victims of crime but were turned down. The decision of the board is attached as Appendix C hereto.

CONCLUSION

There is not an absolute liability on behalf of the Crown to protect penitentiary inmates against injury. The question of whether the Crown was negligent is one of fact. It is expected that if the two plaintiffs are successful the other eleven will also claim compensation from the Crown. Statements of Defence will be entered and consideration might be given to whether it is desirable to settle the two claims without an admission of liability or to proceed to trial accepting the possibility that the Crown might be found liable.



**CHAPTER C-38**

**CHAPITRE C-38**

An Act respecting the liability of the Crown for torts and civil salvage

Loi sur la responsabilité civile de la Couronne en matière délictuelle et en matière de sauvetage

**SHORT TITLE**

**TITRE ABRÉGÉ**

1. This Act may be cited as the *Crown Liability Act, 1952-53, c. 30, s. 1.*

1. La présente loi peut être citée sous le titre: *Loi sur la responsabilité de la Couronne, 1952-53, c. 30, art. 1.*

**INTERPRETATION**

**INTERPRÉTATION**

2. In this Act

2. Dans la présente loi

"Crown" means Her Majesty in right of Canada;

«Couronne» désigne Sa Majesté du Chef du Canada;

"Crown ship" means a ship, as defined in the *Canada Shipping Act*, that is owned by or is in the exclusive possession of the Crown;

«délict civil», relativement à toute matière surgissant dans la province de Québec, signifie un délit ou quasi-délict;

"servant includes agent, but does not include any person appointed or employed by or under the authority of an ordinance of the Yukon Territory or the Northwest Territories;

«navire de la Couronne» signifie un navire (selon la définition de la *Loi sur la marine marchande du Canada*) dont la Couronne est propriétaire ou dont elle a la possession exclusive;

"tort" in respect of any matter arising in the Province of Quebec, means delict or quasi-delict. 1952-53, c. 30, s. 2.

«préposé» comprend un mandataire, mais ne comprend pas une personne nommée ou employée en vertu d'une ordonnance du territoire du Yukon ou des territoires du Nord-Ouest. 1952-53, c. 30, art. 2.

**PART I**

**PARTIE I**

**LIABILITY**

**RESPONSABILITÉ CIVILE**

*Tort and Civil Salvage*

*Délits civils et sauvetage*

3. (1) The Crown is liable in tort for the damages for which, if it were a private person of full age and capacity, it would be liable

3. (1) La Couronne est responsable des dommages dont elle serait responsable, si elle était un particulier majeur et capable,

(a) in respect of a tort committed by a servant of the Crown, or

a) à l'égard d'un délict civil commis par un préposé de la Couronne, ou

Chap. C-38

Responsabilité de la Couronne

	(b) in respect of a breach of duty attaching to the ownership, occupation, possession or control of property.	b) à l'égard d'un manquement au devoir afférent à la propriété, l'occupation, la possession ou la garde d'un bien.
Motor vehicles	(2) The Crown is liable for the damage sustained by any person by reason of a motor vehicle, owned by the Crown, upon a highway, for which the Crown would be liable if it were a private person of full age and capacity.	(2) La Couronne est responsable des dommages que cause un véhicule automobile qui lui appartient, sur un chemin public, et dont elle serait responsable si elle était un particulier majeur et capable.
Civil salvage	(3) The law relating to civil salvage, whether of life or property, (except sections 518 to 521, 524 to 528 and 530 of the <i>Canada Shipping Act</i> ) applies in relation to salvage services rendered after the 14th day of May 1953, in assisting any Crown ship or aircraft, or in saving life therefrom, or in saving any cargo or apparel belonging to the Crown, in the same manner as if the ship, aircraft, cargo or other apparel belonged to a private person, except that all claims against the Crown under this subsection shall be made by petition of right and shall be heard and determined by a judge of the Exchequer Court of Canada.	(3) Le droit relatif au sauvetage civil de personnes ou de biens (excepté les articles 518 à 521, 524 à 528 et 530 de la <i>Loi sur la marine marchande du Canada</i> ) s'applique à l'égard des services de sauvetage rendus après le 14 mai 1953 en portant secours à un navire ou aéronef de la Couronne, en sauvant la vie d'une personne à leur bord ou en sauvant un chargement ou des agrès et appareils appartenant à la Couronne, comme si le navire, l'aéronef, le chargement ou les agrès et appareils appartenaient à un particulier. Cependant, toute réclamation contre la Couronne en vertu du présent paragraphe doit être faite par pétition de droit. Un juge de la Cour de l'Échiquier du Canada l'instruit et statue en l'espèce.
Limitation of liability	(4) Sections 645 and 647 to 653 of the <i>Canada Shipping Act</i> apply for the purpose of limiting the liability of the Crown in respect of Crown ships; and where, for the purposes of any proceedings under this Act, it is necessary to ascertain the tonnage of a ship that has no register tonnage within the meaning of the <i>Canada Shipping Act</i> , the tonnage of the ship shall be ascertained in accordance with section 94 of that Act.	(4) Les articles 645 et 647 à 653 de la <i>Loi sur la marine marchande du Canada</i> s'appliquent afin de limiter la responsabilité de la Couronne à l'égard de ses navires. Quant, aux fins de procédures sous le régime de la présente loi, il est nécessaire de déterminer le tonnage d'un navire qui n'a aucun tonnage net au sens de la <i>Loi sur la marine marchande du Canada</i> , le tonnage du navire doit être déterminé conformément à l'article 94 de ladite loi.
Idem	(5) Section 536 of the <i>Canada Shipping Act</i> applies in respect of salvage services rendered to Crown ships or aircraft as it applies in respect of salvage services rendered to other ships or aircraft, and sections 638 to 640 of that Act apply in respect of Crown ships as they apply in the case of other ships.	(5) L'article 536 de la <i>Loi sur la marine marchande du Canada</i> s'applique aux services de sauvetage rendus aux navires ou aéronefs de la Couronne comme aux services de sauvetage rendus aux autres navires ou aéronefs. Les articles 638 à 640 de ladite loi s'appliquent aux navires de la Couronne comme aux autres navires.
Saving in respect of prerogative and statutory powers	(6) Nothing in this section makes the Crown liable in respect of anything done or omitted in the exercise of any power or authority that, if this section had not been passed, would have been exercisable by virtue of the prerogative of the Crown, or any power or authority conferred on the Crown by any statute, and, in particular, but without	(6) Rien dans le présent article ne rend la Couronne responsable à l'égard d'un acte ou d'une omission résultant de l'exercice d'un pouvoir ou d'une autorité qui, sans l'adoption du présent article, aurait pu être exercé en vertu de la prerogative de la Couronne ou d'une loi. En particulier, mais sans restreindre la généralité de ce qui précède, rien dans le

s.19(1)

CRIMINAL CHARGES  
arising out of Disturbance

INMATES

12 Inmates - manslaughter - guilty pleas

[REDACTED]  
SHEPLEY, William  
[REDACTED]

1 Inmate - assault causing bodily harm - guilty plea

[REDACTED]

Kingston Incident - April 1971

[REDACTED]  
SENTENCE : 3 years consecutive  
NEW DATE OF RELEASE : 9 December 1976  
FORMER DATE OF RELEASE: 22 November 1974

[REDACTED]  
SENTENCE : 11 years concurrent  
NEW DATE OF RELEASE : 26 November 1978  
FORMER DATE OF RELEASE: 30 September 1975

[REDACTED]  
SENTENCE : 2 years consecutive  
NEW DATE OF RELEASE : 17 March 1975  
FORMER DATE OF RELEASE: 4 November 1973

[REDACTED]  
SENTENCE : 7 years concurrent  
NEW DATE OF RELEASE : 17 January 1976  
FORMER DATE OF RELEASE: 29 April 1973

[REDACTED]  
SENTENCE : 6 years concurrent  
NEW DATE OF RELEASE : 4 August 1975  
FORMER DATE OF RELEASE: 22 August 1972

6657 SHEPLEY, W.D.

SENTENCE : 15 years concurrent  
NEW DATE OF RELEASE : 19 August 1981  
FORMER DATE OF RELEASE: 4 July 1978

[REDACTED]  
SENTENCE : 8 years concurrent  
NEW DATE OF RELEASE : no change  
FORMER DATE OF RELEASE: life

[REDACTED]  
SENTENCE : 3 years concurrent  
NEW DATE OF RELEASE : no change  
FORMER DATE OF RELEASE: life

[REDACTED]  
SENTENCE : 3 years consecutive  
NEW DATE OF RELEASE : 16 January 1974  
FORMER DATE OF RELEASE: 31 December 1971

[REDACTED]  
SENTENCE : 21 months concurrent  
NEW DATE OF RELEASE : 28 July 1974 (serving 8 years from  
FORMER DATE OF RELEASE: 28 July 1974 December 6, 1969)

[REDACTED]  
SENTENCE : 3 years consecutive  
NEW DATE OF RELEASE : 25 July 1975  
FORMER DATE OF RELEASE: 7 July 1973

[REDACTED]  
SENTENCE : 2 years concurrent  
NEW DATE OF RELEASE : no change  
FORMER DATE OF RELEASE: life

[REDACTED]  
SENTENCE : 3 years consecutive  
NEW DATE OF RELEASE : 24 August 1977  
FORMER DATE OF RELEASE: 7 August 1975

**MEMORANDUM**

**NOTE DE SERVICE**

646-5/29-1

TO  
À **THE SOLICITOR GENERAL**

FROM  
DE **DEPUTY SOLICITOR GENERAL**

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE <b>646-5/29-1</b>
YOUR FILE - V/RÉFÉRENCE
DATE <b>26 March 1973</b>

SUBJECT  
OBJET **Kingston Disturbance April, 1971**

Further to my memorandum of 21 March 1973  
I attach a brief on the claim from the two inmates  
for damages for alleged injuries during the distur-  
bance.

ORIGINAL SIGNED BY  
ORIGINAL SIGNÉ PAR  
**R. TASSE**

**Roger Tassé,  
Deputy Solicitor General**

THE MATTER OF THE LAW ENFORCEMENT COMPENSATION ACT, 1967, as amended

and

IN THE MATTER OF THE COMPENSATION FOR VICTIMS OF CRIME ACT, 1971

and

IN THE MATTER OF CLAIMS (2) by

ROBERT J. SHEEHAN  
File No.100-387 and  
File No.100-816

and

IN THE MATTER OF A CLAIM by

DONALD J. ARSENAULT  
File No.100-548

and

IN THE MATTER OF A CLAIM by

ALLAN C. SAUNDERS  
File No.100-752

and

IN THE MATTER OF A CLAIM by

LESLIE ZIMMER  
File No.100-804

and

IN THE MATTER OF A CLAIM by

JULIUS MARTISZ  
File No.100-805

and

IN THE MATTER OF A CLAIM by

T. WAYNE DECKER  
File No.100-574

The Board

Arthur A. Wishart, Q.C.  
A. Roy Willmott, Q.C.  
Robert C. Rutherford, Q.C.  
Vincent K. McEwan, Q.C.

Appearances

Robert J. Sheehan, the applicant  
L.H. Tepper, counsel  
Professor R.R. Price, counsel

Donald J. Arsenault, the applicant  
Douglas Belch of Swan, Cardy & Belch, counsel  
(agent for Cartwright and Cartwright)

Allan C. Saunders, the applicant  
J. Alexander Menzies, Q.C., counsel

Leslie Zimmer, the applicant  
Barrie D. Chercover, counsel

Julius Martisz, the applicant  
Barrie D. Chercover, counsel

T. Wayne Decker, the applicant

Dates and place of hearings

July 18th and July 19th, 1972, at Kingston, Ontario.

D E C I S I O N

Each of the above named applicants, with the exception of  
Wayne Decker, had been convicted of a crime and sentenced to serve

a term in Kingston Penitentiary where they were prisoners in April, 1971.

Wayne Decker is a guard at Kingston Penitentiary where he has been employed for a period of more than six years.

Riots broke out among the prisoners in Kingston Penitentiary commencing on the 14th day of April, 1971 and continuing through April 19th. During the course of the riots, the inmate applicants, along with a group of other inmates, were forcibly removed from their cells by the rioters, taken to another part of the prison, tied and severely beaten. The beatings continued over several hours through the day and night with threats that they would be killed. Each of them sustained physical injuries of various natures and degrees of severity. The guard, Wayne Decker, was assaulted, beaten and injured at the outbreak of the riot on April 14th.

Previously, on January 2, 1970 and while the applicant Sheehan was a prisoner, he was beaten by another inmate of the penitentiary at which time he was knocked unconscious and sustained a severe injury to the head with damage to the bone structure on the left side of his face causing impaired eyesight and facial disfigurement. Both of these assaults caused the applicant much pain and suffering and both have resulted in impairment to his physical and mental condition.

Each of the applicants appears before this Board seeking

Document disclosed under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

compensation as a victim of a criminal assault. The necessary treatment and hospital care were provided for all the applicants by the penitentiary administration. The guard, Wayne Decker, received Workmen's Compensation payments in the amount of \$807.76.

"Victim" is defined in Section 1(e) of The Law Enforcement Compensation Act, 1967 (as amended) by reference to Subsection 1 of Section 3. On the evidence as above recited, the Board finds each of the applicants to be a victim within the meaning of the Act.

The evidence before the Board clearly established that the inmate applicants took no part in the riot but were removed from their cells, set upon and beaten by other prisoners without provocation. As punishment for prior reprehensible criminal action the prisoner applicants were by sentence of the Court, incarcerated in the penitentiary. While that punishment comprehended loss of freedom and activity confined within the strict rules of the penal institution, it is not to be considered or accepted that such punishment contemplated the risk of danger to life and limb through injury by assault and abuse at the hands of fellow convicts. Within the confines of that institution the inmate applicants were entitled to protection from criminal assault and injury by their fellow inmates.

However, although these applicants are found to be victims within the meaning of the Act, the Board is not prepared to make an award of compensation in the circumstances in which they were injured.

The fact that the inmate applicants before the commission of the criminal assault by which they suffered injury had themselves been guilty of criminal behaviour for which they had been convicted, has

some relevance to these applicants. In the event of a riot, prior criminal activity these applicants would not have found themselves in Kingston Penitentiary where they were injured in a riot by other prisoners, may not of itself alone disentitle them to compensation but it is an element which the Board may take into consideration, particularly having regard to Section 5 which is as follows:-

" In determining whether to make an order for compensation and the amount thereof, the Board may have regard to all such circumstances as it considers relevant, including any behaviour of the victim that directly or indirectly contributed to his injury or death. "

The prior behavioural factor is not a relevant consideration in the case of the guard Decker, but in all these cases the criminal assault, causing injury to the applicants, took place within the walls of Kingston Penitentiary, and at all relevant times both victim and assailant were in the official and exclusive custody of another government under conditions which were totally outside the power and jurisdiction of the Government of Ontario to deal with.

Kingston Penitentiary is a federal institution, and as such is under the exclusive control of the Government of Canada through the Solicitor General of Canada. In this sense, a penitentiary is an enclave situate within the Province of Ontario: the Government of Ontario has no jurisdiction over a penitentiary and no opportunity to involve itself in any aspect of its administration.

In Kingston Penitentiary, prisoners are brought into involuntary association with each other under conditions created by the administrators of the institution. As part of that administration, provision for the care and protection of inmates thus brought

together is likewise within the exclusive domain of the Federal

Government. The ability of the Province to provide for the protection of its citizens against injury through crime has no relevance in a penitentiary. It is noteworthy that practically all acts of wrongful behaviour by inmates within the Penitentiary, including conduct such as assaults which may be criminal in nature, are dealt with as breaches of discipline by the administrators of the institution: only occasionally, and where some serious crime has been committed within the Penitentiary, are law enforcement agencies of the province called in to investigate with a view to prosecution, and then only after the incident and not during its currency.

The Board is desirous of pointing out that in its view there is a clear and readily perceptible distinction between a penitentiary and other federal institutions such as embassies, post offices, armouries, etc. In these latter institutions the public has full, free and ready access to the premises, as do the law enforcement personnel of the province, while in the penitentiary the public is barred from entry as effectively as the prisoner is barred from egress and the police forces of the province do not normally enter on the penitentiary premises to maintain order or enforce the law therein.

The Board considers the foregoing circumstances to be not only relevant but persuasive in determining whether an Order should be made for payment of compensation - compensation moreover, which is

The Board wishes to make plain that its decision was in no way based on the fact that it is the Government of Canada (as opposed to any other authority) which has jurisdiction over penitentiaries. The point is not who has jurisdiction, but that Ontario has none. For the same reason, the Board does not consider that there is any constitutional issue involved here: the Board accepts that the province may validly provide for payment of compensation to victims who are inmates of a penitentiary.

There were a number of applications - seven in all - for compensation by inmates of Kingston Penitentiary who were criminally assaulted and injured by their fellow convicts in the riots of April 14th - 18th, 1971. All of these applications arose out of the same, or a similar set of, circumstances. The case of the guard Decker differs from the others in that he was not a prisoner inmate, but an employee of the penitentiary.

There was no evidence adduced before this Board to indicate that any application by any of these applicants had been made to, or any proceedings taken against, any other government department, ministry or agency, to obtain compensation or damages.

It was submitted to us in oral and written argument by counsel on behalf of several of these applicants that the language of Section 3 of The Law Enforcement Compensation Act which provides that

" the Board may . . . make an order in its discretion exercised in accordance with this Act for the payment of compensation and the decision of the Board is final and conclusive for all purposes "

is, in effect, mandatory, and that it is not open to the Board to

clude an inmate of a federal penitentiary in Ontario from the benefits of the Act.

It was further submitted in argument that the particular words of the Section above quoted,

" in its discretion exercised in accordance with this Act " constitute a limitation on the power of the Board and that the Board has no power to exclude from compensation any class of applicant submitting claims that fall within the express wording of the statutory provisions authorizing payment of compensation.

That phrase, however, is readily intelligible as referring to the limits imposed on, for example, the type of claim for which compensation may be awarded (Section 4) or what maximum amount may be ordered (Section 10).

These submissions, in effect, amount to an argument that each of these applicants has a right to an order for compensation once he brings himself within any of the clauses a, b and c of subsection (1) of Section 3, or in other words that the Board has a duty to order compensation.

With respect the Board must disagree. While it is true that phraseology apparently permissive ("the Board may . . .") is not by itself conclusive, and that its statutory context can reveal not merely a power but a duty - JULIUS v. THE LORD BISHOP OF OXFORD (1880) 5 App. Cases 214 - it is our view that the statutory context here discloses that the Board does not have a duty but on the

s exercised in many cases prior hereto.

It is noted that in these submissions directed towards establishing the proposition that there is a limitation on the Board's power to refuse compensation, counsel for the applicants confine their arguments to the discretion provided for in Section 3, with which we have already dealt, and address themselves not at all to Section 5 hereinabove set out, which empowers the Board not merely to have regard to all relevant circumstances but to decide for itself what it considers relevant.

In *CANADIAN NATIONAL RAILWAYS v. CANADA STEAMSHIP LINES LIMITED* (1945) A.C. 204, dealing with the effect to be given to the words of a statute setting forth a power of discretion in terms no wider than those contained in Section 5, Lord MacMillan, delivering the judgment of the Privy Council, said at page 211:

" It would be difficult to conceive a wider discretion than is conferred on the board as to the considerations to which it is to have regard in disposing of an application for the approval of an agreed charge. It is to have regard to 'all considerations which appear to it to be relevant.' Not only is it not precluded negatively from having regard to any considerations, but it is enjoined positively to have regard to every consideration which in its opinion is relevant. So long as that discretion is exercised in good faith the decision of the board as to what considerations are relevant would appear to be unchallengeable. The circumstances that the general words are followed by a specific direction to the board to have regard in particular to two specified topics in no way derogates from the generality of their discretion. "

It was further submitted in argument that the Board could not arbitrarily or discriminatorily exclude a class of applicant from

the benefits provided for in the Act. The Board is at pains to point

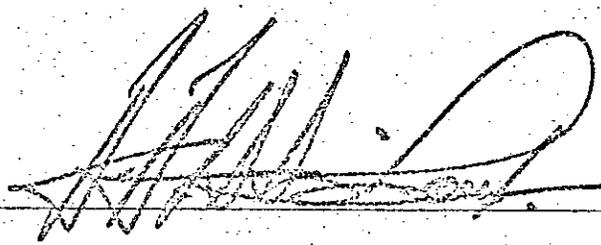
out that there has been no arbitrary or discriminatory exclusion. To be specific, the fact that the applicants were or are inmates of a penitentiary does not, of itself, in any way disentitle the applicants to compensation. In general the Board is ready to order payment of compensation to any member of any class of persons, so long as the circumstances in the individual case appear to the Board to justify such an order.

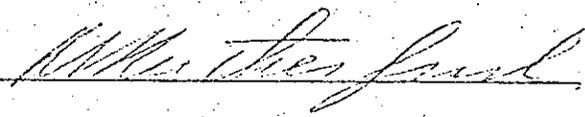
It was also submitted in argument that the Board should seek to ascertain the intention of the Legislature from the wording of the statute itself, and should not attempt to ascertain that intention from any source extraneous to the statute. The Board fully recognizes the principle of statutory construction underlying that submission, and desires to state that it has in no way presumed to rely on any intention of the Legislature supposedly known to the Board although not expressed or implied in the statute.

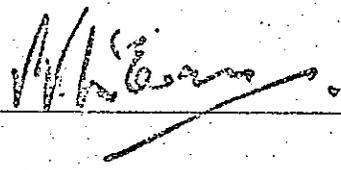
The Board conducted full hearings in connection with each of these applications and in the course thereof, made an assessment of the compensation to which each victim would be entitled. These evaluations are retained on our files relating to each applicant and there would appear to be no reason to publish them since in the circumstances of these incidents the Board, His Honour Judge A. Roy Willmott dissenting, has decided, in the exercise of its discretion, not to make an order for the

Document disclosed under the Access to Information Act  
Document divulgué en vertu de la Loi sur l'accès à l'information  
payment of compensation to any of the said applicants and the  
pplications are accordingly refused.

Dated at Toronto, Ontario, this 12th day of January, 1973.

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

IN THE MATTER OF THE LAW ENFORCEMENT COMPENSATION ACT, 1967, as amended

and

IN THE MATTER OF THE COMPENSATION FOR VICTIMS OF CRIME ACT, 1971

and

IN THE MATTER OF CLAIMS (2) by ROBERT J. SHEEHAN  
File No. 100-387 and  
File No. 100-816

and

IN THE MATTER OF A CLAIM by DONALD J. ARSENAULT  
File No. 100-548

and

IN THE MATTER OF A CLAIM by ALLAN C. SAUNDERS  
File No. 100-752

and

IN THE MATTER OF A CLAIM by LESLIE ZIMMER  
File No. 100-804

and

IN THE MATTER OF A CLAIM by JULIUS MARTISZ  
File No. 100-805

and

IN THE MATTER OF A CLAIM by T. WAYNE DECKER  
File No. 100-574

The Board

Arthur A. Wishart, Q.C.  
Roy Willmott, Q.C.  
Robert C. Rutherford, Q.C.  
Vincent K. McEwan, Q.C.

Appearances

Robert J. Sheehan, the applicant  
L.H. Tepper, counsel  
Professor R.R. Price, counsel

Donald J. Arsenault, the applicant  
Douglas Belch of Swan, Cardy & Belch, counsel  
(agent for Cartwright and Cartwright)

Allan C. Saunders, the applicant  
J. Alexander Menzies, Q.C., counsel

Leslie Zimmer, the applicant  
Barrie D. Chercover, counsel

Julius Martisz, the applicant  
Barrie D. Chercover, counsel

T. Wayne Decker, the applicant

Dates and place of hearings

July 18th and July 19th, 1972, at Kingston, Ontario.

D E C I S I O N

The above named applicants were viciously assaulted by prisoners incarcerated in Kingston Penitentiary and were injured by such assaults. Each injury resulted from a crime committed in Ontario. As the majority decision has noted, the crimes come within the

Statute, and the Board has jurisdiction but also has a discretion as to whether or not an award should be made.

The fact that the applicants, with the exception of Wayne Decker, a custodial officer, before the commission of the criminal assaults by which they suffered injury have themselves been guilty of criminal behaviour for which they have been convicted, is not relevant to these applications. Nor does the fact that, but for their own criminal activities these applicants would not have found themselves in Kingston Penitentiary where they were injured in a riot by other prisoners, of itself disentitle them to compensation.

One can assume that the court, in fixing sentence, took into consideration the circumstances of their crimes. The Board has no right to review the action of the court.

On the evidence, these applicants took no part in the disturbances in the prison and they were in no way to blame for them or for the assaults committed on them. That being the case, these applicants are entitled under the Statute to have the Board consider the circumstances of their particular claims.

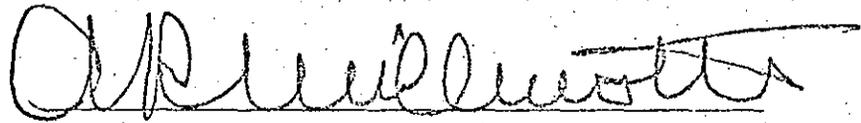
The majority decision of the Board indicates that they have exercised their discretion and have declined to make an award because of the prior criminal activity of the applicants and also on the ground that the Province has no responsibility for the maintenance of law and order in a federal penitentiary.

On this second ground, the view adopted by the majority of the Board logically would be tantamount to interpreting the Statute

as if it applied to crimes committed in Ontario except in those parts of the Province in which the Province is not responsible for the maintenance of law and order. In so doing they are making an exception to the Statute as the Legislature enacted it and that, of course, only the Legislature can do.

There is no reason why the Board's discretion should not be exercised in favour of the applicants, and the amounts assessed by the Board after the hearings at Kingston, should be paid to them.

Dated at Toronto, Ontario, this 12th day of January, 1973.

A handwritten signature in cursive script, appearing to read "J.P. Mulcahy", written over a horizontal line.



Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
À

**THE SOLICITOR GENERAL**

FROM  
DE

**DEPUTY SOLICITOR GENERAL**

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE <b>March 21, 1973</b>

SUBJECT  
OBJET

**Kingston Disturbance April, 1971**

This is to advise you that two of the thirteen inmates who were injured by other inmates during the above disturbance, have commenced action against Her Majesty. These inmates were part of the so-called "undesirables" who were in protective custody.

They are alleging that their injuries were caused by the failure of the Penitentiary Service to prevent the insurrection.

I have given instructions to file statements of defence, and asked for a thorough report for you as soon as possible.

CHIEF CLERK  
CLERK  
F. A. G. E.

INGER HANSEN/

**Roger Tassé,  
Deputy Solicitor General**

MEMORANDUM

NOTE DE SERVICE

TO A MR. P.A. FAGUY  
COMMISSIONER OF PENITENTIARIES

FROM DE DEPUTY SOLICITOR GENERAL

File  
117-2

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE March 8, 1973

SUBJECT ORJET Oral Question Period, March 2, 1973

1. During the Question Period on Friday, March 2, 1973, the Minister was asked by Miss Flora MacDonald for the possible reimbursement to the City of Kingston of \$120,000 expense directly attributed to the Kingston Penitentiary disturbance in April 1971.
2. I have been asked to look into the question and I would appreciate it if you could provide me with the benefit of your comments.

CHIEF CLERK  
R. TASSÉ

RT/h1

Roger Tassé

c.c. Mr. Bourne

*Copies on: 117-2  
119-2*



Government  
of Canada

Gouvernement  
du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
À

MR. P.A. FAGUY  
COMMISSIONER OF PENITENTIARIES

FROM  
DE

DEPUTY SOLICITOR GENERAL

SUBJECT  
OBJET

Oral Question Period, March 2, 1973

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE March 8, 1973

1. During the Question Period on Friday, March 2, 1973, Mr. Andrew Brevin suggested to the Minister that consideration be given to the referral of the Swackhamer Report to the Parliamentary Committee on Justice and Legal Affairs.

2. I have been asked to look into this question. Before making my comments available to the Minister, I would appreciate it if you could give me the benefits of your own thoughts on the matter.

RT/hl

Roger Tassé

*Reply rec'd March 13/73  
HL*



Government  
of Canada

Gouvernement  
du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
À

Roger Tassé  
Deputy Solicitor General

FROM  
DE

Jim McDonald  
Special Assistant  
Solicitor General

SUBJECT  
OBJET

Oral Question Period, March 2, 1973

During question period on Friday, March 2, 1973, the Minister stated he would look into the following:

Mr. Andrew Brewin suggested the possible referral of the Swackhamer Report to a Parliamentary Committee on justice and legal affairs.

Miss Flora MacDonald has asked for the possible reimbursement to the City of Kingston of \$120,000 expense directly attributable to the Kingston Penitentiary disturbance.

The Minister has asked me to ascertain your feelings on these subjects.

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE March 5, 1973

W  
send RJA  
copy for  
his info  
EPA

MINISTER OF NATIONAL DEFENCE



MINISTRE DE LA DÉFENSE NATIONALE

CANADA

Ottawa  
March 7th, 1973

RECEIVED  
OFFICE OF THE  
SOLICITOR GENERAL  
Mar 12 9 55 AM '73

The Honourable Warren Allmand,  
Solicitor General,  
House of Commons,  
Ottawa, Ontario.

File  
Classer

Dear Colleague:

Thank you for sending to me, with your letter of February 28th, a copy of the Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary in April, 1971.

I will read this report with great interest, and I wish to acknowledge, particularly, the complimentary remarks in your letter about the assistance provided to the Canadian Penitentiary Service by the Canadian Armed Forces.

Sincerely,

*James Richardson*  
James Richardson

TO / À  
Inger Hansen  
Legal Officer

FROM / DE  
Director, Financial Services

SUBJECT / OBJET  
Disturbance - Kingston Penitentiary  
April 1971

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/ RÉFÉRENCE 6246 35242 (410)
YOUR FILE - V/ RÉFÉRENCE
DATE January 26, 1973.

We have been advised as follows:

1. The amount of overtime paid to the correctional officers who were held hostage during the above disturbance is as follows:

Dale	156 hrs.	value	\$ 626.96
Flynn	156 hrs.	"	644.48
Decker	70 hrs.	"	218.25
Barrett	175 hrs.	"	795.72
Vallier	173 hrs.	"	695.28
Bushell	156 hrs.	"	440.42

Computations made on basis of attached letter para. 2 from Chief, Staff Relations.

2. This was a precedent and becomes our policy.
3. PSAC consulted and agreed with policy.
4. Decker - \$83.63 loss of personal effects.

*[Signature]*  
for Director, Financial Services.

Att.

646-5/29-1



Government of Canada  
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
À

MR. D.G. COBB,  
EXECUTIVE ASSISTANT TO THE MINISTER  
DEPUTY MINISTER

FROM  
DE

DEPARTMENTAL COUNSEL

SECURITY CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/ RÉFÉRENCE
YOUR FILE - V/ RÉFÉRENCE
DATE January 25, 1973

SUBJECT  
OBJET  
Possible Question in the House -  
Decision of Ontario Criminal Injuries  
Compensation Board

You asked me this morning to prepare a statement that might be used if the Solicitor General were asked a question on the above matter. I set out hereunder a question that might be asked, and a suggested reply.

Possible Question

Is the Solicitor General aware of the recent decision of the Criminal Injuries Compensation Board of Ontario refusing compensation to a guard and a number of inmates who were injured in a disturbance at Kingston Penitentiary in April, 1971. If so, what action does the Solicitor General propose to take?

Suggested Reply

Mr. Speaker, I have not seen anything beyond newspaper reports concerning the apparent decision referred to by the Honourable Member. Without having the opportunity to peruse the actual text of the decision, I can only make a general reply on this subject.

It appears that the ruling has proceeded on the footing that the Compensation For the Victims of Crime Act, 1971, passed by the Province of Ontario, had as its rationale the assumption by the provincial authorities of responsibility for compensation to victims of crime as the responsibility of the Province extended to ensuring, so far as possible, the safety of the population. The occurrence, for example, of an assault causing bodily harm might be considered as a failure in some sense to afford to a citizen the protection which he had a right to expect, and hence as giving rise to a claim against the Province for compensation. In this context it is, I think, understandable that so far as penitentiaries are concerned a right to compensation would not subsist, since the maintenance of good order and the prevention of crime within the penitentiary has been entrusted by law to the Federal Government.

.....2

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3573-KNIGHT*

- 2 -

In any event, the Province of Ontario is quite entitled to determine what crimes should be compensable and exclude from the benefits of its legislation any particular class of case. I would note that under the Provincial Act an award by the Criminal Injuries Compensation Board is discretionary and that no appeal lies from its decision except that upon a question of law an appeal may be taken to the Supreme Court of Ontario. It will, as well, be obvious that the Government of Canada was not a party to these proceedings and, indeed, could not be, so that there is no basis upon which it might intervene.

JHM/mab

J.H. Hollies,  
Departmental Counsel



Government  
of Canada

Gouvernement  
du Canada

MEMORANDUM

NOTE DE SERVICE

64-5/29-1 14.

TO  
À

**N. Hembruff**  
**Director, Financial Services**  
**Canadian Penitentiary Service**

FROM  
DE

**Inger Hansen**  
**Legal Officer**

SUBJECT  
OBJET

**Disturbance - Kingston Penitentiary**  
**April 1971**

SECURITY CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE <b>January 22, 1973</b>

For the purposes of a brief to the Solicitor General, would you be kind enough to advise me of the following:

1. The amount of overtime paid to the correctional officers who were held hostage during the above disturbance, and the basis on which it was calculated.
2. Is the payment of overtime and no other compensation in accordance with established policy?
3. Was the Public Service Alliance involved in the negotiations, and if so, what was their attitude to the subject of compensation to correctional officers when taken hostage?
4. What amounts of compensation, if any, were paid to the hostages for loss of personal articles?

Original Signed by,  
**I. HANSEN**

**INGER HANSEN**

Regional Director (Ontario).

C.35242 (1).

Att<sup>n</sup>: Regional Personnel  
Administrator.

30 April 1971.

Overtime For Hostages -  
Incidents of January and April 1971.

1. Our interpretation of overtime entitlements requested in your letter of 27 April 1971 (file C.355) is as follows:

In the case of Bramley and Marsden, they would be entitled to straight time for their first scheduled eight hours; time and one half for the next eight hours and double time for all hours thereafter.

2. In the case of the incident that took place at Kingston in April 1971, the following interpretation will apply equally to hostages and employees who were required to be on duty for continuous periods:

Straight time for their first scheduled eight hours; time and one half for the next eight hours, and double time thereafter.

3. We wish to point out that we do not condone the practice of requiring employees to remain on duty for long periods of time. It is considered that as much as is practicable, employees should not be required to remain on duty for extensive periods, particularly to the extent that work is continuous through two or more regularly scheduled periods.

Original signed by

E. C. WADDINGTON

Chief, Staff Relations.

ORIGINAL NOT CLEAR

GD:cl



Government of Canada  
Gouvernement du Canada

MEMORANDUM NOTE DE SERVICE  
P.A. Faguy

TO  
À

DEPUTY SOLICITOR GENERAL

FROM  
DE

INGER HANSEN  
LEGAL OFFICER

SECURITY - CLASSIFICATION - DE SÉCURITÉ
CONFIDENTIAL
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE January 19, 1973

SUBJECT  
OBJET Kingston Disturbance, April 1971

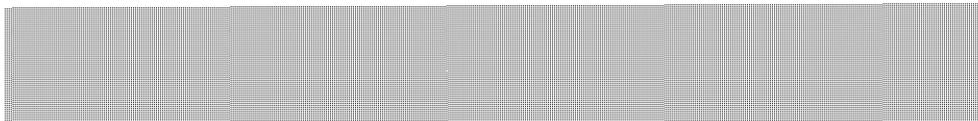
As requested, the following are statistics on inmates, showing numbers transferred and numbers injured:

Inmates in Kingston at the time of the disturbance	641
Inmates left in Kingston after the disturbance	351
	<hr/>
	290
Inmates transferred	
Collins Bay	50
Warkworth	24
Joyceville	30
Millhaven	186
	<hr/>
	290

Of those transferred to Millhaven, 78 complained to the two doctors and the wording of the complaint in each case is attached.

s.19(1)

Criminal charges were laid in respect of injuries to:



Original Signed For  
P. F. 157

IH/lof

INGER HANSEN

cc Mr. Pennington  
Mr. Evraire

000463

This inmate states that on the date of transfer to Millhaven Institution, he was beaten at the backs of the legs and buttocks by "five or six guards" with large clubs. He says he has suffered no permanent injury but some bruising occurred which has been healing since that time. He is not certain of the date of his transfer to this Institution.

On examination at the present time, he shows a resolving hematoma about two inches in diameter on the posterior surfaces of the right thigh somewhat towards the medial margin which is slightly tender to palpation. No other injury was claimed or diagnosed. Dr. D. G. Workman

I concur with Dr. D. G. Workman, that this man claims to have sustained an injury produced by a guard or guards when he was transferred to this Institution. Apparently, he claims he was hit about the legs and back with a club.

On examination he has a small resolving hematoma about three inches in diameter on the medial aspect of the right thigh. Dr. R. N. James

J  
States that on the day of arrival at Millhaven Institution (he does not know the day), he was struck with billy clubs by the guards and was forced to "run the gauntlet". He states that he was hit about the buttocks and thighs and was tripped and fell, hurting his left ankle. On examination he shows marked bruising over the medial margin of the left ankle - about three inches in diameter. No swelling is present. Function appears normal. He also shows a two inch resolving hematoma over the right middle buttocks area. No other evidence of recent injury except for two healing lacerations about one inch long on the lower anterior left tibia.

DR. JAMES:-

This man claims that on transfer to Millhaven Institution -- he was not sure of the date -- he was struck by the guards carrying billy clubs, sustaining injuries to his lower body. On examination he has resolving hematomas of his right buttock and also of the inner aspect of his left ankle just below the malleolus.

s.19(1)

..... ll

s.19(1)

.....

DR. WORKMAN:-

✓ Inmate states that on his admission which he believes was on a Tuesday, he was beaten not severely by guards wielding Billy Clubs about the buttocks and the upper legs, at the back. States that this produced no bruising at the time and no discernable injury. No other complaints.

.....

DR. JAMES:

This man claims that on transfer to M.I. he was struck by guards carrying billies. He sustained (he claims) little or no injury and no bruising. He has no complaints.

.....

s.19(1)

██████████  
DR. WORKMAN:-

✓  
Inmate complains that on the date of his arrival  
to Millhaven Institution, April 20th, 1971 he was  
struck numerous times by the guards armed with  
clubs. Injury was received to his left anterior  
knee and posterior thighs, he stated. On examination  
he does show an area of marked tenderness and swelling  
over the left anterior tibial tubercle. This area is  
swollen and tender and I would suggest that an x-ray  
be taken to rule out a fracture of the tibial tubercle.

██████████  
DR. JAMES:-

This man claims that on transfer to Millhaven Institution  
April 20th, 1971 he was hit about the lower body by  
guards carrying clubs. On examination today he has  
a very tender swollen area over the tibial tubercle  
on his left leg and he also has a small resolving hema-  
toma on the lower aspect of the same thigh.

s.19(1)

J [REDACTED] Inmate states that he was beaten after his arrival here on two separate occasions within five minutes, by guards. He states that he was beaten about the left eye, left ear, back of the skull, shoulders, and legs. He says he still has difficulty with humming in his left ear. On examination he shows little evidence of external injury at the present time. This examiner finds he had a left "black eye" and a hematoma about the left external cartilage on 21 April plus a left serous otitis present. He shows none of these and he also complains of some bruising about the lower legs which do show healing abrasions. He also shows a small healed laceration of the occipital area approximately about one half inch or less in length. Dr. D. G. Workman.

-----  
This man claims that after admission to this Millhaven Institution he was beaten on two occasions five minutes apart. He was beaten about the head, left shoulder, left eye, and ear and left knee. On examination to day he shows as his only complaint a humming in the ear and shows nothing but a very small healed laceration of the occipital area. Dr. R. H. James.

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page 15

DR. WORKMAN:-

Inmate states that on date of admission he was hit by officers with clubs over the lower back and upper thighs, posteriorly. On examination he shows a questionable, almost totally resolved hematoma about one inch in diameter on the right posterior mid thigh. No other evidence of recent or old injury.

DR. JAMES:-

This man claims that on transfer to Millhaven Institution he was beaten by guards holding billy clubs. On examination today he shows only a small resolving hematoma on his right posterior thigh.

[REDACTED]  
DR. WORKMAN:-

J  
Inmate states that on his arrival on April 20 at Millhaven Institution he was tripped by a guard while running in. When he went to get up he states that he was kicked in the upper abdomen by the guard which produced immediate discomfort. He states that at present he has no discomfort or disability resulting from this injury. On examination he shows no evidence of injury. He complains of a slight epigastric tenderness but states he has suffered with this for some time and he says he has a "nervous stomach".

[REDACTED]  
DR. JAMES:-

This man claims that on transfer to this Institution he was kicked in the stomach by a guard after being initially tripped. At the present time he has no complaints. On examination he has mild epigastric tenderness, but no other physical signs of residual damage. His only complaint is indigestion and "stomach trouble" which he has had for some time.

[REDACTED]  
DR. WORKMAN:-

s.19(1)

[REDACTED]

DR. WORKMAN:-

Inmate states that on his arrival at M.I. 20 April 1971 he was hit six(6) to eight(8) times about the buttocks and posterior by guards armed with clubs. On examination, he shows a round one and one half(1½) inch resolving hematoma on the mis/posterior right thigh. No evidence of other injury could be found.

.....

[REDACTED]

DR. JAMES

This man claims that on transfer to M.I. on 20 April 1971, he was struck about the buttocks and lower legs by guards with night sticks. On examination, he shows a small resolving hematoma of the right upper thigh posterior aspect.

.....

.....

DR. WORKMAN:-

Inmate states that on the time of his arrival and transfer here from K.P. to M.I. on 20 April 1971, he was struck by several guards about the left elbow joint and the buttocks and posterior thighs. On examination he shows a large four to six inch resolving hematoma over the left elbow joint with moderate tenderness over lateral epicondyle and he shows no hematomas or discolorations over the buttocks or posterior thighs. I would recommend he have his left elbow x-rayed, no other findings - impression - rule out fracture about the left elbow.

.....

DR. JAMES:-

This man on 20 April 1971 upon transfer to Millhaven Inst. claims that he was beaten by guards with billy clubs about the left arm, buttocks and back. His only complaint at the present time is soreness of his left elbow. Examination of his back and buttocks is negative but he does have a contusion and abrasion of his epicondyle of his left elbow. Recommendation - x-ray of his left elbow to rule out possible fracture. He has good movement of the left elbow at the present time.

.....

DR. WORKMAN\*-

This man also complains that he was not treated for his anxiety state brought on by the riot for five(5) or six(6) days following his admission to the Millhaven Institution. He was seen by myself on 27 April 1971 and medication was prescribed.

.....

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page.../2

DR. WORKMAN:-

J  
[REDACTED]  
Inmate states that on his arrival at Millhaven Institution April 20, 1971 he was clubbed and hit numerous times by the guards. He was hit across the left wrist, left anterior chest, buttocks and thighs. On examination he shows a resolving hematoma and marked tenderness over the point of and just distal to the end of the ulnar styloid on the left wrist. There is no limitation of motion except for that imposed by discomfort. He also shows a small one inch resolving hematoma present over the left posterior upper thigh near the buttocks. No other injuries are evident. I would suggest x-ray of the left wrist to rule out fracture.

DR. JAMES:-

[REDACTED]  
This man claims that on transfer to the Millhaven Institution he is undecided that he was struck about the wrist and back by guards carrying billy clubs. He just complains at the present time of tenderness of his left wrist. On examination he had a point of marked tenderness just below the ulner styloid on the left wrist and a three inch resolving hematoma below the buttock on the right thigh.

---

DR. WORKMAN:-

J This inmate complains of running the gauntlet April 20, guards, clubs, etc. On examination he shows a small resolving hematoma on the right upper arm and a large five inch in diameter hematoma on the right buttock which he says is not giving him much discomfort. No other findings.

DR. JAMES:-

This man claims that he was beaten by the guards carrying clubs on admission to Millhaven Institution. On examination he has a hematoma of his right buttock and also his right upper arm, just above the elbow. He has no complaint at this time.

---

s.19(1)

✓  
[REDACTED] Inmate states without complaint that he has a small  
bruise which may not still be present on the posterior thighs  
administered by guards due to his not progressing rapidly enough  
on his admission to the Millhaven Institution.

On examination:- he shows two linear resolving hematomas both about  
three inches long by one half inch wide on the right upper posterior  
thigh with no evidence of deep injury which are non tender on  
palpation. Dr. D. G. Workman.

-----I concur with the account rendered by Dr. D. G. Workman.  
Examination:- is equally the same. This man shows almost completely  
resolved hematomas of approximately six inches long on the back of  
the right thigh. They are not tender on palpation. Dr. R. W. James.

s.19(1)

J [redacted] Inmate complains that he was removed from his cell and transferred on the night of 19 April 1971 and beaten by guards in transit. He states that he was hit about the right shoulder, lower back, and right arm and the guards broke his teeth which were lost at that time. The teeth referred to are upper dentures. At the time of the examination we examined a set of upper dentures which were broke into two major and several minor fragments. On examination at present he is edentulous for the mandibular area with the upper denture being absent. The fit of the upper denture was not confirmed, - to confirm that it was his denture. I would suggest that this be done by a dentist as required. He complains of tenderness still with shooting pains from the right shoulder down to the elbow laterally. He shows a resolving hematoma about the outer margin of the right upper arm, no dysfunction is present. He complains of some low back pain which has been present for some time and with which has been present for some time with which he says was aggravated by the recent circumstances. Dr. D. G. Workman.

-----This man claims that on 19 April 1971 around seven P.M. or eight P.M. he was transferred from "F" block to "C" block and enroute was beaten by guards carrying clubs. His complaint at the present time is 1) a broken denture - upper denture  
2) pain in the right shoulder due to the beating.  
The broken dentures are in evidence at this inquiry. On examination

[redacted] Cont'd-----

he shows only a healing linear hematoma on the outer aspect of his right shoulder. No other evidence of injury.  
Dr. R. N. James.

18 April 1971, when their names were being called out in the dome, he was maltreated by a guard who threw him bodily against a wall so that he was struck on the back of the head against the wall. He stated he was wearing a scarf, knotted about his neck which the guard tore off without attempting to untie it. He said that he suffered some headache at the time and has had a headache ever since. On further questioning, he states that he has suffered from headaches in the past, he stated that he suffered from short term effects of near strangulation at the time and is still at present suffering from headaches which are under treatment. On examination of his skull the inmate shows no evidence of recent or old bruising. He complains of some tenderness over the occipital area which shows slight flattening which I would estimate was a congenital malformation. Neurological examination was completely negative, muscle power was intact, co-ordination appeared unimpaired. Inmate also complained of transient soreness above the left shoulder blade and scapular area which showed no sign of recent major or moderate trauma, and no bruising was evident in the area. Diagnosis.... Possible occipital scapular contusions. Dr. D. G. Workman.

---- History as dictated by Dr. D. G. Workman with which I concur. On examination this man has no visible signs of injury. Muscle power is good, he has some minor limitation of his neck movement and he has a minor flattening of the occipital region, but, there was no hematoma or sign of injury in this area. Examination, therefore, was essentially negative. Diagnosis..... Minor contusions of the neck and the occipital area resolving. Dr. R. N. James.

Further note on [REDACTED]

When questioned, [REDACTED] stated that he had been attempting to see the Hospital Physician, which is myself, since he was transferred here. As he had seen me on 27 April 1971, I inquired as to why he had not informed me of the injury sustained at the time. He stated that he had deferred this because he knew that there was to be a board of inquiry at some date. Dr. D. G. Workman.

---- I am a witness to this statement dictated by Dr. D. G. Workman  
Dr. R. N. James.

s.19(1)

✓ [REDACTED] DR. WORKMAN:-

Inmate states that on the date of arrival at this Institution he was kicked in the back which he locates about the buttocks by a guard with his boot, and given a couple of "whacks" on the side of the leg. He states that this did not result in injury at the time or bruising, but was just to register a complaint.

.....

[REDACTED] DR. JAMES:

This man claims that on transfer to this institution he was kicked by a guard in the back and then given a few "whacks" This caused very little damage and little discomfort and produced no bruising or injury.

██████████ Inmate claims that on his arrival at Millhaven

Institution he was struck by guards about the right elbow and his forearm that he is still complaining of discomfort in this area.

On Examination - he shows no evidence of injury at present about the right elbow. He still shows local tenderness about the base of the fifth right metacarpal laterally with no palpable deformity of the bone. I would suggest an x-ray of his right hand to rule out a possible fracture of the fifth metacarpal. Dr. D.G. Warkman.

.....

This man claims that on his arrival to Millhaven Institution he was beaten by guards with clubs.

On Examination - he shows no obvious signs if injury, but, does have some tenderness on the ulnar aspect of the fifth met, carpal right hand, X-ray, to rule out fracture is advised. Dr. R.N. James

s.19(1)

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page .../4

DR. WORKMAN:-

✓  
Inmate states that on the date of arrival to Millhaven Institution, April 20th, 1971, he received numerous blows about the buttocks and lower back and limbs at the hands of guards wielding riot sticks. On examination he shows two resolving hematomas about one centimeter in diameter, both on the anterior tibias about two-thirds of the way down between the knee and the ankle joint. He also complains about tenderness on direct pressure over the tip of the coccyx. No other injuries are discernable.

DR. JAMES:-

This man claims that on April 20th, 1971 he was assaulted by guards on his transfer to Millhaven Institution. He claims he was struck with riot clubs. On examination he was found to have two small resolving hematomas, each on the anterior aspect of the tibia on both legs. He also has tenderness over the tip of the coccyx, where he claims he was kicked. There is nothing to find on examination, except a point of tenderness.

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which caused him no pain, and he has no residual complaints at the present time.

.....

DR. WORKMAN:-

Inmate claims that on the day of his transfer to the M.I., he was hit in the back of the head by a guard, on his arrival here. The guard hit him with a billy c. He cannot identify the guard. He states that he was not sed unconscious and he has been suffering from headaches since that time, which are severe

..... (continued) (Dr. Workman)

headaches starting in the occipital area and radiating around laterally to the frontal areas. These headaches come in spasms and were not present before the injury. On examination, his neurologic system is intact. He shows no local contusion or breaking of the skin over the occipital area and no other evidence of injury. It is difficult to ascertain whether the headaches are really a post traumatic headache, and whether they are feigned or whether they are a neurotic tension manifestation.

.....

DR. JAMES:-

This man claims that he was struck on the head two(2) or three(3) times by guards upon his transfer to Millhaven Institution on Tuesday, 20 April 1971. Since that time he has been suffering from severe headaches. He denies having any prior to this. On examination, there is nothing to find except for tenderness over the occipital region which he points to as the area that was struck.

.....

██████████ DR. WORKMAN:-

✓ This inmate states that on Tuesday the 20th of April on his arrival at Millhaven Institution he was beaten by guards using clubs about the buttocks and legs which are resolving satisfactorily but is complaining of swelling of the right leg where he had an old injury. On examination he shows slight swelling of the anterior tibial compartment below the right knee with no definite evidence of recent hematoma. He does show a three inch by one inch resolving hematoma about the right upper posterior thigh.

██████████ DR. JAMES:-

This man claims that he was beaten when he arrived at Millhaven Institution on April 20 when he was struck by billy clubs carried by guards. This caused his primary complaint which is swelling of his right leg where he had sustained an earlier injury some two years before. On examination today there is some slight swelling of his knee on that side and also a small hematoma which is resolving in the right upper thigh.

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s.19(1)

Tape #6 (continued)

page..8

.....  
J [REDACTED] - inmate states that on the day of arrival at Millhaven Institution which he believes to have been Wednesday, he was made to "run the gauntlet" by the guards wielding clubs but he was able to run very quickly and was able to escape any injury except for light blows to the lower legs. On examination, he shows no sign of recent injury. Dr. D.G.Workman

.....  
[REDACTED] -this man claims that on transfer to Millhaven Institution on Wednesday, 21 April, 1971 he ran "a gauntlet" - claims that he was able to run fast enough so that all blows were light. He sustained no discernable bruises. On examination today, there was nothing to be found. Dr.R/N.James

[REDACTED] DR. WORKMAN:-

✓ This inmate states on April 20 he was forced to run the gauntlet by the guards and was struck about the buttocks and thighs and the right shoulder posteriorly. On examination Gray shows a large resolving hematoma over the left posterior thigh, there is no evidence remaining of injury of the right shoulder and he complains of tenderness and his jaw catching on the right side around the right temporo-mandibular joint. Impression - contusions and abrasions which suggest x-ray in ten days time if jaw is not subsided completely.

[REDACTED] DR. JAMES:-

This man complains that on admission to Millhaven Institution he was beaten by guards carrying clubs. He complains at the present time of soreness in the right jaw area at the area of the temporo-mandibular joint and also has some discomfort with the right shoulder. On examination the shoulder was negative, he had tenderness in the temporo-mandibular joint and he had a linear resolving hematoma of the left mid thigh posterior aspect.

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s.19(1)

✓ [REDACTED]-inmate states that on the date of arrival here he was forced to 'run the gauntlet' by guards and was struck a few times about the back and lower legs. Without injury at the time or at present. He states there were no bruises present then or now.

Dr. D.G. Workman

.....

[REDACTED]-this man claims that on transfer to this institution on 21 April 1971, he was forced to run 'the gauntlet' but suffered no injury and denies any bruising at the time. There was no examination at this time, as I did not feel this was necessary.

Dr. R.N. James

  
DR. WORKMAN:-

✓  
Inmate claims that on his arrival by transfer here to M.I. on Tuesday, 20 April 1971, he was hit by a guard(s) with clubs from behind as he ran in. On examination, he shows a vertical hematoma about four(4) inches by one(1) inch long on the medial aspect of the left calf. No other injuries are evident or found.

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DR. JAMES:

This man claims that on transfer to M.I. on Tuesday, 20 April 1971, he was struck about the buttocks and lower legs with clubs by guards, producing bruising. On examination, he has a four(4) inch linear resolving hematoma on the medial aspect of his left lower leg.

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2564 HANCE: Inmate states that he was "beaten methodically" by  
guards on his arrival at Millhaven Institution Monday 19 April 1971  
by guards wielding clubs, from the shoulders down, posteriorly.  
On examination the inmate shows only resolving abrasions about the  
anterior margin of both knees. He states that he had several bruises  
which have resolved in the interval between the time of the beating  
and the present time. Dr. D. G. Workman.

----- This man claims that on transfer to Millhaven Institution  
he was beaten by guards carrying clubs, from the top to the bottom.  
On examination today he shows two small abrasions to both knees which

page 2  
2564 Hance,-----Cont'd

he claims were produced by falls when he was struck. There is no  
evidence of other bruising or injuries. Dr. R. N. James.

✓  
HAYES #6120

DR. WORKMAN:-

Inmate shows multiple hematomas which he claims he sustained in the transfer to this Institution when he had to "run the gauntlet". On examination he shows large hematomas on both calves and thighs posteriorly also anteriorly on the right calf and also two hematomas of the buttocks. All are resolving.

HAYES #6120

DR. JAMES:-

Inmate claims that when he was admitted to the Millhaven Institution on Wednesday, April 21, he was beaten by guards carrying billy clubs. On examination he had a hematoma of his right shin, his left calf, his posterior thigh and his left buttocks as well as a hematoma resolving in his left posterior thigh. He had no specific complaints at this time.

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✓ HEMOND #6743

DR. WORKMAN:-

This inmate complains of being attacked by guards on his arrival at the Millhaven Institution with clubs. He shows a healing abrasion and laceration over the right anterior tibial area and tenderness over the adductor tendon at the point of the right wrist.

HEMOND #6743

DR. JAMES:-

This man complains that he was beaten with clubs on his arrival to the Institution. On examination today he has abrasions of his right shin and a contusion on his right wrist, some tenderness but no obvious fractures.

7328 HILL: Inmate states that on the date of arrival at Millhaven Institution which he thinks was a Wednesday, he was struck about the back, buttocks, and upper thighs by the guards with clubs. On examination he shows a questionable resolving hematoma about the right calf. It is difficult to be certain whether this was a large hematoma or in fact a hematoma at all. No other injuries found. Dr. D. G. Workman.

-----  
This man claims that on transfer to Millhaven Institution on Wednesday 21 April 1971 he was beaten by guards carrying clubs. On examination there are no positive findings. There is a questionable area on the left leg which he claims was due to a blow by a club. But this is a very questionable area and I could not make a positive identification of any true injury here, Dr. R. N. James.

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HOWIE #6139

DR. WORKMAN:-

Inmate complains of having to run the gauntlet and being struck by guards with clubs on April 21. On examination he shows hematomas on both buttocks and the popliteal areas particularly on the left where there is a hematoma almost four inches in diameter. He also complains of tenderness and soreness where he was struck over the left posterior chest which is aggravated slightly by deep inspiration. There is a small hematoma there; lung fields are clear.

HOWIE #6139

DR. JAMES:-

This man complains that when he was transferred to Millhaven Institution he was struck by guards carrying clubs. On examination today he has hematomas on both buttocks and extensive hematomas of his left popliteal area and a small hematoma just above the popliteal area on the right side. He also complains of pain in the left posterior chest but on examination no injuries are found.

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J  
HUDSON #7523

DR. WORKMAN:-

This inmate states that on his day of admission to Millhaven Institution, April 21, he was forced to "run the gauntlet" by the guards and was struck about the buttocks and posterior thighs. On examination he shows a three inch resolving hematoma on the inner middle aspect of the right thigh. No other objective evidence of injury.

HUDSON #7523

DR. JAMES:-

This inmate ascertains that on admission to Millhaven Institution he was beaten by guards as he ran the gauntlet and stuck in the lower body. On examination today he shows only a resolving hematoma on the inner aspect of the right thigh.

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inmate states that a Document divulgué en vertu de la Loi sur l'accès à l'information  
he was beaten by guards armed with clubs resulting in blows to the  
left shoulder, to the lower sacral area of his back and was kicked  
in the right inner knee. On examination he shows only a resolving  
hematoma (small) on the right inner knee and he complains of  
tenderness to deep palpation over the lumbo sacral area. No other  
evidence of injury.

JODOUIN #7159

DR. JAMES:-

This man claims that he was beaten by guards on his transfer to  
Millhaven Institution on Wednesday April 21, 1971. On examination  
there is nothing to find on physical examination except some  
tenderness in the lumbo-sacral area although he does complain of  
some discomfort in the shoulder and lumbo-sacral area.

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Tape # 6 cont'd.

✓ 7066 JOHNSTON: Inmate states that on the day of admission to Millhaven Institution which he states was a Monday he was struck about the head and legs by guards weilding "billy clubs". On examination he shows a one and a quarter by one and a half inch healing laceration over the superior portion of the skull, slightly anterior to the left. This is a linear laceration, the age is compatible with the date of the injury. He also shows a healing laceration about one half inch in length over the frontal area, also about the same age. He also shows tenderness and complains of inability to move his right knee satisfactorily. On examination I would suggest the right patella be Xrayed so as to rule out claims on future injuries. He also shows a two linear hematomas about three inches by one half inch about the right lower lateral leg. Dr. D. G. Workman.

----- This man claims that on transfer to Millhaven Institution Monday 19 April 1971, he was beaten by guards carrying clubs, about the head and the body. On examination today he shows a healing one and one half inch laceration the left midline frontal area also a half inch clean healed laceration of the left eyebrow. He also complains of pain over the left patella, but. on examination there was nothing to find and he shows as well two healing hematomas of the right lower leg. Dr. R. A. James.

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/ 6363 DODGE: Inmate complains that

✓ 3149 KALFEWBACK: Inmate states that on the day of arrival at the Millhaven Institution he received a cut to the right cheek, which was administered or received at the hands of a guard when he was lying on the floor and the guard kicked or stepped on him in that position. He also states that he was beaten about the back and lower thighs posteriorly by the guards wielding billy clubs or some such instruments, On examination he shows an almost completely healed laceration on the right anterior cheek over the zygomatic arch about three quarters of an inch in length and a linear laceration which is well healed and he shows a small area of erythema and roughening of the skin about the left posterior upper buttock which he states is an area of bruising which is almost resolved. I would not be certain that such were the case. He also shows a small resolving abrasion over the left anterior tibialtubercle.

Dr. D. G. Workman.

----- This man claims that on transfer to Millhaven Institution he was beaten by guards and as he fell he was kicked in the face. On examination he has a small one half inch healed laceration of his right cheek over the area of the zygomatic arch duration of which is at least a few weeks old. He also has a smaller resolving hematoma on the right back just above the buttocks he has also a very small abrasion on his knee which he claims was produced at the same time. Dr. R. M. James.

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✓ 7027 KELLY: -inmate states that on the day of arrival -  
21 April 1971, he was struck about the back and legs by  
guards wielding clubs. On examination, he shows a resolving  
hermatoma just above his posterior and to the left knee  
which is almost completely resolved. Dr. D.G. Workman

.....

7027 KELLY: this man claims that on transfer to M.I. on  
21 April, he was beaten by guards w ielding clubs. On  
examination today, he shows a small resolving hematoma of the  
left leg just above the left knee. Dr. R.N. James

This inmate complains that on his arrival at Millhaven Institution April 21st, 1971 he was forced to "run the gauntlet" by a group of guards armed with clubs. He received injuries to his right elbow, to the back of his head and to his back and lower thighs. He states that subsequent to that he was examined by myself and x-rays ordered over at the Armed Forces Hospital which showed a "fractured skull". He was admitted to the hospital for observation but was returned to the prison hospital at 2:30 a.m. the following morning. He states that since that time he has felt quite well except for a complaint of occipital headache. On examination he shows a healing laceration over the occipital area about  $1\frac{1}{2}$  inches in length with sutures still in place. He shows some slight swelling still about the suture area and slight tenderness. He states he still complains of headaches from this and has not received medication for this. He also complains of a persistent tenderness. He shows some tenderness and swelling and a resolving hematoma over the right elbow. He complains of some discomfort on marked pronation originating from the supinator area. He now denies any soreness over his back. He shows no marks of bruising over the buttocks, thighs or back. He shows a small resolving hematoma in the area of the left wrist and knee with no damage. Impression - contusions and abrasions. According to reports received he did suffer a small linear skull fracture which is the reason he was admitted to observation to the prison hospital for forty eight hours following his return from the Forces Hospital.

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KNIGHT #3573

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on Wednesday 21 April, he sustained injuries by guards carrying clubs and who struck him about the body including the head and he suffered a laceration of the occipital area of the scalp. Apparently on later examination he was found to have a fracture of the skull without depression and was taken to Kingston Military Hospital for observation. At the present time his only complaint is some dizziness and headache, and on examination he has two areas of injury; a healing laceration of his occipital area about  $1\frac{1}{2}$  to 2 inches which still has sutures, and secondly a large resolving hematoma of his right elbow which causes pain when he extends the elbow. There are no other injuries discernable on this examination.

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

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KRACHAN #5318

DR. WORKMAN:-

States that on the date of arrival at Millhaven Institution, probably on Wednesday, he was struck about the back, the lower back buttocks, thighs and calves by the guards. On examination he shows hematomas on the left buttocks, both thighs and both calves. They are all approximately 3 to 4 inches in diameter and resolving satisfactorily.

Note. This inmate complained of hematuria when examined by myself earlier but was unable to void in anyone's presence, even after a fluid load and was requested to return with a urine sample to the hospital. He failed to do so.

KRACHAN #5318

DR. JAMES:-

This man claims that on transfer to Millhaven Institution April 21st, Wednesday, he "ran the gauntlet", that is he was struck on the back and the buttocks by guards carrying clubs. On examination he had multiple hematomas involving the left buttocks, both upper thighs and a rather extensive hematoma resolving in both areas of the gastrocnemius muscles. He has no complaints at the present time.

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✓ Inmate complains that he was beaten by guards with billy clubs on the date of his arrival at Millhaven Institution, which he believes was on a Tuesday. He states he was beaten with billy clubs about the buttocks and thighs posteriorly. On examination, he shows a small resolving hematoma on the right shoulder - a three(3) inch by one(1) inch resolving hematoma on the right middle thigh posteriorly. No other injuries or complaints of tenderness or pain at present.

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LARIVIERE, T.D. #7574

DR. JAMES:

This man claims that he was struck about the back and buttocks by guards with billy clubs on his transfer to this institution approx. Tuesday, 20 April 1971. On examination he has a small resolving hematoma on the right shoulder and also two(2) small hematomas on the posterior aspect of his right thigh.

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BOARD OF INQUIRY - TAPE NO: 7 - 5 May 1971

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LEBAR, L.R. #9001

DR. WORKMAN:-

Inmate states that on arrival at M.I. he was jabbed in the left lower quadrant by a guard with a billy club which he asserts has resulted in the recurrence of a hernia which was repaired earlier this year. He states that he had previously been on light duty. On examination he showed questionable recurrence inguinal hernia with a hernial incision above this area. The inmate has been referred to Dr. Neuman for evaluation on this date. N.B.: The inmate was seen shortly after transfer here for recurrence of the hernia and at this time there was no evidence of recent injury or bruising in the area.

.....

LEBAR, L.R. #9001

DR. JAMES:

This man claims that on transfer to M.I. he was struck in the left groin precipitating a recurrence of a hernia which he had repaired three(3) months prior to this date. On examination today, he shows no sign of injury, no hematoma or contusion. He has no signs of hernia, in fact, there is a more muscle laxity on the right side. This seems to be in excellent repair on the side the patient complains of. He is to be seen by the surgeon who repaired the hernia this afternoon.

.....

✓ LEMIEUX, M. #4564

DR. WORKMAN:-

Inmate stated that on the day of his transfer 20 April 1971 he was hit upon the buttocks and upper legs by several guards with long sticks while he was entering the Millhaven Inst. On examination he shows a resolving hematoma about three(3) inches long by three quarters( $\frac{3}{4}$ ) of an inch wide on his right posterior thigh about one third( $\frac{1}{3}$ ) of the way between the head of the femur and the knee. He also shows a small area of tenderness just about the right medial malleolus, which he attributes to the shackles which were worn at that time. On leaving, the inmate stated that he was not certain whether this injury was sustained by action of inmates or guards of this earlier date.

N.B. - I am a witness and with reference to this last statement of Dr. Workman's, I concur - this man volunteered this statement.-  
Dr. James.

.....

LEMIEUX, M. #4564

DR. JAMES:-

This man claims that he had been struck in the back and legs by guards when he was transferred to Millhaven Institution. On examination he had a small resolving hematoma of the right posterior thigh. There are no other injuries, except, complaint of tenderness of the right ankle due to the point of a shackle of the leg chains.

LESTER #7136

DR. WORKMAN:-

Inmate states that on his arrival here from Kingston Penitentiary April 20th, 1971 he was made to "run the gauntlet" of guards and was struck numerous times by clubs and billies about the arms, chest, buttocks, and upper thighs. He also states that some valuable papers were taken from him which were not returned. This loss occurred when he was leaving the main dome. On examination he shows a small resolving hematoma about the left posterior upper arm. He also shows a resolving hematoma about  $1\frac{1}{2}$  inches in diameter about the left posterior upper thigh. No other objective evidence of injuries were present at this time.

LESTER #7136

DR. JAMES:-

This man claims that he was beaten by guards with billy clubs upon transfer to this Institution on April 20th. He was struck about the back and chest and arms. On examination he was found to have a small resolving hematoma of his left upper arm and a large hematoma on his right buttock. No other sign of injury was discernable.

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LONG #5979

DR. WORKMAN:-

J. Inmate states that on the date of arrival, he was struck across the back of the neck and the buttocks by guards armed with clubs and/or bamboo poles. On examination he states he feels fine at present and he showed no sign of injury at the present time.

LONG #5979

DR. JAMES:-

This man claims that on admission to this Institution he was forced to run the gauntlet of guards and they struck him about the neck and back with clubs. On examination today there was nothing to find and he has no complaints.

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2402 LONGSTAFF: Inmate states that on the date of admission to  
Mt. Raven Institution when he was being examined by a guard he was  
ordered to lift one foot. This was not lifted high enough to satisfy  
the guard and he was hit by a club on the right leg which knocked  
him down so that he fell striking his left knee. He states at the  
present he has no complaints referable to either his right leg or  
his knee. On examination: - there are no findings and the inmate  
denies any discomfort. Dr D. G. Workman.

----- I concur with Dr. D. G. Workman's account of this  
man's story of injury. I'll only add at the present time he has no  
complaint. On Examination :- this man shows no visible signs of  
injury. Dr. R. W. James.

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✓ LOXTON, R.D. #7456

DR. WORKMAN\*-

Inmate states that on his arrival at the M.I. which he believes occurred on a Tuesday, 20 April 1971, inmate had to "run the gauntlet" and was struck three(3) or four(4) times by clubs and a 'Black Jack'. He states he was hit about the left shoulder, buttocks and posterior thighs. On examination at present he shows a bruise about three quarters(3/4) of an inch in diameter, which is resolving present on the left middle upper arm just below the insertion of the deltoid muscle. No other disability or injury is found at this examination.

.....  
LOXTON, R.D. #7456

DR. JAMES

This man claims that on transfer to M.I. on Tuesday, 20 April 1971, that he was struck about the shoulder and back by a club and black jack sustaining bruises. Examination shows a small resolving hematoma of the left upper arm, no other signs of injury were apparent.  
.....

JARD OF INQUIRY - TAPE #5 - 28 APRIL 1971

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✓ LUMBLEY #7067

DR. WORKMAN:-

Inmate states that on the date of arrival at the Institution April 21 he was struck at the upper dorsal spine area by a billy club. He states that there has been no tenderness since that time and that he was not hit anywhere else. On examination he shows deep muscle tenderness without external evidence or bruising over approximately the area of the fourth to fifth dorsal vertabrae to the left in the muscle mass which I believe would be due to hemorrhage into the muscle mass of a moderate degree. No other evidence of injury, lung fields are clear.

LUMBLEY #7067

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on April 21 Wednesday he was forced to run a gauntlet of guards carrying clubs and was struck in the upper back. On examination there is no apparent bruising but there is tenderness in the left scapular area due to internal contusion.

✓  
Inmate complains that he was hit by a club on his arrival and that he received a blow over the tip of the lower end of the right ulnar on the dorsal side which resulted in swelling and tenderness. On examination there is little detectable difference between the ulnar tubercles or swellings on both wrists and no objective evidence of recent injury. I would suggest that this inmate have this area x-rayed. I doubt that he has actually had recent injury.

MACDONALD #6343      DR. JAMES:-

This man claims that on transfer to Millhaven Institution he was beaten about the body by guards as he "ran the gauntlet" and his complaint at the present time is tenderness in the right wrist. On examination, the only abnormality is swelling at the tip of the ulna, the right wrist and it is suggested that an x-ray be taken to rule out the possibility of fracture, although this is doubtful.

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6854 MARTIN: This inmate claims that on date of arrival 21 April 1971 he was beaten about the legs and back by guards on his way into the Millhaven Institution. On examination the inmate shows a resolving hematoma on about two inches long and a half inch in width about the lateral margin about the right tibial tubercle. This is about totally resolved. He shows no other marks of trauma except perhaps a resolving hematoma above the left posterior superior iliac crest which shows, seems to be more of a minor abrasion. No other positive findings at this time. Dr. B. G. Workman.

6854 Martin- Cont'd.-----

-----This man claims that on 21 April 1971 on his transfer to Millhaven Institution he was beaten with clubs by guards. On examination today he shows a small resolving hematoma over the left iliac crest and also the lateral aspect of his right knee. Dr. R. N. James.

McCAUD #7622

DR. WORKMAN:-

✓  
Inmate states that on Wednesday April 21st, 1971 on his arrival at Millhaven Institution from Kingston Penitentiary he was hit several dozen times by guards armed with clubs and also was hit with a billy and kicked and kneed in the groin. He also says that he was struck in the back of the head, buttocks and posterior thighs. He states that the head injury did not produce a loss of consciousness or knock him off his feet. Subsequently, he was taken to the prison hospital where the wound was sutured. He was examined the next day by myself. His wounds were examined and an x-ray was ordered. He has no other complaints except

..... 6

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page 7

McCAUD #7622

DR. JAMES (Cont'd)

his right thigh and two smaller resolving hematomas on the lower leg. He has a large hematoma of the right inguinal area which is tender upon palpation but there is no signs of hernia, and he has a resolving hematoma on the left buttock and a very small resolving hematoma on the left upper thigh and one just below the buttocks. Diagnosis - Laceration of the scalp healing and (repaired) no fracture.

- Multiple large contusions of the lower legs and buttocks.

JARD OF INQUIRY - TAPE #5 - 28 April 1971

Page.../2

McCORMICK #7621

DR. WORKMAN:-

Inmate complains about being forced "to run the gauntlet"  
Wednesday, April 21 and complains about being injured about  
the left hip and lower back. States that since that time his  
back was very stiff and sore but under medication this is improved.  
He still complains of some tenderness in the area and over the  
left hip. He claims that subsequently he has begun to suffer  
from tension headaches and pain in the back of his neck. On  
On examination he shows some flattening of the lumbo sacral  
spine, no evidence of recent injury, some slight spasm of the  
muscle in this area. He shows a large resolving hematoma about  
four inches by two inches over the left hip from the greater  
trochanter to about three inches below. No other evidence of  
recent injury.

McCORMICK #7621

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on  
April 21, Wednesday, he ran a gauntlet of guards carrying clubs  
and was struck on the left hip. His complaints at the present  
time however are mainly pain and discomfort in the neck which he  
feels may be related to his injury on that day. On examination  
this man has only a hematoma on the left hip measuring about  
three inches by one and a half inches. I might add that I can  
find no connection between his injuries sustained on the 21st  
and his complaints of headache and neck pain at the present time.

JARD OF INQUIRY - TAPE #5 - 28 APRIL 1971

Page.....3

McCLUNG #7086

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on Wednesday, April 21, he was forced to run a gauntlet of guards carrying clubs and was struck on the lower body. On examination he has hematomas resolving on both buttocks and a small abrasion just above the right buttock and a large hematoma of the left calf.

McCLUNG #7086

DR. WORKMAN:-

This man complains of having to run the gauntlet on Wednesday April 21. On examination he showed a resolving hematoma two inches in diameter on each buttock; he shows a large six inch by three inch resolving hematoma on the left calf and a small abrasion above the left buttock which may or may not be related to the same sequence of time. No other evidence of recent injury.

..... 3

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McLELLAN, J.I. #7367      DR. WORKMAN:-

✓ McLellan states that on his arrival here on 20 April 1971 he was struck twice by guards on his arrival - once in the left anterior chest and once on the right posterior thigh.

On Examination he shows a resolving hematoma about two and a half (2½) inches in dia. over the left anterior upper chest with marked tenderness noted over the medial end of the left clavicle which appears somewhat less prominent than the right. He also shows a three (3) inch by one (and a half (1½) inch resolving hematoma high up on the right posterior upper thigh which is not markedly tender, I would suggest x-ray to the left clavicle to rule out fracture. No other injury.

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MC LELLAN, J.I. #7367      DR. WORKMAN:-

This man claims that on transfer on 20 April 1971 to Millhaven Institution he was hit about the chest and thighs by guards with billy clubs. On examination today, he has a resolving hematoma below the left clavicle and marked tenderness on his clavicle. He also has a large five (5) inch resolving hematoma over the buttocks on his right upper leg. Recommendation - X-ray of his clavicle to rule out possible fracture.

.....

McMANIS, D.R. #6000      DR. WORKMAN:-

MOSSELMAN #4590

DR. WORKMAN:-

✓ Inmate states that on Wednesday, April 21 on admittance to Millhaven Institution he was forced to "run the gauntlet" by the guards and was beaten about the back, buttocks, and thighs with clubs. On examination he shows large five inch resolving hematomas on the right buttock and two hematomas on the right posterior thigh about four inches apart, both about four inches in diameter.

MOSSELMAN #4590

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on April 21 he was struck by guards carrying clubs. On examination he has a rather large hematoma of the right buttock and also two large hematomas of the posterior aspect of his right thigh.

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page///1

✓ OLBEY, D.L. #6105

DR. WORKMAN:-

States that he has no complaints although he was hit a couple of times on the back with a riot stick by a guard. He states that he was not hit hard and does not know if there is any bruising. He states that this occurred at the Millhaven Inst. On examination, he shows no sign of injury nor areas of tenderness and has no complaints.

.....

✓ DR. JAMES:

This man in question said he had no complaints but because he was hesitant, was questioned more directly and did admit to being struck on the back by guards on his transfer to this Institution (M.I.). He had no complaints referable to this at the present time. On examination, there was nothing.

✓  
PATTERSON #7438

DR. WORKMAN:-

States that on arrival here Wednesday he was hit about the buttocks and thighs by guards armed with clubs.

On examination he shows almost identical three inch by one inch hematomas across the upper third of his posterior thighs bilaterally which are almost totally resolved.

PATTERSON #7438

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on Wednesday April 21st, he was hit about the lower back and thighs by guards with clubs. On examination he has linear resolving hematomas of the upper thigh both sides.

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✓  
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PEGELO #7295

DR. WORKMAN:-

Inmate first states that he tripped on his way into the Institution and fell, hurting his left shoulder, arm, neck, and as a result has been suffering from blurred vision, headaches and a sore neck and left arm and shoulder. He states he has a previous injury in his left arm and that his left arm is now malformed as compared to his right. On examination he shows no malformation or discernable difference in the shape of his left arm as compared to his right and no wasting. He

complains of tenderness over the entire cervical spine and shoulder joint with no demonstrable tenderness or injury. Impression - No injury of any kind is objectively demonstrated. Inmate demands an x-ray and under the circumstances I would suggest an x-ray of the cervical spine and left shoulder.

PEGELO #7295

DR. JAMES:-

This man claims that upon transfer to Millhaven Institution on April 20th, 1971 he was tripped by a guard and sustained injury to his left shoulder, arm and neck. On examination to-day there are no obvious physical disabilities, but this man complains about left shoulder pains, blurred vision and headaches. He has demanded an x-ray of his left arm. It is my feeling that this man has sustained no physical injuries.

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McCAUD #7022

DR. WORKMAN:-

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

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PETERSON #6735

DR. WORKMAN:-

J  
This inmate states that on the date of arrival from Kingston Penitentiary, he was struck about the buttocks and thighs by guards armed with clubs. He did not count the number of times he was struck. On examination he shows fairly large resolving hematomas, one on the right gastrocnemius about four inches in diameter and fairly symmetrical three inch resolving hematomas, one on each buttock and one on each posterior thigh, plus a small abrasion on the right lateral knee area. No other evidence of injury found.

PETERSON #6735

DR. JAMES:-

This man claims that on transfer to Millhaven Institution April 20th, 1971 he was hit about the lower body by guards carrying clubs. On examination he had hematomas of both upper thighs and both buttocks and a large hematoma just above the right ankle. There were no disabilities.

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7

✓  
5430 FOLSON: Inmate claims that on the date of transfer to Millhaven Institution Sunday 18 April 1971 he slipped and twisted his left ankle on a piece of pipe on the stairs and injured it, causing some discomfort locally. He then states he was pushed by a guard on the same date, which resulted in further aggravation of the injury to his ankle. The inmate has a history of fusion of the left ankle. One fusion being performed in 1964 following an injury in California and the second fusion being done by Dr. Hazlett in Kingston. He states that due to the fact his ankle is fused he is unable to run and that this was further aggravated, although, guards who knew him, prevented his being forced to run at the time the inmates were being removed from the Institution.

On examination the inmate's left ankle shows a four and half inch long dorsal scar the ankle joint about the calcaneal and the metatarsal joints appear solidly fused. Forced abduction produces discomfort over this area. All other motions appear stable and are not tender. The forefoot is normally mobile. The area shows no evidence of hematoma or recent swelling but is still somewhat tender on abduction. He also complains of some low back tenderness without radiation which he says was aggravated by some strain. There are no objective findings

Diagnosis:- strain with some possible damage to fusion in left ankle. --Suggest X-Ray of lower spine and left ankle.

Dr. D.G. Workman .

----- I agree with Dr. D.G. Workman's account of this man's history as accurate. Having nothing further to add to his review of this man's history and examination other than to say that there is no apparent injury of recent duration that I can ascertain on examination. He does have a fusion of the left ankle and does have subjective complaints of pain on abduction of the ankle. Dr. R.N. James

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✓ 5897 ROIBOUX: Inmate states that on his arrival at Millhaven Institution which he believes was a Monday, he was forced "to run the gauntlet" of guards armed with what appeared to be baseball bats and was struck about the arms and back. On examination he shows a resolving abrasion about the lateral margin of the left elbow approximately one inch in diameter without any associated detectable bony damage or injury underneath. He also shows some small resolving abrasions about the left anterior tibia about one half the way down. He shows a swelling and tenderness about the right anterior tibia tubercle, which he states was not received during the admission here, and, which is previously documented as being present for some time. No other injuries are evident. Dr. D. G. Workman.

-----This man claims that on transfer to Millhaven Institution Monday 19 April 1971 he was hit by guards carrying baseball bats as he describes it and was hit about the lower legs and arms. His only complaint at the present time is tenderness in the left elbow. On examination he shows an abrasion of his left elbow at the extensor tendons. He also shows healing abrasions of both tibial surfaces surfaces which he claims were due to blows from the clubs. Dr. R. J. H.

✓  
6607 ROMAINE: This inmate states that when he was entering the Millhaven Institution after an exchange of words with a guard, he was hit by an open hand across the face and lower mandible, which resulted in loosening of three of his lower teeth. He states his teeth have been loose since that time and causing some moderate discomfort. On examination:— he shows a full upper plate which he states was not inserted the time of the injury. He shows severe gingivitis and pyorrhoea of the lower gums with definite loosening of three or four of the anterior lower incisors. It is difficult to judge whether these teeth are loose as a result of his gingivitis and pyorrhoea or whether they are loose as a result of injury.  
Dr. J. G. Workman.

-----This man claims that on transfer to Millhaven Institution he was hit in the lower jaw by a guard using the back of his hand, which produced loosening of his lower teeth. He has no other complaints. On Examination :— this man has severe dental disease involving the gums and the teeth. He does have some loosening of the lower teeth but it is impossible to ascertain whether this is due to his severe dental disease or whether it was aggravated by the injury as described by himself. Dr. R.M. James.

✓  
2225 ROUSSEY: Inmate states that on arrival at Millhaven Institution he was struck by guards with clubs, a few times on the back of the head and on the back of the legs. On examination he demonstrates several healed lacerations about his lower legs particularly about the right tibia, and about his lower leg (left). These are indeterminate in age, but in my estimation would be quite old--more than a month. He also complains of tenderness about the left anterior scalp and skull and states "still has a bump there". On examination there is an old elevation of the skull which may be congenital associated with a healed laceration more than one month in age. No other positive findings. Dr. D. G. Workman.

-----This man claims that on transfer to Millhaven Institution he was beaten by guards carrying clubs. On examination today there is a number of small healing abrasions about the anterior tibia area of both legs. I agree with Dr. D. G. Workman that these things are at least two weeks, probably considerable older than this, but they are healing. No other signs of injury. Dr. R. M. James.

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✓ 7306 RUSSELL: Inmate states that on the date of his arrival at Millhaven Institution he was beaten by guards wielding clubs and what appeared to be small baseball bats about the head, arms, back, lower limbs, and lower body. On examination he showed no evidence at the present time of injury but he complains of pain and tenderness on the left mastoid area and stated that he has still noticed occasional bleeding from the left ear which dates back from the time of the alleged beating on arrival. On examination the left ear shows no evidence of recent or remote bleeding. He complains of slight tenderness posteriorly in the auricular canal. He shows one small resolving hematoma about one half inch in diameter on the right forearm. No other marks of recent injury present. Dr. D. G. Workman.

----- This inmate claims that he was beaten by guards upon his arrival to the Millhaven Institution. The guards were carrying clubs and as he describes as small base ball bats. On examination he shows only a small hematoma on the right arm just below the elbow, which is resolving. He also claims that he was bleeding from the left ear which was caused by a blow, but, on examination there shows no evidence of injury or blood in the ear canal. Dr. R. M. James.

.....  
✓ 1163 ST.AMOUR:- Inmate states that, on his arrival at Millhaven Institution he was beaten by approx. three(3) or four(4) guards as he was "running the gauntlet." He complains of pain about the left index finger in the middle interphalangeal joint. He says he was struck on the right upper arm in the mid-dorsal back and that he was injured about the left lateral malleolus by his leg iron. On examination - shows a resolving hematoma of the right upper arm. He shows residual tenderness of the ligaments of the mid-interphalangeal joint of the left index finger. He shows a resolving laceration about the left lateral malleolus with some tenderness on inversion in that area and some tenderness which is questionable about the approximately fourth dorsal vertabrae. Dr. D.G. Workman

.....

This man claims that he was beaten by the guards on transfer to Millhaven Institution - the date is undecided. On examination - he has tenderness on the left index finger in the mid. I.P. joint and some swelling here. He also shows some healing abrasions of his left ankle which he claims are due to his leg irons. He also has a resolving hematoma measuring about three(3) inches in dia. on his right upper arm and some minimal tenderness about the area of the fourth dorsal vertabrae, but nothing to see on examination. Dr. R.N. James

.....

✓  
SANTANA #6462

DR. WORKMAN:-

Claims he 'ran the gauntlet' on arrival here, was hit by guards armed with clubs about the left wrist and arm, and about the posterior buttocks and thighs. On examination he shows numerous scars placed horizontally across the left arm. He complains of tenderness along the left ulnar margin plus pain on extension of the left thumb. There is little objective evidence of injury. There is some slightly abnormal appearing straightening of the left ulna. No hematomas or bruising are noticeable in any other areas. Diagnosis - Contusions and abrasions.

SANTANA #6462

DR. JAMES:-

This man apparently suffered multiple contusions when he was beaten as he claims about the body by guards carrying clubs while being transferred to the Millhaven Institution. His complaint today was soreness and tenderness in the left wrist where he was struck with a club. On examination today there was nothing to find in a physical examination except tenderness of the ulnar aspect of his left wrist. This was of some deformity because of previous injury.

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✓ 6800 SHAFORD: Inmate claims "I ran the Gauntlet" on the day he was transferred to Millhaven Institution 20 April 1971. He claims that he was struck numerous times about the buttock and upper and middle thighs by long "billy clubs". On Examination:- he shows a four inch in diameter moderately resolved hematoma on the right thigh approximately two to four inches above the right knee joint posteriorly. There is still slight tenderness over the area. He also shows a smaller hematoma on the posterior left thigh which is almost totally resolved. No other injuries were commented on or found.

Dr. D. G. Workman.

-----This man claims as he says "ran the gauntlet" when  
6800 SHAFORD came to  
he was transferred to this Institution on 20 April 1971, claims that he sustained bruises at that time. On examination :- today he has a large resolving hematoma on the lower part of his right thigh posterior aspect measuring about four inches long. He also has a small hematoma resolving just below the left hip. No other injuries were observed. Dr. R. H. James.

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BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

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✓  
SHEPLEY #6657

DR. WORKMAN:-

Inmate states that he sustained injury to his jaw while he was trying to get through to the guards being held as hostages. He made no further comment about this injury. He also states that on Monday, April 19th on his arrival here he was made to "run the gauntlet" and was struck once across the middle mid-dorsal spine by a club but "it may have been an accident". On examination he shows a healing laceration and abrasion about one inch or less in diameter in the mid spine over the lower dorsal area. No associated hematoma is noted. It is observed that he has mandibular wirings which from his chart are due to or are for treatment of bilateral mandibular fractures. These injuries were not further examined. I would assume full documentation is elsewhere.

SHEPLEY #6657

DR. JAMES:-

This man apparently sustained a fracture of his mandible during the prison riot of Sunday April 18th. This was apparently inflicted by another inmate in Shepley's attempt to obtain food for the hostages. His other complaint was that while being transferred to the Millhaven Institution Monday April 19th, he sustained an injury to his back when a guard struck him with a billy club but he said "it might have been an accident". On examination he has wiring of his mandible bilateral mandibular fracture. He is in apparent good health and also has a

SHULZ #3729

DR. WORKMAN:-

On April 21 on arrival to Millhaven Institution he claims that he was beaten by guards about the buttocks and thighs. On examination he shows a three inch by one inch resolving hematoma of the right thigh; a small resolving hematoma of the left calf and complains of tenderness over the sesamoid bone of the left wrist with no objective evidence of fracture of this area or other evidence of injury.

SHULZ #3729

DR. JAMES:-

This man claims that he was beaten by the guards with clubs on his transfer to Millhaven Institution on April 21. On examination he has a small abrasion of the left shin and a small resolving hematoma just to the inner aspect of the left knee and a resolving hematoma of the right buttocks. He also has a swelling sesamoid bone in the left hand but there is no obvious signs of fracture or serious injury.

SIMPSON #5425

DR. WORKMAN:-

✓ "Ran the gauntlet" Tuesday or Wednesday. This man claims he was hit by guards armed with clubs on the left buttocks. On examination he shows two resolving hematomas about two inches in diameter on each buttock, which are resolving.

SIMPSON #5425

DR. JAMES:-

This man claims that on transfer to Millhaven Institution he "ran the gauntlet", that guards struck him with billy clubs as he was moving down the hall. He sustained bruises to his buttocks at the time. On examination today he has no complaints but shows rather extensive hematomas to both buttocks.

✓ 4848 SOMERS: This inmate claims he has been harrassed by the staff since his incarceration at Millhaven Institution but he denies any physical mistreatment whatsoever. Dr.D.S.Workman.  
Dr. R. N. James concurs.

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7261 SUGG: This inmate complains that on the date of transfer to the Millhaven Institution on Tuesday 20 April 1971, that he was beaten by what he would estimate were fifteen to twenty guards armed with riot sticks who beat him about the buttocks and loins and legs hard enough to produce bruises at that time.

On examination:-the inmate showed 2 linear scars over the lumbo sacral area approximately three inches in length which are related to old injuries. He also shows an almost totally resolved hematoma about three inches in diameter about the right posterior thigh midway between the hip and the knee. He complains of slight tenderness still present in this area. No evidence of bony or ligamentous injury. He also shows what appears to be a small resolving hematoma about opposite the second lumbar vertebrae on the right about one inch in diameter which also shows no evidence of internal or ligamentous injury. Dr. D. G. Workman.

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This is to concur with Dr. D. G. Workman's account of this man's claim of injury, that he was beaten about the back and legs by a number of guards with riot sticks producing multiple bruises.

On examination:- this man shows an almost completely resolved hematoma measuring about three to three and a half inches in the back of the right thigh. He also has a small resolving hematoma approximately three inches in the area of the second lumbar vertebrae. Dr. R.W. James.

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✓  
7535 THOMPSON: inmate states that on the date of arrival here he was struck by a guard with a bat about the left inner ankle. On examination, he shows a granulating and slowly healing abrasion and laceration about three quarters( $\frac{3}{4}$ ) of an inch in dia. about the left medium malleolus on the left side.

Dr. D.C. Workman

.....

7535 THOMPSON: this man claims that on transfer to M.I. he was beaten by guards carrying clubs and was hit on the left leg. On examination today, he complains of pain on the lower left leg and on examination shows a healing abrasion over the medium malleolus on the left side.

Dr. R.N. James.

JARD OF INQUIRY - TABE #5 - 28 APRIL 1971

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TRAVERSE #4540

DR. WORKMAN:-

✓ Inmate states that he "ran the gauntlet" and was struck by guards armed with clubs about the buttocks and thighs and the left arm. On examination he shows a resolving hematoma over the left upper ulna posteriorly which is markedly tender to palpation. He also showed a resolving hematoma which is five inches square on the right posterior upper thigh; a small resolving hematoma on the left posterior upper thigh and a questionable resolving hematoma over the crest of the left ilium.

TRAVERSE #4540

DR. JAMES:-

This man claims that on transfer to Millhaven Institution he was struck by guards with billy clubs. On examination he shows a hematoma of both posterior thighs and a resolving hematoma of the left arm just above the elbow. His only complaint at the present time is soreness of this particular area.

.....  
✓ TREMBLAY, M.A. #7559

DR. WORKMAN:-

The inmate states that he has no injuries at the present time and was not injured but that on 18 April 1971, when he was transferred to Millhaven Inst. he was 'manhandled' by the guards because he was walking too slowly. He demonstrated manhandling by stating that he was grabbed by the scruff of the neck and the seat of the trousers and propelled along more quickly. On close questioning, he denies being struck and denies any injury at the time or subsequent to this. No other complaints, no injuries to demonstrate.

.....  
TREMBALY, M.A. #7559

DR. JAMES:

Concur with Dr. Workman's account that this man sustained no true injuries, but rather that he was manhandled.  
.....

✓  
WALTERS #6449

DR. WORKMAN

States that at the time of his arrival here at Millhaven Institution on April 20th, 1971 he was struck by guards with what appeared to be small baseball bats. He was hit across the right wrist and across the back and buttocks. On examination he shows a questionable resolving hematoma over the right wrist with no tenderness or loss of motion. There are two small healing abrasions present on the right wrist. No contusions or abrasions were noticed about the posterior buttocks or thighs.

WALTERS #6449

DR. JAMES:-

This man claims that upon transfer to Millhaven Institution April 20th, 1971 - Tuesday - he was struck about the right wrist, back and buttocks by guards carrying clubs. On examination he has a healing area of abrasion on the right wrist with just minimum tenderness. No other physical signs were apparent.

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✓  
WILLIAMS #4662

DR. WORKMAN:-

Inmate states that he was forced to "run the gauntlet" Wednesday, 21 April and was hit about the legs, hips and the back of the head, by guards armed with billy clubs. On examination he shows tenderness over the insertion of the occipital muscles at the base of the occiput of the neck. No evidence of bruising is evident of the area however. He shows large hematomas over both lower legs approximately 8 by 4 inches behind both knees and a small subsiding horizontal hematoma across his lower back which also shows numerous large scars from previous back surgery. Inmate is complaining of lower back pain, numbness in the left lower leg in a "glove and stocking" distribution and some low back pain plus severe headaches. Impression - "severe contusions to the areas described. No evidence of neurological injury.

WILLIAMS #4662

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on April 21, Wednesday, he was forced to run the gauntlet of guards carrying clubs. He was beaten about the lower body and head. His complaint at the present time is headache, tenderness of the neck and back pain. On examination, he is tender in the occipital area at the insertion of the occipital muscles at the base of the neck. He has rather extensive hematomas at the back of both legs in the area of the knees. He also has a small hematoma resolving almost completely in the low back.

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was struck.

.....  
✓ WORTH, D.J. No:6576

DR. WORKMAN:--

Inmate claims that he was struck, on his arrival at Millhaven Institution, by guards with Billy Clubs, across the buttocks and lower thighs. He does not think that his injury was strong enough - the blow was hard enough to cause a bruse. On examination no evidence of injury.

.....  
WORTH, D.J. #6576

DR. JAMES:

This man complains that he was struck about the buttocks and lower legs during his transfer to the Millhaven Institution on Tuesday, 20 April 1971. On examination there is nothing to find.

✓ WRAY, J. #7286

DR. WORKMAN:-

Inmate states that on arrival at M.I. which he believes was on Tuesday, he was struck about the buttocks by guards wielding 'Batons' which he does not believe left any marks. On examination, no marks of injury can be seen.

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WRAY, J. #7286

DR. JAMES:

This man claims that on transfer to M.I. on 20 April 1971 he was struck by guards carrying clubs. He sustained a little injury but he has no bruising at this time. On examination, there shows no signs of any injury.

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page/5

✓ 7540 YAMAGISAWA: Inmate states that on arrival at Millhaven Institution approximately 21 April 1971 ( he is not certain) that he was pushed, shoved, and "beaten around a little bit" by guards in the corridors. He states that the bruises have since resolved totally due to time lag between the alleged beatings and the present date. On examination he shows that there is no evidence of bruising or injury at this time. Dr. D. G. Workman.

-----This man claims that on transfer to Millhaven Institution he was beaten by clubs about the neck, back and upper legs. On examination today, however, there are no signs of injury. Dr. R. H. James.

✓  
YOUNG #7105

DR. WORKMAN

Inmate states that on the date of admission to Millhaven Institution he was beaten by guards armed with sticks about the body, buttocks and thighs posteriorly. He also complains as being hit in the back of the head which is resulting in headaches at the present time. On examination he shows only a small resolving hematoma on the outside of the right hip. No other objective evidence of injury.

YOUNG #7105

DR. JAMES

This man claims that on transfer to Millhaven Institution he was struck about the body by guards carrying clubs. On examination today he has a small resolving hematoma of his right hip. His only other complaint is tenderness in the base of his right neck where he claims he was struck but on examination there was nothing to be found.

*PA*

OTTAWA, KIA 0P8  
November 27, 1972

MEMORANDUM TO: Paul J. Evraire  
Civil Litigation Section  
Dept. of Justice

FROM: Inger Hansen  
Legal Officer

RE: Defamation - Motion to Strike Out  
Statement of Claim for Failing to  
Disclose a Cause of Action

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Thank you. It is most helpful.

Original Signed by  
I. HANSEN

**INGER HANSEN**

646-5/29-1

P.A. 28-XI-72  
Kynthia P. ...  
I have attached  
14

November 23, 1972

MEMORANDUM TO: Miss Inger Hansen  
Legal Advisor  
Dept. of The Solicitor General

FROM: Paul J. Evraire  
Civil Litigation Section

I enclose a copy as requested.

  
P.J.E.

Encl.

The Honorable the Treasury Board  
L'honorable Conseil du Trésor

T.B. Number - C.T. N°

**SOLICITOR GENERAL**

**373 (1)**

**June 12, 1972**

Department - Ministère

File - Dossier

Date

**SUBJECT:            PAYMENT OF LEGAL FEES**

- PROPOSAL:**
1. To authorize the Solicitor General to pay all or any of the costs of legal fees and disbursements, not to exceed an amount of \$3,000 in any one case, for the engagement of legal counsel to represent members of the Canadian Penitentiary Service who are required to appear as witnesses before a person appointed to investigate and report pursuant to section 12 of the Penitentiary Act, or before a Commissioner appointed under Part II of the Inquiries Act to investigate and report upon any matter arising or alleged to arise from the operation, management or administration of a penitentiary.
  2. To authorize the Solicitor General to pay all or any of the legal fees and disbursements, not to exceed an amount of \$3,000 in any one case, that have heretofore been incurred by those members of the Canadian Penitentiary Service required to appear as witnesses before J.W. Swackhamer Esq., Q.C., in connection with an inquiry into certain events alleged to have occurred at Kingston and Millhaven Penitentiaries in April, 1971.

**CHARGEABLE TO:** Department of the Solicitor General, Vote 5, Operation and Maintenance of Penitentiaries.

**REMARKS:** Treasury Board Minute 705031, dated May 20, 1971, authorized the Solicitor General to pay up to \$3,000 for the engagement of legal counsel for the purpose, inter alia, of defending members of

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Signed by Jean-Pierre Goyer  
and sent by hand to Treasury  
Board on June 23 at 10 a.m.

*J.P. Goyer*  
for J.M.T.

the Canadian Penitentiary Service for offences arising out of the performance of custodial duties. As was pointed out to Treasury Board at the time that authority was obtained, members of the Canadian Penitentiary Service are vulnerable to threats and pressures from inmates who may well make very serious and often baseless allegations against members of the Service. Such allegations are particularly likely to be made before persons appointed to look into and report upon disturbances in penitentiaries. This has been particularly true in the case of the disturbances at Kingston Penitentiary in April, 1971, where allegations made by inmates concerning the transfer of persons from Kingston Penitentiary to Millhaven Penitentiary resulted in a number of criminal charges being laid against custodial officers. The same or similar allegations could reasonably be expected to be made before the formal inquiry investigating these events. In the result, a number of members of the Canadian Penitentiary Service retained counsel to represent them before the Inquiry.

It is considered that it is only equitable that some or all of the expenses incurred in circumstances such as these should be borne by the Crown. Failure to do so is very likely to result in a marked loss of morale in the Canadian Penitentiary Service and a feeling among its members that they are at the mercy of any inmate who can give the appearance before a Board of Inquiry of having been maltreated or otherwise inequitably dealt with.

Eight members of the Canadian Penitentiary Service retained counsel to appear on their behalf before the inquiry into the Kingston disturbances. Four of these persons had received a notice from counsel for the Commission that an adverse report might be made against them on any one of a number of grounds, some of which, if substantiated, would indicate that the person had committed a criminal offence while in other instances civil liability might attach. In these circumstances, such persons very naturally sought the assistance of counsel. It would, however, be inequitable to discriminate against those not in

receipt of such a notice from counsel to the Commission, since presumably their alleged actions were looked upon by the Commission as less culpable if substantiated.

The cost of this proposal cannot be forecast with any degree of precision, but would amount to approximately \$18,000 in respect of those persons who retained counsel before the inquiry into the disturbances at Kingston. Costs for the future would be dependent upon the occasions arising for formal inquiries and upon the nature of such inquiries. Such inquiries are not likely to be frequent but rather exceptional.

If this proposal is approved, reimbursement of legal fees for future cases will not be approved unless the member of the Canadian Penitentiary Service has, if practical, obtained approval from Departmental Headquarters before retaining counsel. No accounts would be passed for payment unless first certified as being fair and reasonable by a representative of the Department of Justice:

~~3375 KNIGHT~~  
 646-5/29-1

Name and Number of Inmate Alleging Injury by Guards		?	Date Transferred to Millhaven			
			Apr.18	Apr.19	Apr.20	Apr.21
SOMMERS #4848	✓	x				
EVANOVICH #7166	✓		x			
ADAMS #7053	✓	x			x	
POLSON #5430	✓		x			
ROMAINE #6607	✓	x				
SUGG #7261	✓				x	
LONGSTAFF #2402	✓	x				
DANIEL #6861	✓	x				
SHATFORD #6800	✓				x	
OLBEY #6105	✓	x				
LEMIEUX #4564	✓				x	
TREMBLAY #7559	✓		x			
LARIVIERE #7574	✓				x	
GEE #3748	✓	x				
WORTH #6576	✓	x				
LOXTON #7456	✓				x	
HAGGART #6483	✓				x	
BUCKLEY #7155	✓				x	

Name and Number  
 of Inmate Alleging  
 Injury by Guards

Date Transferred to Millhaven

	?	Apr.18	Apr.19	Apr.20	Apr.21
CARSON #5913	✓			x	
McLELLAN #7367	✓			x	
CAUCHY #7624	✓			x	
BIRT #6223	✓			x	
LESTER #7136	✓			x	
N GUALD #6446	✓			x	
PEGELO #7295	✓	x			
McCAUD #7622	✓				x
WALTERS #6449	✓			x	
BARKER #7120	✓			x	
MILLER #7495	✓			x	
PETERSON #6735	✓	x			
ADAMS #4849	✓	x			
McQUEEN #7385	✓			x	
SHEPLEY #6657	✓		x		
SANTANA #6462	✓	x			
* KNIGHT #3573	✓				x
MACDONALD #6343	✓	x			
BERTHELOTTE #2637	✓	x			
PATTEPSON #7438	✓				x

\* Text attached

Name and Number  
 of Inmate Alleging  
 Injury by Guards

Date Transferred to Millhaven

		?	<u>Apr.18</u>	<u>Apr.19</u>	<u>Apr.20</u>	<u>Apr.21</u>
SIMPSON	#5425	✓				
KRACHAN	#5318	✓				x
McCORMICK	#7621	✓				x
McCLUNG	#7086	✓				x
WILLIAMS	#4662	✓				x
LUMBLEY	#7067	✓				x
✓LONG	#5979	✓				x
TRVERSE	#4540	✓				x
✓HOWIE	#6139					x
✓JODOUIN	#7159					x
✓MOSSELMAN	#4590					x
✓HUDSON	#7523					x
✓YOUNG	#7105					x
✓SHULZ	#3729					x
✓HAYES	#6120					x
✓GERRARD	#6222				x	
✓HEMOND	#6743					x

Name and Number of Inmate Alleging Injury by Guards	Date Transferred to Millhaven				
	?	Apr.18	Apr.19	Apr.20	Apr.21
✓ CROSBY #5368				x	
✓ GRAY #6604				x	
✓ MARTIN #6854					x
✓ YANAGISAWA #7540					x
✓ KALTENBACK #3149	x				
✓ FOWLER #6147			x		
✓ ST. AMOUR #1163			x		
✓ ROBIDOUX #6897			x		
✓ HANCE #2564			x		
✓ RUSSELL #7306	x				
✓ ROUSSEY #2225	x				
✓ JOHNSTON #7066			x		
✓ DODGE #6363		x (Record)	x (Dr.)		
✓ BEAUCAGE #5224		x			
✓ HILL #7328					x
✓ GRAY #2464					x
✓ KELLY #7027					x

Name and Number  
 of Inmate Alleging  
 Injury by Guards

Date Transferred to Millhaven

	<u>?</u>	<u>Apr.18</u>	<u>Apr.19</u>	<u>Apr.20</u>	<u>Apr.21</u>
GREEN #6571 ✓	x				
THOMPSON #7535 ✓	x				
FITZGERALD #6245 ✓	x				
AYLWARD #5475				x	
WRAY #7286 ✓				x	
LEBAR #9001 ✓	x				

<u>Name</u>	<u>NO.</u>	<u>OFFENCE</u>	<u>* DATE TRANSFERRED</u>	<u>ALLEGED INJURY **</u>
ADAMS, J.R.	7053	Unlawful confinement	20 Apr 71	by guards
BARRIEAULT, L.J.P.	7316	Unlawful confinement	K.P. to C.B. 18 Apr 71 C.B. to M.I. 20 Apr 71	no complaint
BEAUCAGE, B.L.J.	5224	Assault causing bodily harm	18 Apr 71	by guards
BIRT, D.	6223	Manslaughter	20 Apr 71	by guards
BUGLER, E.J.	4501	Manslaughter	18 Apr 71	no complaint
DODGE, B.W.	6363	Unlawful confinement and manslaughter	18 Apr 71	by guards
FOWLER, E.M.	6147	Manslaughter	19 Apr 71	by guards
INSTON, E.F.	7066	Manslaughter	19 Apr 71	by guards
KNIGHT, W.J. (A)	3573	Unlawful confinement acquitted		by guards
LAFRENIERE,	3141	Unlawful confinement		no complaint
LESTER, E. (A <sub>1</sub> )	7136		20 Apr 71	by guards
LUNDRIGAN, R.R. (A <sub>1</sub> )	7020	Manslaughter	12 May 71	no info.
McCAUD, N.D. (A)	7622		21 Apr 71	by guards
McGURGIN, W.H.	4392	Manslaughter	18 Apr 71	no complaint
MCKENZIE, B. (A)	5106		20 Apr 71	no complaint
MORRIS, G.A.	6805	Manslaughter	18 Apr 71	complaint re nerves and no medical attention
OAG, D.	6542	Manslaughter	18 Apr 71	no complaint ("I guess not")
OAG, J.R.	4165	Manslaughter	18 Apr 71	no complaint
ROBIDOUX, R.F.	6897	Manslaughter	19 Apr 71	by guards
SAUNDERS, C.W. (A)	7580	Unlawful confinement	18 Apr 71	by guards
SHEPLEY, W.D.	6657	Manslaughter	19 Apr 71	by guards
ST. AMOUR, H.D.	1163	Manslaughter	19 Apr 71	by guards
STEWART, T.S. (A)	6919		18 Apr 71	no complaint

\* To Millhaven Institution unless otherwise stated

\*\* At time of transfer

(A) Inmate Committee Member; (A<sub>1</sub>) in attendance

List of inmates charged with non-capital murder arising  
out of riot at Kingston Penitentiary, April 1971.

①  
MORRIS, Glen Archer  
McGurgin, Wayne Herbert  
FOWLER, Edward  
ROBIDOUX, Robert John  
SHEPLEY, William  
ST.AMOUR, Harold Kenneth  
OAG, James Robert  
OAG, Donald  
BUGLER, Ernest James  
BIRT, David Sylvester  
JOHNSTON, Edward  
DODGE, Brian William

The above pleaded guilty to manslaughter.

BEAUCAGE, Brian Lester pleaded guilty to assault causing  
bodily harm.

The following were charged with kidnapping and pleaded  
guilty to unlawful confinement:

DODGE, Brian William  
[KNIGHT, William James  
BARRIAULT, Leo  
LAFRENIERE, Allan  
SAUNDERS, Charles Wayne  
ADAMS, James Robert

*guilty* 10

Kingston Penitentiary - April 1971 Riot

Prisoners Committee -

Members - 15th April 1971

Charles W. Saunders  
Thomas Stanley Stewart  
William James Knight  
Norman McCaud

in attendance first night (not members)

Emmanuel Lester  
Ralph Lundrigan

Member added - 16th April 1971

Barry McKenzie

This information was extracted from evidence before Swackhamer Commission p.1271 and 1280 - G. Arthur Martin, witness and confirmed by Mr. Maloney, CPS, Regional Director, Ontario Region.

THE OTTAWA JOURNAL

23 February, 1972

## Millhaven guards acquitted

NAPANEE (CP) — Three Millhaven penitentiary guards have been acquitted of assaulting a prisoner who failed to appear at the trial because he is in a Buffalo, NY, jail.

Charged with assaulting Norman McCaud, 39, during his transfer last April from riot-torn Kingston penitentiary to Millhaven, were guards Grant Snider, 41, of Harrowsmith, Bernard William Evans, 25, of Kingston and Lester Earl Landstra, 51, of Odessa.

Judge Gerald Smith directed the 12-man jury to find the guards not guilty following the half-hour trial Monday, because McCaud, the Crown's major witness, did not appear.

McCaud failed to return to Joyceville Institute farm annex, north of Kingston, after being given a six-day pass to visit his mother in Toronto.

He is being held by police in Buffalo, where he is charged with unlawfully being in the United States and possession of stolen goods.

Mr. Hooley

648-5/29-1



FROM DE DEPUTY SOLICITOR GENERAL

TO A COMMISSIONER HIGGITT  
MR. T.G. STREET

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE 119-2
YOUR FILE - V/RÉFÉRENCE
DATE May 4, 1972

SUBJECT SUJET Expenses of the Commission of Enquiry  
Kingston Penitentiary Disturbance

Treasury Board has recently remarked on the dangers and undesirability in any situation of open-ended agreements for services which do not set out a limit on the Crown's total financial obligations.

Treasury Board has asked that appropriate controls are established to ensure that in future all agreements for services clearly set out a limit on the Crown's total financial obligations, such a limit to be consistent with any limit established by the Board for any particular program or project.

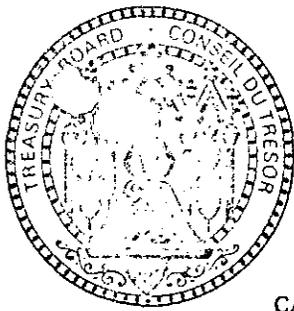
Your cooperation in seeing that this is done in all cases will be appreciated.

E. A. CÔTÉ

E.A. Côté,  
Deputy Solicitor General

RMJLABROSSE/ml

c.c. Solicitor General  
Mr. Dewar  
All Principal Advisers



CANADA

T.B. 711373  
File: 8175-2/S686

Ottawa, Ontario  
K1A 0R5  
May 1, 1972

DN SM  
SOL GEN

646-5/29-1

Mr. Ernest A. Côté,  
Deputy Solicitor General,  
Ottawa, Ontario, K1A 0P8.

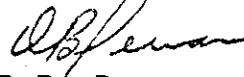
Dear Mr. Côté:

Approval has been given to your Minister's proposal to increase from \$50,000 to \$120,000 the limit on the expenses of the Commission of Inquiry respecting the disturbances at Kingston Penitentiary last year. The number of the authority is T.B. 711373 and its date is April 20, 1972.

While the original limit of \$50,000 had to be set without a clear idea of the required size and scope of the inquiry, authority to increase it should nonetheless have been sought before expenditures were allowed to exceed this amount. We understand that the principal reason for not coming forward in time was that the Commissioners failed to keep the Penitentiary Service informed of their expenditures. It seems unlikely that this would have happened had limits, reflecting the \$50,000 maximum, been included in the agreements between the Commissioners and the Penitentiary Service. We would seriously doubt the desirability in any situation of open-ended agreements for services, but think that they are especially questionable when the Board has established a specific limit on expenditures in the particular area. We appreciate that the Penitentiary Service attempted to meet this problem through a letter to the Chairman of the Commission which referred to the \$50,000 limit; however, experience appears to have demonstrated that this was an insufficient control.

We would ask that in future all agreements for services set out a limit on the Crown's total financial obligations. Such a limit should of course be consistent with any limit established by the Board for the particular program or project.

Yours sincerely,

  
D.B. Dewar  
Deputy Secretary  
Program Branch.

*Copy to 119-2*

646-3/29-1

The Ottawa Journal

# Weekend MAGAZIN



*File Knight Rest pls.  
William Knight*

## This is Billy Knight, the man who started the April, 1971, riot at Kingston Penitentiary and got away with it

By Ron Haggart

Everything in prison life is routine. The steel bars, the masonry walls, the guards, do their part, but the real control of a large maximum security prison comes from the dreary and predictable fact that everything happens, day after day, in exactly the same way.

A few minutes before 10.30 P.M. on April 14, 1971, the routine began for shepherding

78 inmates from the recreation hall of Kingston Penitentiary up the long corridor past the hobby shops and classrooms, through a barred gate, into the central command post of the prison called the "dome", and then up the stairs to the second floor, or "range" where these men lived.

The men of another range had been in the

Continued

# Ninety Hours

Continued

recreation hall earlier in the evening. Then it was the turn of Range Two. The next night, the two other ranges of the prison would each have two hours to play cards or watch television. In this way, no more than a quarter of the prison population was ever in the same place at the same time, except for weekends when half the inmates at a time shared the exercise yard.

Guard Terry Decker, a tall, slim man of 27 who had been working at the prison only a couple of years, walked up the hallway from the recreation hall to unlock the barred gate, where he would pass the inmates through in groups of no more than 20, each group going to its wing on the second range, 2-H first, then 2-A and so on around the eight cell-blocks which radiate in four spokes from the central dome.

At 10.30, guard Donald Flynn pulled the lever to ring one loud clap on the huge bell which had hung in the dome of Kingston Penitentiary for 130 years, its maddening clang echoing 32 times a day to signal each succession of the routine.

Hearing it, Decker gave a wave down the hallway to William Babcock in the recreation hall, who turned a handle, causing the letter H to light up on the wall. He blew his whistle and the men from 2-H lined up in the hallway, ready to start the march to their cells.

No one noticed that something was wrong. Six men in the group of 16 forming up in the hallway ready to march out didn't live in 2-H and therefore didn't belong in that lineup. Prison life is so impersonal, and so few names are attached to the faces of inmates, that more than one-third of the lineup could be the wrong men without arousing any suspicion.

The men began to move when Babcock blew his whistle. As he recalled later, "I was waiting for the last man to go by Mr. Decker to change the indicator to A. There were about four men left to go by Mr. Decker when I noticed a quick movement up in that area and I saw Mr. Decker's hat flying."

Babcock shouted to guard Raymond Pattinson: "Take the barrier."

A guard's hat lying on the floor was the first break in the routine. It was the signal that announced trouble

(guards never appear without their caps and have been disciplined, for example, for taking off their caps to join in athletics).

Terry Decker's cap on the floor was the opening scene of the Kingston Penitentiary riot of April 14-18, 1971, a riot which wrecked the interior of the entire main cell-block, where more than 500 men roamed at will from Wednesday night to Sunday. It was 90 hours of rebellion and two inmates died after ritualistic torture with iron bars in almost its closing minutes.

It was neither the largest nor the most destructive of Canada's prison riots, but it did achieve notoriety for two reasons: It was the first time in the history of the Canadian Penitentiary Service that inmates got control of a prison "dome". And six months later, when 40 guards and inmates were killed by police fire at a prison in upstate New York, those who had been at Kingston realized that cool heads on both sides had saved Kingston from the bloodshed of Attica.

When Terry Decker's hat fell to the floor, the routine was still going on as usual around the corner in the dome. Guards Douglas Alfred (Daddy) Dale and Joseph Valliere were on the second range, where Dale had spun the great iron wheel to open the cell doors of 2-H. Valliere was preparing to lead the men down the cell corridor; then he would spin the wheel again, an ingenious early-Victorian mechanism which would move a "travelling bar", almost 200 feet in length, so that each "locking bar" fell into place beside the cells. He would punch a time clock and move on to repeat the process at the next wing.

The six imposters in the 2-H lineup (presumably six others had agreed to stay behind in the recreation hall) congregated around a high-strung and loquacious (sometimes even eloquent) inmate named William James (Billy) Knight who, at 28, had spent some time in jail in each and every year since his adult police record was opened at the age of 16.

As they passed the barrier, Billy Knight and a young inmate named Charles Saunders grabbed guard Terry Decker and pushed him into a corner out of the sight of Babcock down the hall, and Saunders kept him on the floor with his knee.

Four other imposters in the lineup, Brian Dodge, Leo Barriault, Allan LaFreniere and Robert Adams, ran into the dome and grabbed guard Donald Flynn and the senior man on duty,

Photos by The Whig-Standard



"... we saw them smash everything in sight," said guard Joseph Valliere.

# Of Rebellion

keeper Edward Barrett.

The rest of the lineup kept marching to their cells as usual. Dodge was in the dome, fighting with Flynn and demanding the keys, when the first men of the lineup were climbing the stairs and approaching guard Joseph Valliere at the entrance to 2-H. Valliere and the inmates could easily see through the iron railing of the balcony what was happening one floor below them.

"The minute the fight started," Valliere recalled later, "I glanced at the faces of the inmates coming up the stairs to try to get from the expressions on their faces just what sort of a mood they were in.

"I immediately ordered them into their cells, saying, 'You don't want no part of this.' I read from their expressions, expressions of fear.

"I decided they didn't want anything to do with what was going on downstairs. So I ordered them into their cells."

The prisoners marched into their cells but, "About midway down the range," Valliere remembers, "I was grabbed and told that that was as far as I was to go, and not to give any resistance or I would be hurt. That was as far as I went."

All six of the guards were then herded into a cell corridor leading off the dome. Before he went, keeper Ed Barrett handed his wallet to an inmate. "Look after this," Barrett said, "and don't forget, I'll remember who you are." Four nights later, when Ed Barrett marched out of Kingston Penitentiary, the last hostage to be released, he got his wallet back, and the \$270 it contained.

Barrett managed to hold on to his keys until he and the five other guards were locked in the corridor of 1-F, then he threw his keys to safety through a window.

If the 90-hour rebellion at Kingston Penitentiary was not the largest nor most destructive of Canadian prison riots, it was at least unique: Billy Knight was the man who organized and instigated the uprising — and he got away with it.

Some time later, Knight freely admitted it. Knight complained that after the riot was over and he was transferred to Millhaven Penitentiary, the hairline fracture of his skull, and other injuries diagnosed at a Canadian Forces Hospital, came from a blackjack and riot-stick beating he received from Millhaven guards. At the trial of two of the guards, Knight was asked by their defence lawyer:

"Did you grab Decker, a penitentiary guard at Kingston Penitentiary, and hold him as a hostage, and it started the riot at Kingston Penitentiary?"

When the judge ordered Knight to answer, he said: "I did, yes."

"So you are the person who started the riot at Kingston Penitentiary?"

"That's right," Billy Knight replied.

It was all astoundingly simple. Six inmates on the loose gained control of five guards (all of the guards except Valliere, who was grabbed by other inmates in the corridor of 2-H) and thereby secured the dome. All this happened while the other inmates and their guards were still in the recreation hall, but with the dome in the control of inmates, the prison was effectively immobilized.

Billy Knight has never said publicly how he did it (indeed, he has never been required to). I was a member of the citizens' committee which went to Kingston Penitentiary on the second day of the uprising, and three nights later the committee successfully negotiated the end (and, thinking now of Attica, the relatively peaceful end) of the inmate rebellion. I met Billy Knight there, and recently he agreed to tell me something of his role in organizing and instigating the riot.

"Six men," Knight says, "had been strategically placed among the first group of men to leave the gym that evening, two to block escape routes from the dome, two to secure and hold the two barred doors leading from the gym to the dome, and two for physical support should the five guards in charge of the dome itself decide to put up a strong resistance which, I'm happy to say, they did not.

"There were no weapons other than hands involved in the initial takeover. No one was to carry out their allotted tasks until I had removed guard Decker from the first door leading out of the gym. This I accomplished by striking Mr. Decker in the stomach so that he would lose his breath and be unable to yell out a warning. I then removed the key from his hand, informed him that a rebellion was underway, and that he would not be harmed if he did as he was told."

Knight ran back to the barrier where Decker had been, but by this time, guard Raymond Pattinson was there, holding it shut. Knight kicked at his hands and guard Babcock ordered Pattinson back to the safety of the recreation hall. Knight followed him down the hallway and when he reached the recreation hall, shouted "Come on men!"

On the far side of the room is the gun cage. It is literally a small, barred cage hanging on the wall, a few steps from the outside entrance. A guard in the cage levelled his rifle at Knight; he flattened himself against the wall and retreated. Returning to the dome, Knight broke up two fights between inmates and guards Flynn and Decker. Then he mounted the stairs to bring down the guards still on the second range. He had all six guards placed in the corridor of 1-F "where they couldn't interfere or pass out information about how terribly limited our forces really were'.

Actually, it was no secret. There were still guards in the recreation hall who knew how many inmates were on the loose in the dome, and two guards named Kellet and MacDonald looked in from the Keepers Hall, the guard's locker room.

About 11 PM, someone phoned Warden Arthur Jarvis at home and he in turn phoned his deputy, Douglas Chinnery, who later was to play a significant role in ending the uprising. But at first, Chinnery was incredulous.

"They've taken over the dome," Jarvis cried.

"Come on, warden," Chinnery laughed, "you can think of a better one than that."

A member of Billy Knight's group had a copy of the key which opens the plumbing supply room in the dome. From there, they got four-foot pipe wrenches, pry bars and lengths of steel pipe. It was a comparatively

simple matter to wreck the controls on the locking wheels, then to pry loose the locking bars beside each cell. These bars were then added to the arsenal and before long all the cells were broken open.

But there were some keys on the loose. Inmate Barrie MacKenzie, in 3-B (one floor above, and in a separate cell-block from the scene of the outbreak in 2-H) was released when his range was opened with a key. "I went over and started letting out my friends. Everything was so unorganized at the time. Everybody was letting everybody else out. The stronger guys got other of the stronger guys out."

MacKenzie went over to pry his friend Brian Beaucage out of his cell, then the two of them met with a few others to discuss what was going on. At this time, other inmates were in the process of transferring the six guards held as hostages from their exposed position in the corridor of 1-F to a service corridor (called a duct) which carries pipes and wires behind the cells of G and H block.

Before they were put in the service corridor, the guards were held for a few minutes in the dome, guarded by six or seven inmates. Valliere remembers it well: "At that time I was given the impression — in fact, I believed then — that these inmates that had hollered at us were desperately trying to protect us from the remainder that were smashing up the prison in general.

"Then one of the inmates got an iron bar and broke open the lock on the gate going into the duct. They herded us into the duct and about four inmates came in with us. They shut the door, and wired it shut [from the inside]. They said, 'No one will come in and get you, we'll protect you.' At that time we could see out of the door. We saw them smashing everything in sight. They smashed all the furniture in the wing and cells. They smashed just about everything they could get their hands on."

The official estimate of damage is \$300,000 (not the millions that were featured in early press reports). It is almost impossible to establish a realistic figure, however, because Kingston was due to be reduced in population anyway (today, only the first and second ranges are used) and some refurbishing would have been done in any event.

With Barrie MacKenzie and his team now free, the politics of the situation began to get more complicated. There were now three riva



Barrie MacKenzie: "a con's con".

## "Ten bloody years in a place like that? No way pal"



Warden Arthur Jarvis (L); Billy Knight, third from left; regional penitentiaries director John Maloney (R).

forces competing for power: Knight, MacKenzie, and what might loosely be described as the madmen.

Billy Knight, the leader who started it all, is a speech-making, grandiloquent convict-politician, full of plans for exposing prison conditions, adept at collecting appropriate quotations and the author of many overblown ones himself, contained in the 110 handwritten pages of an autobiography and exposé of prison life he has called *The Walking Dead*.

The fact that Knight was able to carry out the impertinence of getting in the wrong lineup from the recreation hall in full view of a half-dozen guards says a great deal about the dull routine, on both sides, of prison life, for although Knight is not a famous criminal he is indeed a famous inmate.

Senior penitentiary administrators and the lowliest "screw" all know his name and regard him as a troublemaker. He is suspected of instigating a sit-down in the penitentiary exercise yard some years ago. He has escaped from custody at least five times, yet his criminal career, by any scale of values, is picayune.

In 1969, Billy Knight had been on parole for four months when he smashed a store window in Kingston and stole a few cigarettes. He says he now recognizes that crime as a cry for help, a convoluted plea to return to the prison life he said he hated so much but where he was, at least for some, a leader among men. Because of his previous record for thefts, he was sentenced to three years, plus the full year of his unserved parole. In early 1971, he got out on a day-pass from Joyceville Penitentiary (by lying) and easily ran away. In Ottawa, he obtained a stolen car and false identification papers and started out along Highway 7, ostensibly looking for work.

Near Wawa, Ont., the car ran out of gas and Knight broke open a gas station to unlock the pumps. He lifted a windbreaker from the gas station but

ignored, he says, a gun that was also inside. The police caught him in Wawa but not before Knight, running through the snow, got frostbitten feet. Taken to Sault Ste. Marie for treatment, he easily walked away again and got a couple of blocks before he was apprehended.

That adventure cost Knight seven more years in the penitentiary: two years for being unlawfully at large from Joyceville, three years for the gas station theft, one year for possession of the stolen car, nine months for escaping in Sault Ste. Marie and three months for driving the car dangerously. All this was added to the four years he began to serve in 1969 as a result of the cigarette theft (although the Ontario Court of Appeal did say later that it was "reluctantly" knocking one year off these sentences). He was also charged \$96 for walking away in a prison-owned suit, which was deducted from his canteen funds.

"Ten bloody years in a place like that?" Knight exploded. "No way, pal."

And so, as Knight told me recently: "I anticipated seizing the entire institution. And if the men in the gym would have moved their tails when they should have, instead of waiting for the guards to get guns on them, that's what would have happened.

"As it turned out, six of us were trapped all by ourselves [in the dome] and had just managed to get the men released from their cells when the reinforcements arrived [the prison riot squad] with shotguns, dogs and riot sticks and had the dome surrounded."

With the release of Barrie MacKenzie from his cell, Knight's leadership was challenged. MacKenzie is tough-minded, independent and a born leader ("a con's con", the authorities call him) and he at once ordered the six guards being held as hostages to be moved from the ground-floor service corridor to a row of cells on the fourth range. MacKenzie got prison clothes for them

and ordered them to change. The hostages, knowing that obscurity was their best defence from attack, readily agreed.

\* \* \*

John Maloney, the regional director of penitentiaries, crouches beside an army officer on the roof of the recreation building, peering into the cells of 4-E, trying to find the hostages. Maloney's intelligence, or his hunches, is sound: The hostages are in Cell 10 of 4-E. He and the army officer discuss the possibility of laying down a fusillade into 4-E to separate the hostages from their captors, then moving in behind the fire to pull the hostages out.

But Maloney and the officer cannot see clearly through the dirty windows, they cannot be sure the hostages are there. They abandon the idea.

At some point the hostages are moved to 4-H, then shuttled frequently between 4-H and 4-G. No one is allowed in the corridors, the gate at the entrance to the range is guarded by the security forces MacKenzie has organized.

Downstairs, the homosexuals are staging a beauty contest: The Red Queen wins! Inmates are sniffing glue, popping pills and tearing the chapels apart.

Walking along one of the ranges on his way to a meeting, MacKenzie sees two young men in a cell crying their eyes out, they are afraid of being raped. "Stick around with us," MacKenzie orders. They do, and they survive the 90 hours unmolested.

The hostages have now been split into two cells, side by side, and keeper Barrett, the senior man, realizes that the danger comes not from the inmate leaders of the riot but from the unstable and the mentally deficient, those men so lacking a sense of reality that they eventually turn their fury against "the effing diddlers and stool pigeons" who are housed in 1-D. These "undesirables" of 1-D remain safe for more than three days behind

the chains and padlocks provided by MacKenzie's security force, but on Sunday morning when Knight and MacKenzie are out in the hospital wing at a meeting, a maddened gang breaks open the cells and the "undesirables" are beaten with iron bars until two are ready for death and 12 have broken noses and bloodied faces.

The army marches in at double time in the half-light of Thursday's dusk, the beat of their boots clearly heard through the broken windows of the cell-block, the glint of their bayonets visible in the floodlights which play against the grey stone walls. There is an uproar of shouts from the prison and some men make a rush at the guards on the fourth range. MacKenzie's security force holds firm. Still later, when MacKenzie returning from a meeting, he finds a group of inmates leading guard Donald Flynn along a corridor of the fourth range.

"Where's he going?" MacKenzie demands.

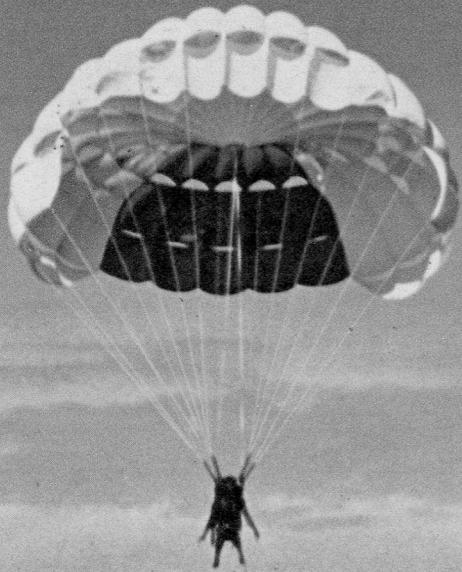
"Over the railing," they reply.

"Like hell he is," MacKenzie says. "Take him back," and they do.

It is one of the ironies of the Kingston riot that Barrie MacKenzie is serving time for jail break and an assault on a 65-year-old guard at the county jail in Milton, Ont. More recently, MacKenzie has said he pulled another inmate away from the guard; but he pleaded guilty to assaulting the guard himself, that is the convict's code.

As the hours grow into days, the carnival spirit grows thin. Many of the men are tired and bored, some merely stay in their cells and play bridge or checkers. They are angry or apathetic as the inmate politicians harangue them from the dome with the loudhailer the authorities have sent in. An inmate turns in a five-pound pail of glue to MacKenzie and he hides it away out of sight. He remembers it afterwards as one of the most touching scenes of the whole experience: The men are beginning to understand

Continued



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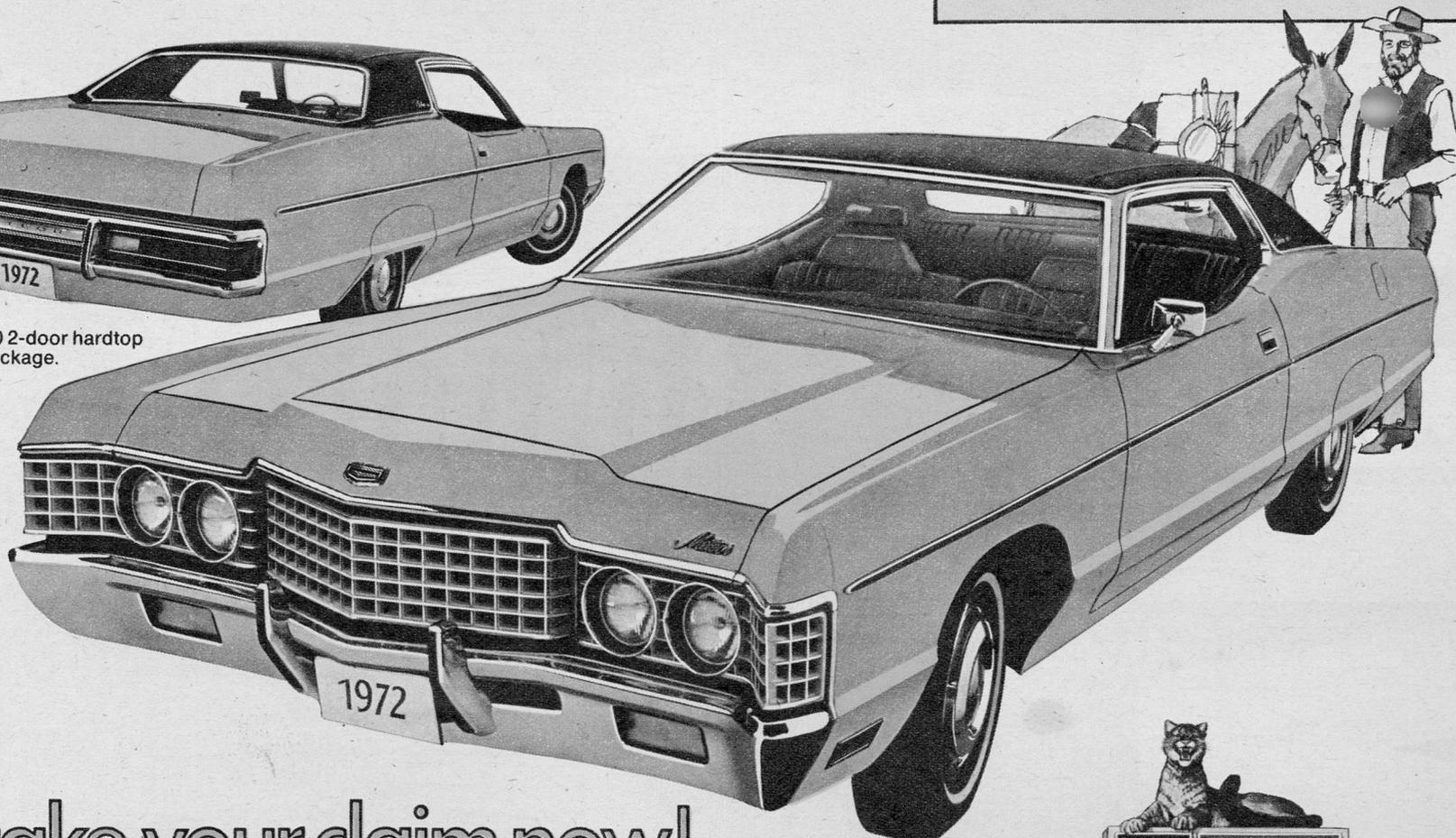
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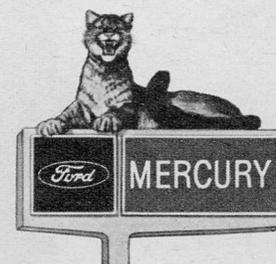


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# 300 men pour down, pushing, falling, shouting...

that they must make their own, tough decisions.

At the meetings with the citizens' committee in the hospital wing, Knight continues to speak of prison conditions, "this sickness we spew back into society", and MacKenzie turns to him savagely: "We don't want these ping-pong prizes of yours." Exhausted both physically and emotionally, Billy Knight is given a sleeping pill and sent to bed.

Early Sunday morning, Barrie MacKenzie is in the dome, telephone in one hand, a knife fashioned from tailor's shears in the other. He firmly believes what he has been told, that there are 21 dead inmates littered around the ranges; he knows that if the authorities find that out, they will invade at once, probably with tear gas and FN automatic rifles. He is so hoarse he can hardly speak, but he tells the men they will have to decide now whether to accept a plan by which the inmates will file out through the hospital, with one hostage to be released for each 60 inmates. This will keep the hostages as an insurance policy against invasion for as long as possible.

Before MacKenzie can say more, 300 men pour down from the ranges, pushing, falling, shouting, running for the corridor of 1-A toward the hospital wing. From the ranges high above, the hard-rock inmates pour debris down upon the running men. About 100 duck into the cells along the corridor, 200 others hide under the balcony formed by the cells above. Guards poke rifles through the broken window of the hospital door and fire three shots into the air, shouting "Get back, get back." Finally, an army officer suggests: "Why don't you let them out?", and 206 men flee into the exercise yard.

All day Sunday, shears firmly in hand, MacKenzie holds the phone in the central dome, negotiating the details for the release of the hostages and the remaining inmates. At 5 PM, he is the last man out of the wrecked prison and Solicitor General Jean-Pierre Goyer gets a high sign from a guard. He has already told them he would like to meet this man MacKenzie.

\* \* \*

Looking back on it a year later, John Maloney, the regional director, says:

"There is no doubt in my mind that if we had had an assault on that cell-block, we would have had another Attica, a potential Attica.

"I have still to hear of any serious grievances the inmates had, they were just grasping at straws, they were talking about trivialities."

"Well," says Barrie MacKenzie, equally reflective, "at least they leave the TV on for an extra half-hour now, till 11 o'clock."

Billy Knight is bitter, and he tells me: "Within minutes after I withdrew my leadership, following my discovery of the violence that had taken place that Sunday morning, MacKenzie and his break-away group, seven men, got you [the writer, Ron Haggart] on the phone to begin making arrangements for throwing in the towel. The mere thought of giving up without having achieved any gains whatsoever disgusted and made the men even more furious than they already were."

There are almost as many theories to explain the origins of the Kingston riot as there were inmates. Indeed, there may be no specific reason. Two American penal authorities, Frank E. Hartung and Maurice Floch, have defined a new kind of riot which has arisen since 1952. They define it as the "collective" riot, created by the nature of prisons themselves, as distinct from the "brutal" riot which they define as the traditional rebellion against specific complaints, such as rotten food.

One factor leading to a collective riot, Hartung and Floch say, is the breakdown of the acknowledged underground inmate self-government. Unknowingly, Billy Knight adds some credence to the Americans' theory, for when asked why the rebellion took place on April 14, Knight replies:

"A few days prior to the uprising, they began transferring our best men — the ones who still had enough guts left to stand up and be counted — to Millhaven Penitentiary.

"After all we'd read and heard about the super-security precautions that existed at Millhaven, we knew that we'd have to make our final stand at KP and make our grievances known to the public before that transfer could take place. We knew that once they got us into Millhaven, with the same personnel and the same deadly program, and once they screwed the lid down tight on us, any thoughts of rebelling in that place would be unthinkable.

"Kingston was a living, breathing hell-hole and I chose to destroy it before it could destroy me."

Barrie MacKenzie has another explanation. He says Billy Knight's life had been threatened: "Knight was very aware of who was after him," and the assault was to take place in the exercise yard the following weekend (which means the assailant did not live on Range Two, but lived on the range with which Knight's range shared the yard). Knight's plan, according to MacKenzie, was to hold a

Continued



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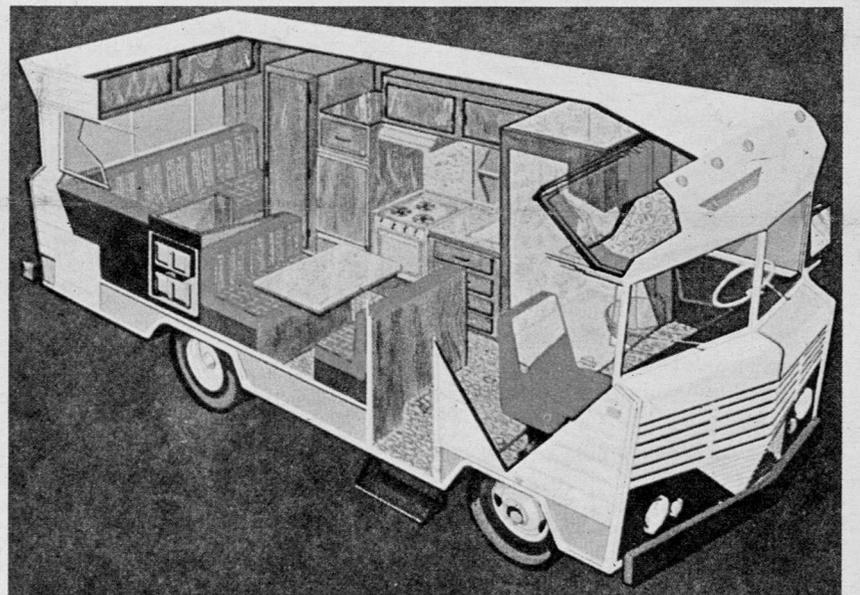
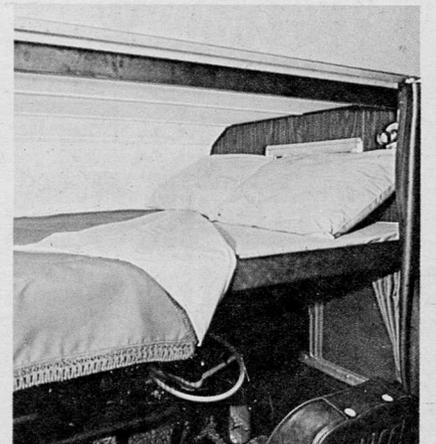
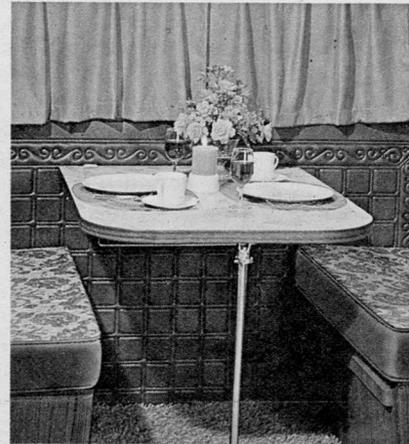
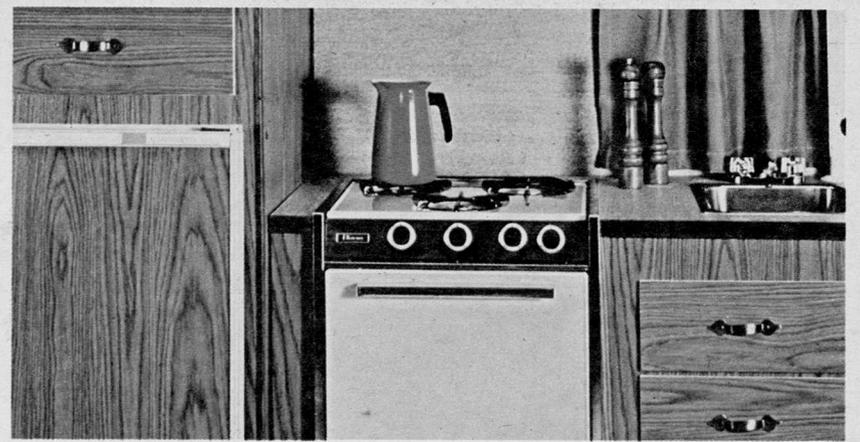
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All entries become the property of Nestlé (Canada) Ltd. and none will be returned. Winners waive their rights to printed and broadcast publicity.

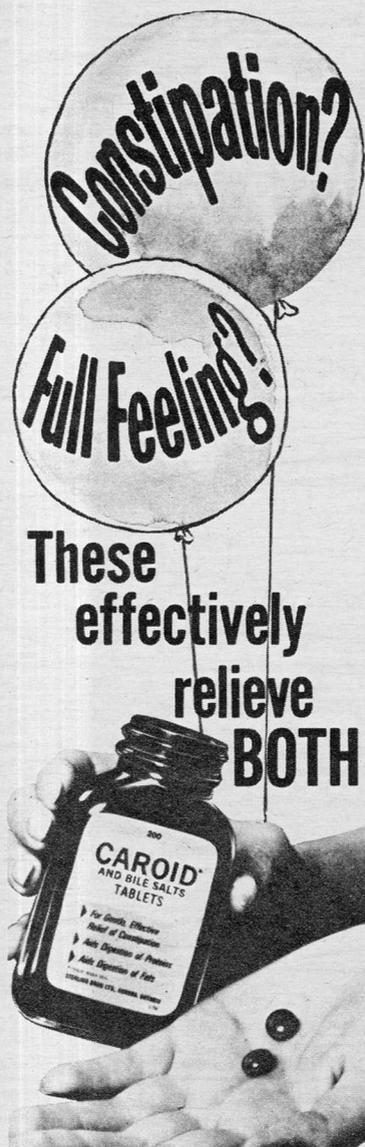
4. Contest open to all residents of Canada 16 years of age or older except employees and their immediate families of Nestlé (Canada) Ltd., their advertising agencies, the contest judging organization or the supplier of the prizes. A selection will be made from all eligible entries received and the selected entrants must first correctly answer a time-limited, skill-testing question, before being declared a winner.

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## Now Billy Knight is separated from other prisoners

few hostages long enough to get his manuscript, *The Walking Dead*, out to the press.

Then Knight would be safely sentenced to "the hole" and no doubt quickly transferred to another institution. "It went further than even Billy Knight ever thought it would," says MacKenzie, while Knight, of course, says no one had it in for him and no threats were made on his life.

Another theory, held by a senior penitentiary official, is that Knight was the dupe of two clever racketeers, who encouraged him to start the riot (while they, of course, were safely locked in their cells). A 40-foot ladder, used for repairing the upper reaches, stood inside the dome. If the inmates had been able to break outside the cell-block, through the kitchen, recreation hall or hospital, it would have been a comparatively simple matter during the confusion of hundreds of men running around in the yard for two of them to hoist the ladder against the outside wall and make their escape.

Whatever the reasons, Billy Knight was the central figure, the man who started it, and his explanation is: "I had a bellyful of bitterness, frustration and disgust that was slowly eating me alive."

\* \* \*

On Aug. 17, 1971, four months after the Kingston riot, William James Knight and the five others who had been in the wrong lineup went on trial in Kingston for the forcible seizure (a considerably lesser crime than kidnapping) of the six guards held hostage. Five of the accused pleaded guilty, but Knight insisted on a trial.

Knight is a barber by trade, and during the prison riot itself, his hair was always meticulously combed in a high, 1940s pompadour, each strand of hair wet-combed to stand out in a high front wave above his forehead.

In the courtroom on Aug. 17, inmate Allan LaFreniere was heard to say: "Where are my glasses? I can't see anything without my glasses." He could not see the man next to him, who was wearing a grey suit, white shirt and blue striped tie, plus a pair of horn-rimmed glasses, an aid to vision Billy Knight had not been known to need previously. Knight's hair was

combed sharply over to the side, in the fashion of a mod businessman and he had acquired both a deep tan to his face and a long, drooping moustache.

As the trial opened, Knight's lawyer, Barry B. Swadron of Toronto, asked that his client be allowed to sit next to him at the lawyers' table. Crown counsel John Sampson objected, saying "There's a table right behind counsel," so Knight was seated behind Swadron and to his left.

Terry Decker, the guard Knight punched in the stomach, said from the witness stand that he would be able to identify Knight, but when asked if he saw him, he looked around and said, "No, I don't see him."

Judge Donald Graham urged Decker to try again: "Do it carefully. That's what you are here for, for identification." But Decker still couldn't point to Knight. The Crown attorney suggested that lawyer Swadron may have been standing in the way, so Knight was moved to the table beside Swadron, which is what Swadron had originally asked for.

There was now a row of dashing young men at the lawyers' table: Swadron, Knight, Swadron's assistant Don Sullivan, and then Clay Ruby, another Toronto lawyer. Guard William Babcock, unsure at first, finally picked out Knight, but since Babcock had heard some of the conversation between the lawyers about Knight "hiding", his evidence was partly tainted.

The next guard called as a witness, Douglas Dale, could not find Knight, despite the repeated prodding of the judge: "Have you looked around? . . . Have you done it carefully?"

Joseph Valliere, similarly unable to pick out Knight, was asked to step from the witness box. He walked along the row of "lawyers", slowly looking at each one. Swadron was making notes for his cross-examination, and out of the corner of his

eye he could see Knight scribbling furiously on a long legal note pad. "What the hell's he writing?" Swadron thought to himself. Then he heard Valliere say something about "... the moustache there . . ." Swadron's heart sank; his client had been identified.

A man with a moustache stood up. "I think I should identify myself," he said. It was Clayton Ruby, one of the lawyers from Toronto.

When Knight was acquitted for lack of identification (keeper Ed Barrett, for some reason, was never called as a witness), officials of the penitentiary service were furious.

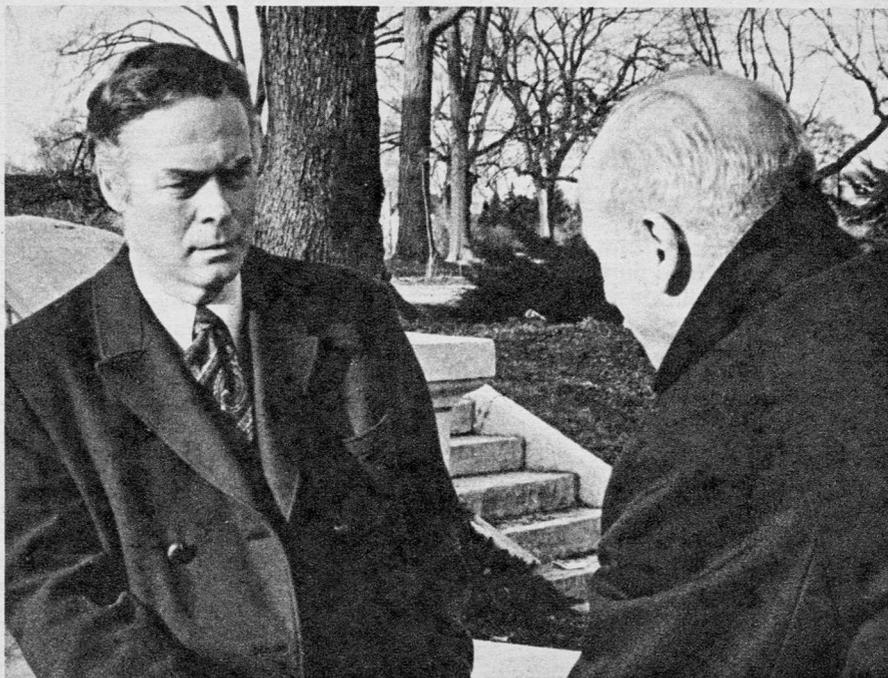
They immediately made plans to photograph Knight at Collins Bay Penitentiary and seized his razor so as to preserve the moustache. Knight broke a piece of glass from his cell window and emerged to sit before the camera with his hair combed straight back and his face shaved barber-close.

Today, Billy Knight spends his days locked away from other prisoners at Millhaven Penitentiary and there are inmates who say that the case Billy won by a moustache has put his life in danger.

"A lot of groundless suspicions," Knight himself says, beginning one of his better political speeches. "A lot of groundless suspicions were generated among the inmate population as a result of my acquittal and, of course, I expect to pay my full pound of flesh in retaliatory measures taken by the penal establishment for the part I played in rocking the boat.

"But be of good cheer, my brother, principle has a thick, thick skin. And remember: 'When a people have nothing left to lose but themselves, only a coward would deny them the right to rebel, would not I need encourage them to do so.'"

Even in solitary, Billy Knight is the consummate politician. ◀



Writer Haggart (L) with regional penitentiaries director John Maloney.

*P.A. K.P. not*

DEPARTMENT OF THE SOLICITOR GENERAL  
MINISTÈRE DU SOLICITEUR GÉNÉRAL

MEMORANDUM

30-3-72

Mr. Foley -

Mr. Willoughby, defence counsel for the guards charged with assault etc. arising out of the admission of inmates to Millhaven - telephoned me and advised that he had just received word that the Attorney-General of Ontario has marked the balance of the charges "nolle prosequere"

Mr. Willoughby also requested that the solicitor general telephone him at his convenience. Mr. Willoughby will be in his office Tue. Thurs. and Fri. next week. His number is 546-5523.

Inger Hansen

*2-4-72*  
*Mr. Côté asked me to relay message to Mr. Willoughby that S.G. should not forget to talk to defence counsel - if Mr. Willoughby wishes - write*

*Ringston Road (Quebec 1971)*

FROM  
DE

DEPARTMENTAL COUNSEL

TO  
A

DEPUTY SOLICITOR GENERAL

SUBJECT  
SUJET

Minutes of meeting - Solicitor General and the Honourable Apps

SECURITY - CLASSIFICATION - DE SÉCURITÉ
<i>File Closed</i> OUR FILE - RÉFÉRENCE <i>646-5/29-1</i>
YOUR FILE - RÉFÉRENCE
DATE December 3, 1971

I enclose one copy of a summary and extended notes prepared by Miss Hansen on the recent meeting with Mr. Apps.

An extra copy has been placed on file.

*J.H. Hollies*  
J.H. Hollies.

Notes of meeting held with the Honourable C.J.S. Apps Minister of Correctional Services, the Honourable Jean-Pierre Goyer Solicitor General, the Deputy Solicitor General, Mr. Don Sinclair, Mr. J.H. Hollies, Mr. D. Matas and Inger Hansen held at the offices of the Solicitor General, 340 Laurier Avenue West, at 4:30 p.m., 1971.

Summary

(extended notes are appended)

Issues discussed:

- 1) Indeterminate sentence under Prisons and Reformatories Act
- 2) Responsibilities for Parole
- 3) Canada Assistance Plan
- 4) Sentences given inmates as a result of guilty pleas to manslaughter (Kingston riot April 1971)

Mr. Apps asked for amendments to eliminate indeterminate sentences and to transfer responsibility for parole for inmates in provincial institutions to Ontario. He also suggested that unless some other solution could be found, Ontario would be forced to transfer their juvenile facilities to their welfare department. He added, it was not proper to force such a transfer, nor fair to treat Ontario differently.

The Solicitor General explained that it was not likely that amendments to the various acts would be made. The Solicitor General said a federal-provincial conference was possible "not before the end of the winter" to discuss the whole range of problems of corrections, including possibly the Young Offenders Act. Mr. Apps accepted the invitation. The Solicitor General encouraged Mr. Apps to continue discussions with Department of National Health and Welfare on the subject of financial assistance adding that the Department of the Solicitor General was actively trying to reach an agreement with Health and Welfare.

Mr. Apps raised the subject of sentences imposed on the inmates, and said he would support any representations which the Solicitor General might wish to make with a view to having appeals launched.

Notes of meeting held with the Honourable C.J.S. Apps Minister of Correctional Services, the Honourable Jean-Pierre Goyer Solicitor General, the Deputy Solicitor General, Mr. Don Sinclair, Mr. J.H. Hollies, Mr. D. Matas and Inger Hansen held at the offices of the Solicitor General, 340 Laurier Avenue West, at 4:30 p.m., 1971.

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Mr. Apps stated that he wished to discuss three problems with the Solicitor General: He mentioned the question of indeterminate sentences and suggested that Ontario needed help. The other subjects were that under the Canada Assistance Plan Ontario was receiving no financial assistance and finally he would like to see Ontario have control of parole where the province is responsible for custody.

The Minister responded that he would like to "help them tomorrow" but that there was no time to introduce new legislation during the current session, that it might end soon and it was not known at this time when the new session would begin nor whether it would be short or long. Mr. Apps asked the Minister if he could say when the current session would end and the minister answered that no date was fixed: it might be before Christmas or in January.

Mr. Apps then asked why British Columbia and Ontario had indefinite sentences under the Prisons and Reformatories Act. Mr. Hollies answered that it was not known. He added that B.C. wanted it.

Mr. Apps then introduced a question of parole supervision explaining the problem of shifts in authority. The Minister stated that it would be easy to amend the Act if that was all that was involved, but the debate in the House could not be restricted once an amendment was introduced.

The Minister added it was unwise to open up the Act. He continued that he would also like to amend certain Sections of the Penitentiary Act and was likewise faced with the problem of opening up an Act. The question of interprovincial cost-sharing was raised by the Minister as well as the time determining division between federal and provincial responsibilities for incarceration. Should it be three years, six months for the provinces with an interval of six months and the federal government being responsible for sentences over one year, the Minister asked. Or were there alternatives? Should the kind of inmate be a criterion; should it be determined on the basis of the custodial aspect? Should parole be the responsibility of one government only? The Minister added "we have started a study to explore all avenues of the penal system, not only for adults, but to review the question of young offenders-agreements for capital expenditures." We could include those

up to 25, he suggested. Or it might be better to split the responsibility. The Minister also mentioned looking at probation and parole.

Mr. Apps pointed out that the problem had been hanging fire since 1968 and that he would like parole to be the responsibility of the province of Ontario when they have custody. Mr. Apps also pointed out that the changes contemplated by the minister might take many years to accomplish. He realized the problem of reopening acts and asked whether that should be a deterrent to change when we know there should be a change. "It would help people in institution, it would help the National Parole Board in terms of definite sentences, Ontario for indefinite sentences", he said. He suggested that there was no logic in the delay. The Solicitor General pointed out that of course this was so from Ontario's side, "you need it." The Minister then said "If we open the bill we do not know when it will end, and it would be just for the benefit of one service". "We can try to start a debate, if within the range of our priorities, then after a few days of debate, the House Leader can put it out". "This would merely raise expectations."

Mr. Apps then asked "what are your views on indeterminate sentences on us taking over the definite period". The Minister answered "My views are consistent with my views on the Young Offenders Act. I am against the use of indeterminate sentences, the more I explore the question, the more I consult with other countries. They depart from this for many reasons. I am easily convinced on the question of parole and probation, we have researched it interdepartmentally". The Minister made reference to the Ouimet Report and said there was no problem on the essence.

Mr. Apps said, "you agree, but don't want to open up the whole Act". The Minister said that we might go more rapidly this time. He pointed out that "we consulted on the question (of the Young Offenders Act). A fresh look was needed." "If you feel a new program is needed we will have a federal-provincial conference on the whole range and not wait as long as we did on the Young Offenders Act but to try to act soon after." Mr. Sinclair asked whether the conference would be for the purpose of rewriting the Prisons and Reformatories Act. The Minister said yes and added also on the question of sharing responsibility. Mr. Apps said that they would be delighted to attend such a conference. Mr. Sinclair then asked the Minister whether such a conference was just a possibility or whether the Minister had thought about it. The Minister said "a possibility". Mr. Apps stated he realized it was difficult to design a legislative program acceptable to all provinces but, realized the advantage in getting the views from everyone as well as one can. Mr. Sinclair then asked whether there was any

authority for the indeterminate sentences and pointed out there was no such authority in the Criminal Code. Mr. Hollies advised that this question had been tested in the Supreme Court of Canada in two cases, one from B.C. and one from Ontario, it was held that the power to give sentences in excess of two years was intra-vires. There was then a discussion as to how many individuals were affected and Mr. Côté suggested that if indeterminate sentences were abolished there would be a large number, perhaps 10% of those now given indeterminate sentences whom judges would send to penitentiaries. The Minister then jokingly suggested that the federal government would lower their standards. Mr. Apps suggested that the new bail provisions would help the province of Ontario.

Mr. Sinclair asked whether the federal-provincial conference was planned for the near future. The Minister stated "not before the end of the winter". Mr. Apps asked "Ottawa winter?" the Minister answered "Montreal winter - it is longer". He assured Mr. Apps that there would be fair notice of the meeting. That it would be to have a fresh look on the problems we have not looked at. He repeated "maybe at the end of winter," early spring" and suggested that if well prepared we may discuss the problems between officials. Then Mr. Apps asked whether the Young Offenders Act would be discussed as well. The Minister replied: "These are strictly my own views. I think we should include ideally the whole discussion. Then we might have a discussion on adults. In my mind, it should be possible, if the provinces feel we can wait". In response to a question on where Bill C-192 stood, Miss Hansen advised that she had been scheduled to give evidence in committee on the 14th of December. The Minister then said, all we can do is finalize a report to the House. I would like to have it to assess the situation. The Minister pointed out that that did not mean that the government could not come back with an amended bill. He then added that he was interested that Mr. Apps should suggest that we discuss the problem with the provinces. Mr. Apps stated that he would have no hesitation in doing that. Mr. Côté jokingly pointed out that our real concern was that he had no hesitation. Mr. Goyer stated that if Mr. Apps would accept it there could be closer relations in planning and research between officials. He suggested we could cooperate with the provinces that this would be beneficial to both parties and asked: "why could it not be done with the provinces when we try with foreign countries". Mr. Sinclair then pointed out that this has already been started that a Mr. Thompson of his office had started studies at the request of Mr. D. McComb from the Department of the Solicitor General and that Mr. Sinclair was studying half-way houses. The Minister then said that we could discuss half-way houses, etc in the federal-provincial conference. Mr. Sinclair added that the place of women in the system and psychiatric treatment should also be discussed. The Minister then stated that the federal government would like to solve the question of the women by leasing services from the provinces.

Mr. Apps then stated that he would look forward to a conference. He stated that the Minister for Health and Welfare had suggested that on the question of Canada Assistance Plan the Solicitor General might help. "Is that so?", Mr. Apps asked. The Minister replied by describing the inter-departmental discussions and pointing out that we should not interfere in the choice of the provinces. He added that we have met with Health and Welfare and our views are that CAP should be amended. This would be the easiest way to achieve a solution but again the question arises of opening up the Canada Assistance Plan. Mr. Apps responded "you are so afraid to open!". The Minister then suggested that possibly, the Solicitor General should finance. Mr. Côté mentioned the twenty million dollars involved in new training schools. Mr. Apps pointed out that only Ontario and New Brunswick had not transferred their services to Welfare, and that maybe Ontario would have to take that approach. Mr. Sinclair suggested that a simple solution would be to insert "adult" before "correctional institutions" in the Canada Assistance Plan. Mr. Apps said that Mr. Munroe does not wish to open the Canada Assistance Plan. Mr. Apps pointed out that it was just a small amendment, but Mr. Hollies explained that, more was involved than a technical amendment. It would involve the possible administration by the Solicitor General of a part of CAP. This would require new legislation rather than just an amendment or else that it would require an item in the estimates. He added that whatever way, the question must be raised in the House and furthermore it involved another cost-sharing program. Mr. Apps was of the opinion that it was not good to make special arrangements for a specific province, the best of all would be that all were treated the same, however, Ontario did not want to wait. Mr. Matas then pointed out that perhaps the whole thing was a question of interpretation: that in the Canada Assistance Plan the word correctional institutions should only be interpreted as adult institutions. Mr. Sinclair suggested that this had been tried and not accepted. Mr. Hollies stated that the interpretation had been made long ago and that attitudes had become hardened. Mr. Sinclair then suggested that we should be prepared to accept a concept which was something between correction and rehabilitation. Mr. Apps stated that they thought they were doing a pretty good job in their training school and since assistance was open to others for Ontario not to receive it was unfair. Mr. Sinclair suggested that it was open to the suggestion that Ontario emphasized punishment. Mr. Apps suggested that ultimately Ontario would be forced to transfer. The Minister and Mr. Hollies pointed out that this was not the intention of the Federal Government to force such a move. The Solicitor General then said that his Department had a self-interest in this subject. That if we listen to the Department of Health and Welfare and Justice, all the Department of the Solicitor General would have would be a title over the door. He also stated that the Department has

long since abandoned the punishment concept for the rehabilitation attitude. Mr. Apps then wondered whether they would be better off to pressure Health and Welfare or whether they were wasting their time and should instead talk to the Solicitor General. The Minister said that they were not wasting time, "that we were actively trying to reach agreement between the two departments". Mr. Apps again pointed out that they might be forced to change. The Solicitor General suggested that there should be more flexibility and more freedom in the discussion with the province on the functioning of federal and provincial systems. Mr. Apps then wondered whether the conditions to be imposed by the Solicitor General would be worse and that perhaps Ontario would prefer to be in the same category as the other provinces. However, regardless of which way, he would be satisfied as long as Ontario could operate as it thinks best. Mr. Apps then asked whether the Solicitor General intended to persuade Mr. Munroe, the Minister said yes, adding that the whole process should be looked at. Mr. Apps again repeated that he failed to see why Ontario could not receive the same assistance as the other provinces. The Solicitor General suggested in jest: "because you have succeeded so well". Mr. Sinclair emphasized that the correctional approach should be taken. Mr. Côté explained that in Saskatchewan where the Welfare approach has been taken for many years they were now moving into the correctional approach. The Minister said that this could be also discussed in the federal-provincial conference and Mr. Apps said that he was "waiting for the Solicitor General's invitation."

Mr. Apps then brought up a fourth problem which he wished to discuss with the Solicitor General, namely the sentences of the Kingston Penitentiary prisoners who pleaded guilty to manslaughter. He pointed out that the short sentences were not much more than the prisoners would have served anyway. Mr. Hollies stated that they were from nothing to two, to five years more. Mr. Apps stated that that was not much by way deterrence. The Solicitor General then asked whether, if we made a representation to have the sentences appealed, could we count on Mr. Apps support. Mr. Sinclair said: "Definitely, not only departmentally but also based on public opinion." The Solicitor General then wondered what kind of sentences the guards charged with assault might get, if convicted. Mr. Apps again stated that there was no deterrence to the inmates and that others might be encouraged to do likewise. Mr. Hollies stated that to his knowledge there had been no plea-bargaining in the case. Mr. Sinclair wondered how it affected the morale of the penitentiary staff and Miss Hansen added the possible effect on the morale of the inmates. The Solicitor General then stated he would get in touch with Mr. Apps on a personal basis on this subject.

Ottawa KIA OPS, December 1, 1971

Dear Mr. Apps:

May I first say how much I enjoyed renewing our acquaintance at our meeting of November 30th. I hope and believe it will prove to have been of real value in developing policy within the correctional field.

As you remember, we both expressed our concern over sentences very recently imposed in connection with the inmate deaths during the disturbance at Kingston Penitentiary. I have today written to the Attorney General on this subject and I enclose a copy of my letter for your information.

Yours sincerely,



Jean-Pierre Goyer

Encl.

J.H. HOLLIES/mab

The Honourable C.J.S. Apps,  
Minister of Correctional Services  
for the Province of Ontario,  
Parliament Buildings,  
Toronto, Ontario

MEMORANDUM

NOTE DE SERVICE

646-5/29-1

*M. J. Hollis*

GOVERNMENT OF CANADA



GOVERNEMENT DU CANADA

FROM  
DE

COMMISSIONER OF PENITENTIARIES

DM SM  
SOLDEN

JAN 8 1971

CHIEF  
CLERK

TO  
À

DEPARTMENTAL COUNSEL

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE -- N/RÉFÉRENCE 23 (420)
YOUR FILE -- V/RÉFÉRENCE
DATE December 1, 1971

SUBJECT  
SUJET

Kingston Incident  
Inmates Sentenced

1. Attached is a list of the inmates recently sentenced as a result of the Kingston incident in April 1971.
2. All of these inmates have been found guilty of manslaughter except inmate 5224 - BEAUCAGE, D.L. who was found guilty of causing bodily harm.
3. The list attached also lists the sentence, the new date of release and the former date of release.

*G. Surprenant*  
G. Surprenant  
Chief, Secretariat  
for Commissioner

Att.

*PA*



Ottawa K1A 0P8, December 1, 1971

Dear Mr. Lawrence:

May I express to you the grave concern with which I view the sentences recently imposed by Mr. Justice Henderson upon those inmates of Kingston Penitentiary who were convicted of manslaughter (and in certain instances of lesser offences) in connection with the deaths of two inmates of Kingston Penitentiary. I have formed the opinion and am supported therein by the responsible officials of my department - in particular, among others, the Commissioner of Penitentiaries - that the sentences are markedly inadequate. I need not labour the nature of the evidence as to how the victims came to their deaths, but will content myself by saying that such evidence does not appear in any way consistent with sudden and unpremeditated assaults by the convicted persons. Rather, if reports in the press can be relied upon, the evidence disclosed protracted maltreatment of the deceased.

I suggest that while deterrence is not, in modern penological theory, the sole criterion in determining an appropriate sentence, yet it remains, and must remain, a fundamental consideration. A major problem in our federal penitentiaries is to provide proper protection for persons convicted of certain crimes against the reactions of other inmates. It has long been recognized that unless special measures are taken to protect them, inmates who have been convicted of certain sexual offences or the abuse of children, and those inmates who are suspected of cooperation with institutional authorities beyond the degree normally tolerated by the "inmate code", are in very real physical danger from the remainder of the penitentiary population. I submit that if the sentences imposed in the instant case are allowed to stand, inmates will be all too prone to consider that major and even fatal attacks upon others may be committed with relative impunity.

.....2

The Honourable Allen Lawrence,  
Attorney General for the Province  
of Ontario,  
Parliament Buildings,  
Toronto, Ontario

I have had penitentiary records examined to ascertain the actual effect upon length of time to be served of the sentences imposed by Mr. Justice Henderson. I attach a summary showing this, and I suggest it speaks for itself.

I request in the light of the foregoing that the present sentences be appealed.

I am taking the liberty of forwarding a copy of this letter to your colleague the Minister of Correctional Services who, in a recent conversation with me, expressed his concern as to the possible impact of the sentences in question upon the inmate population of provincial institutions.

Yours sincerely,

*(Signature)*

Jean-Pierre Goyer

Encl.

Inmates Sentenced

Kingston Incident - April 1971

6363 DODGE, B.W.

SENTENCE : 3 years consecutive  
NEW DATE OF RELEASE : 9 December 1976  
FORMER DATE OF RELEASE: 22 November 1974

6805 MORRIS, G.A.

SENTENCE : 11 years concurrent  
NEW DATE OF RELEASE : 26 November 1978  
FORMER DATE OF RELEASE: 30 September 1975

4392 McGURGIN, W.H.

SENTENCE : 2 years consecutive  
NEW DATE OF RELEASE : 17 March 1975  
FORMER DATE OF RELEASE: 4 November 1973

6147 FOWLER, E.M.

SENTENCE : 7 years concurrent  
NEW DATE OF RELEASE : 17 January 1976  
FORMER DATE OF RELEASE: 29 April 1973

6897 ROUIDOUX, R.J.

SENTENCE : 6 years concurrent  
NEW DATE OF RELEASE : 4 August 1975  
FORMER DATE OF RELEASE: 22 August 1972

6657 SHEPLEY, W.D.

SENTENCE : 15 years concurrent  
NEW DATE OF RELEASE : 19 August 1981  
FORMER DATE OF RELEASE: 4 July 1978

4165 OAG, J.R.

SENTENCE : 8 years concurrent  
NEW DATE OF RELEASE : no change  
FORMER DATE OF RELEASE: life

4501 BUGLER, E.J.

SENTENCE : 3 years concurrent  
NEW DATE OF RELEASE : no change  
FORMER DATE OF RELEASE: life

6223 BIRT, D.S.

SENTENCE : 3 years consecutive  
NEW DATE OF RELEASE : 16 January 1974  
FORMER DATE OF RELEASE: 31 December 1971

5224 BEAUCAGE, D.L.

SENTENCE : 21 months concurrent  
NEW DATE OF RELEASE : 28 July 1974 (serving 8 years from  
FORMER DATE OF RELEASE: 28 July 1974 December 6, 1969)

7066 JOHNSTON, E.F.

SENTENCE : 3 years consecutive  
NEW DATE OF RELEASE : 25 July 1975  
FORMER DATE OF RELEASE: 7 July 1973

1163 ST. AMOUR, H.K.

SENTENCE : 2 years concurrent  
NEW DATE OF RELEASE : no change  
FORMER DATE OF RELEASE: life

6542 OAG, D.

SENTENCE : 3 years consecutive  
NEW DATE OF RELEASE : 24 August 1977  
FORMER DATE OF RELEASE: 7 August 1975

MEMORANDUM

NOTE DE SERVICE 646-5/29-1

GOVERNMENT OF CANADA



GOUVERNEMENT DU CANADA

FROM DE **DEPUTY SOLICITOR GENERAL**

TO A **THE SOLICITOR GENERAL**

SECURITY - CLASSIFICATION - DE SÉCURITÉ
<b><u>CONFIDENTIAL</u></b>
OUR FILE - RÉFÉRENCE
YOUR FILE - VIRÉFÉRENCE
DATE <b>December 1, 1971</b>

SUBJECT **Appeal of Sentences - Inmates of Kingston Penitentiary**

You will recall the discussions of yesterday afternoon between yourself and the Honourable Mr. Apps relating to the inadequacy of the sentences imposed upon the inmates of Kingston Penitentiary who were convicted in connection with the deaths of two inmates. I understand that Commissioner Faguy has also spoken to you on this matter.

I enclose and recommend for signature a letter from you to the Attorney General of Ontario requesting that an appeal be taken to the Ontario Court of Appeal against the sentences imposed by Mr. Justice Henderson. I also enclose for your consideration a letter to the Honourable Mr. Apps furnishing him with a copy of the letter to the Attorney General.

At my request, Mr. Hollies has ascertained the views of the Department of Justice. Mr. Christie of that department, after speaking to his Minister, has confirmed that there is no objection so far as that department is concerned to you making representations to the Attorney General that an appeal should be taken. Mr. Hollies, also with my concurrence, made an unofficial call to Mr. D.A. McKenzie of the Department of the Attorney General in Ontario with whom Mr. Hollies has had previous dealings. The purpose of the call was to alert Mr. McKenzie that the question of requesting an appeal was under consideration by this department, although, of course, Mr. Hollies could not and did not commit you in any way. Mr. McKenzie intimated that this question has already been under general discussion by the Attorney General's Department, but it was apparent that no firm position had been reached.

RECORDED & INDEXED

Encls.

J.H. HOLLIES/mab

*for*

E.A. Osté,  
Deputy Solicitor General

000583

**DEPARTMENT OF THE SOLICITOR GENERAL**  
**MINISTÈRE DU SOLLICITEUR GÉNÉRAL**

=====  
**MEMORANDUM**

October 4, 1971.

NOTE FOR FILE:

Original of D.N.D. Account  
Receivable No. 001917 sent to Mr.  
Hembruff for action.

  
Jean-Marie Thibault.

DEPARTMENT OF NATIONAL DEFENCE

**REQUEST FOR PAYMENT  
DEMANDÉ DE PAIEMENT**



CANADA

Date  
**30 September, 1971**

TO: Solicitor General Department  
 À: Sir Wilfred Laurier Building  
 340 Laurier Avenue West  
 Ottawa, Ontario  
 KIA 0A6

PLEASE QUOTE COMPLETE NUMBER WHEN REMITTING  
 MENTIONNEZ LE NUMÉRO COMPLET EN FAISANT REMISE

Account Receivable	Source
Compte Receivable	
<b>NO.</b>	<b>- 001917</b>

Remittance by Money Order or Accepted Cheque, payable at par in Ottawa to the Order of THE RECEIVER GENERAL FOR CANADA, should be forwarded to CANADIAN FORCES HEADQUARTERS, DEPARTMENT OF NATIONAL DEFENCE, OTTAWA 4, ONTARIO. ATTENTION: C.G. REVENUE SECTION. (Postage Stamps Not Accepted)

La remise sous forme de mandat ou de chèque certifié payable sans frais à Ottawa, à l'ordre du RECEVEUR GÉNÉRAL DU CANADA, doit être envoyée au QUARTIER GÉNÉRAL DES FORCES CANADIENNES, MINISTÈRE DE LA DÉFENSE NATIONAL, OTTAWA 4, ONTARIO. À L'ATTENTION DU CONTRÔLEUR GÉNÉRAL, SECTION DU REVENU. (Timbres-poste non acceptés)

DATE OF VOUCHER DATE DE LA PIÈCE COMPATIBLE	VOUCHER NO. N° DE LA PIÈCE COMPATIBLE	PARTICULARS - DÉTAILS	AMOUNT - MONTANT
14/9/71	DCAS 242	To recover the costs incurred by the Department of National Defence in providing assistance during the riot at Kingston, Penitentiary as per attached Recoverable Invoice.  - Operation Pelican - April 14-21/71	\$29,967.03

Prepared by - Préparé par	CONTRACT NO.	PROV CODE	ORGANIZATION CODE	CD/FE NUMBER			S.A. SOUS RÉP.	PLANNING CODE	RESOURCE CODE	AMOUNT	C R
	N° DU CONTRAT		CODE D'ORGANISATION	NUMÉRO DE DC/CF				CODE DE PLANIFICATION	CODE DE RESSOURCES	MONTANT	
	9-15	16	22-27	28-30	31-34	35-36	37-41	42-46	47-56		
			0090K3	180	F999	30	00000	13106	\$ 29,967.03		
Checked by - Vérifié par											
<b>TOTAL</b>									<b>\$ 29,967.03</b>		

Issued at - Émis à  
**OTTAWA, ONT.**

Certified correct - Certifié exact  
 Appointment - Fonctions  
*M. Taylor*

**RECOVERABLE INVOICE**

TO Solicitor General Department  
 Sir Wilfrid Laurier Bldg  
 340 Laurier Avenue West  
 Ottawa

FILE NUMBER ▶ F 7035-050/133 TD  
 DATE ▶ 14 Sep 71  
 ISSUED AT ▶ CFHQ, Ottawa  
 AUTHORITY ▶

PAY VOUCHER NO. 1110 (DCAS 3)
PON

Make Remittance by Money Order, Postal Note, or Accepted Cheque payable to the Receiver General of Canada and forward to:

**NOTE - TRANSPORT REQUISITION NUMBER SHOULD BE QUOTED IN ALL CASES WHERE STORES ARE SHIPPED PREPAID**

Date of Delivery or Service	MATERIEL/SERVICES	QUANTITY	RATE	AMOUNT
	<u>OPERATION PELICAN</u>			
	To recover the cost incurred by the Department of National Defence in providing assistance during the riot at the Kingston Penitentiary from 14 April, 1971 to 21 April, 1971.			\$29,967.03
	<u>DETAILS ATTACHED</u>			

Prepared by	FINANCIAL CODING BLOCK								FOR USE OF TREASURY OFFICE ONLY		
	ORGANIZATION CODE	ACCTG. VOTE	COMM. NUMBER	S. A.	PLANNING CODE	RESOURCE CODE	AMOUNT	CONT. FIELD	NOTED IN REGISTER	ADDITIONS EXTENSIONS CHECKED	NOTED FOR FINANCIAL ADJUSTMENT
	0090K3	180	F999	30	00000	13106	\$29,967.03				
Checked by											
									RECOVERABLE ACTION TAKEN		MONTH PROCESSED
							TOTAL \$29,967.03				

**CERTIFICATE OF RECEIPT**  
 Certified that the materiel/services herein specified have been received/performed and that this account to my knowledge is correct.

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 APPOINTMENT

**CERTIFICATE OF ISSUING OFFICER**  
 Certified that the materiel/services herein specified have been issued/performed and that this account to my knowledge is correct.

*[Signature]*  
 CAPT D. A. TRIGGS

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 APPOINTMENT

DCAS 3-2

APPENDIX "A"  
TO DCAS 242  
DATED 14 SEP 71

SCHEDULE OF COSTS

OPERATION PELICAN

Cost of rations provided to personnel not normally on ration strength				\$5,956.20
Cost of temporary duty and travelling allowances of personnel providing the assistance or services				441.50
Cost of overtime pay of civilian employees and wages of personnel hired or retained to provide assistance				1,759.31
Transportation and communication expenses where Service facilities are not used				677.30
Cost of supplies and other expendable commodities issued				1,663.16
Value of materiel lost				601.08
<u>Operating costs of aircraft</u>				
Buffalo A/C - 14.2 @ \$270.59 =		\$3,842.38		
Caribou A/C - 22.3 @ \$115.46 =		2,574.76		
CUH-1H Hel. - 68.0 @ \$130.77 =		<u>8,892.36</u>		15,309.50
Landing fees, Kingston Airport				105.20
Operating costs of vehicles				739.51
Administrative charge				<u>2,724.27</u>
		TOTAL		<u>\$29,967.03</u>

CANADA IN PENITENTIARY SERVICE

SERVICE CANADIEN DES PÉNITENCIERS

REGIONAL HEADQUARTERS  
ONTARIO REGION

BUREAU RÉGIONAL  
RÉGION D'ONTARIO



P.O. BOX 1174 KINGSTON,  
ONTARIO

Mr. D. A. McKenzie,  
Department of Justice  
17th Floor,  
18 King Street East,  
Toronto, Ontario.

PLEASE QUOTE REFERENCE: 185/12  
VEUILLEZ MENTIONNER:

31 August 1971

Dear Mr. McKenzie:

#3573 - KNIGHT, William James

On the morning of 27 Aug 71 I was instructed by Mr. J. Hollies, Director of Legal Services, Department of the Solicitor General, to provide you with:

- (a) a copy of the transcript of the Preliminary Hearing held 17 Aug 71, in the Provincial Court for the County of Frontenac, in the case of Regina vs. KNIGHT, William J.;
- (b) a photograph of inmate KNIGHT taken prior to the Preliminary Hearing; and
- (c) a photograph of inmate KNIGHT as he appeared at the Preliminary Hearing.

In the afternoon of 27 Aug 71 I instructed the Acting Warden, Collins Bay Penitentiary, where inmate KNIGHT was held, to endeavour to have identification photographs taken with inmate KNIGHT dressed in the clothing he wore during the Preliminary Hearing and also wearing the glasses he was alleged to have worn at the same time. It was later reported to me that inmate KNIGHT had refused to have the photograph taken. I was unsure of the legal situation on this matter and tried to get in touch with Mr. Hollies. I was unable to do so at the time. You will recall that I phoned you on the matter but you did not feel that it was appropriate for you to advise me owing to your employment with the Province of Ontario.

I instructed the Acting Warden to delay the taking of the photograph until I could contact Mr. Hollies. I also asked him to have inmate KNIGHT's razor taken away from him so that he could not remove the mustache he was alleged to have worn in court and which he was still wearing on 23 Aug 71 when I spoke to him in his cell at Collins Bay. The Acting

*Handwritten notes:*  
②  
M. Stagn...  
to see, pls.  
Hollies  
1 Sep 71

*Copy on 3573 Knight W.J.*

File: 185/12

31 August 1971.

#3573 - KNIGHT, William James

Warden informed me that inmate KNIGHT was due to have a visit from his lawyer the same afternoon.

In the morning of 30 Aug 71 I contacted Mr. Hollies. He suggested that we should get a photograph of inmate KNIGHT wearing prison clothing and if possible wearing glasses. I passed this information to the Acting Warden and was told that over the weekend inmate KNIGHT had managed to remove his mustache apparently using a piece of broken glass. Pictures of KNIGHT were taken. He no longer had a mustache or sideburns to the bottom of his ears that he had been wearing when I spoke to him on 23 Aug 71. I was told later that inmate KNIGHT denied having any glasses. A search was made of his cell and none were found. On examination of our records going back for a number of years showed no indication that inmate KNIGHT had ever been supplied with glasses while in penitentiary.

Enclosed with this letter is a transcript of the Preliminary Hearing. Included are copies of the photograph taken on 30 Aug 71. They are certified as true pictures by the Deputy Warden, Collins Bay Penitentiary, and a Statutory Declaration to that effect is attached. Also included are certified true copies of a picture taken when inmate KNIGHT was admitted to penitentiary on or about 19 Aug 69.

Unfortunately there is not very much difference between inmate KNIGHT's appearance in the two pictures. I have touched up a copy of the picture taken on 30 Aug 71 to indicate how inmate KNIGHT would have appeared wearing a mustache and glasses. The touch up job is a poor one but inmate KNIGHT when I saw him had a jet black tooth brush mustache covering almost his entire upper lip. Though inmates were only permitted to grow long hair and mustaches with effect from 1 Aug 71 inmate KNIGHT was apparently able to sprout considerable growth between then and his court appearance on 17 Aug 71. He does have jet black hair and an extremely heavy growth of both hair and whiskers. Some indication of his heavy growth of beard can be seen from the photograph.

You asked me to send you a summary of the offences for which inmate KNIGHT is now in prison. It is attached.

I regret that inmate KNIGHT was able to put one over on us with regard to the photograph of him as he appeared at the Preliminary Hearing. I hope that this fact will not seriously prejudice the chances of getting an indictment. I would imagine that KNIGHT's extraordinary action in removing his mustache must be an indication of anxiety and guilt.

- 3 -

File: 185/12

31 August 1971.

#3573 - KNIGHT, William James

Statements credited to Mr. John Sampson, who appeared for the Crown at the Preliminary Hearing, have recently appeared in the press and have been broadcast on the air. Mr. Sampson was quoted as saying that further legal action may be taken against inmate KNIGHT. It is more than likely that inmate KNIGHT has heard these statements broadcast by the local radio station.

Yours truly,

ORIGINAL SIGNED BY  
J. MOLONEY

J. Moloney,  
Regional Director  
(Ontario)

JM/aj

Encls.

c.c. Mr. J.H. Hollies, Q.C.  
Director of Legal Services,  
Department of the Solicitor General,  
Ottawa, Ontario,  
K1A 0P8.



000590

**Solicitor General**

646-5/29-1

**Deputy Solicitor General**

August 30, 1971

**Preferred Indictment-Knight-Kingston Disturbance**

In accordance with your conversation with Commissioner Faguy, Mr. J.H. Hollies went to Toronto on Friday to discuss the laying of a preferred indictment against Knight. You will recall that Knight was the alleged ring leader of the disturbances at Kingston and was discharged on the preliminary inquiry because of failure of identification.

Mr. Hollies spoke with Mr. D.A. McKenzie who is counsel for Criminal Appeals and Special Prosecutor in the Ontario Department of Justice. Mr. McKenzie spent about an hour discussing the case but did not come to any final conclusions. He wishes to see the transcript and also speak to the prosecutor. When he has done this, he will then discuss the case with the Deputy Attorney General and the Director of Public Prosecutions. Mr. Hollies is of the view that Mr. McKenzie is favourably disposed to the preferred indictment procedure and that the prosecutor is similarly minded.

A decision in this matter is not likely for approximately 10 days to two weeks at a minimum since the senior officials who must be consulted are attending the Canadian Bar Convention.

E.A. Côté  
Deputy Solicitor General



MEMORANDUM

NOTE DE SERVICE

GOVERNMENT OF CANADA

GOUVERNEMENT DU CANADA



FROM  
DE

ACTING EXECUTIVE ASSISTANT

TO  
À

MR. P.A. FAGUY,

COMMISSIONER OF PENITENTIARIES

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - NIRÉFÉRENCE <b>646-5/29-1</b>
YOUR FILE - VIRÉFÉRENCE
DATE <b>August 17, 1971</b>

SUBJECT  
SUJET

Housing of Inmates testifying at the Trial  
at Napanee, Ontario.

Attached hereto for your consideration is a copy of a letter received from Mr. L.R. Hackl, Deputy Minister of the Department of Correctional Services of Ontario, together with a copy of the Minister's reply.

Your letter File No 141/6 (1) dated 27 July, 1971 refers.

JOHN R. CAMERON

J.R. Cameron.

RMJLABROSSE/ML  
Att.

August 17, 1971  
OTTAWA, Ontario  
K1A 0P8

Dear Mr. Hackl:

Thank you very much for your letter of August 11, 1971 concerning arrangements for the housing of the penitentiary inmates who are testifying at the trial now underway at the Wapanee gaol.

I have taken good note of your comments and suggestion, and I am forwarding a copy of your letter to the Commissioner of Penitentiaries for his consideration.

The assistance and co-operation of your Department in this matter is greatly appreciated.

Yours sincerely,

Original signed by  
JEAN - PIERRE GOYER

Jean-Pierre Goyer.

RMJLABROSSE/ML

Encl.

CC: Commissioner of Penitentiaries

Mr. L.R. Hackl,  
Deputy Minister,  
Department of Correctional Services,  
434 University Avenue,  
Toronto 2, Ontario.

*M. Cote*



DEPARTMENT OF CORRECTIONAL SERVICES

434 UNIVERSITY AVENUE · TORONTO 2 · ONTARIO

ONTARIO

Office of the Deputy Minister

TELEPHONE 365-4341

August 11, 1971.

The Honourable Jean-Pierre Goyer,  
B.A., S.A., LL.B.,  
Solicitor General of Canada,  
House of Commons,  
OTTAWA KLA OP8, Ontario.

DM SM  
SOL GEN

AUG 11 10 21

646-5/29-1

D.M.

Dear Mr. Minister:

Before leaving the city my Minister instructed that I reply to your letter of July 27, 1971. He is most anxious that every possible assistance be given to you and your officials in the housing of the penitentiary prisoners who will be testifying at the forthcoming trial.

In Mr. Sinclair's discussion with your Regional Director it was felt that, in addition to maintenance costs and rental charges, you would be willing to accept any costs which may be involved in transporting your inmates from one jail to another in the event of overcrowding, as well as any costs which may be incurred in posting extra staff on occasions when this may be necessary.

As you suggested in your letter, to overcome the legal problems involved in our holding penitentiary inmates, we would be prepared to accept a nominal rental charge of \$1.00 per inmate per day.

To date the per diem cost of maintaining a prisoner in the new Quinte Regional Detention Centre is \$19.90 and I assume you would be prepared to accept invoices at this rate.

In the event that we do receive as many as forty inmates, it will undoubtedly be necessary to locate them at various jails such as Brockville, Peterborough, Lindsay and Perth, as well as at the Quinte Regional Detention Centre. We do

The Honourable Jean-Pierre Goyer

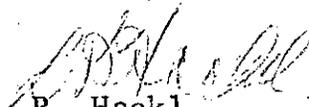
Page 2.

not see Millbrook as being suitable for the purpose of holding your inmates because of the attitude which might be shown to them by the type of offender who is already at Millbrook.

I would suggest that your Regional Director keep in close touch with Mr. Sinclair as it may be necessary to alter plans periodically in view of the fluctuating population in the jails.

We are happy to be able to cooperate with you in these circumstances, and I trust that your Regional Director will not hesitate to call Mr. Sinclair should any problems arise.

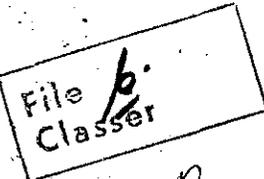
Yours sincerely,

  
L. R. Hackl,  
Deputy Minister.

6232 (1)

OTTAWA, K1A 0P8

August 5, 1971



M.R.

Dear Mrs. Tait:

Your letter of July 17, 1971 addressed to the Honourable John Turner, Minister of Justice, has been referred to me as Minister responsible for federal penitentiaries for reply.

While I appreciate your concern I must point out that those inmates were placed in dissociation not because they were accused persons on trial but because of the tense situation at Millhaven Institution. There was indication that trouble was brewing and action had to be taken to ensure the safety of other inmates.

The matter of keeping such inmates in dissociation is under careful review and it is hoped that in the near future we will be able to relocate them in regular cells providing of course that their conduct is justified and it is demonstrated that they will not attempt to create another disturbance.

Thank you for your interest in this matter.

Yours sincerely,

Original Signed by  
JEAN - PIERRE GOYER

Jean-Pierre Goyor

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	Shannon

Mrs. Ruth Tait,  
125 Farnham Avenue,  
Toronto 190, Ontario.

WJMEDER/sf

MEMORANDUM  
GOVERNMENT OF CANADA



NOTE DE SERVICE  
GOUVERNEMENT DU CANADA

646-5/29-1

FROM  
DE

ASSISTANT DEPUTY SOLICITOR GENERAL

TO  
A

FILE

FILE  
CHRISTIE

DUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE August 4th, 1971
REFER REPLY TO ENVOYER LA RÉPONSE À
TEL. NO. TÉL.

SUBJECT  
SUJET

Inmate witnesses - Napanee, Ont.

I received a call from Mrs. Cole, secretary to Gordon Aiken, M.P. Mrs. Cole advised that Mr. Aiken had called from Gravenhurst concerning a number of prisoners who had been transferred to Quinte Bay at Napanee, while appearing as witnesses at the trial concerning incidents arising out of the Kingston riot.

Mr. Aiken said he had received a call from the father of W. CHRISTIE, advising him that despite the fact the prisoners had been promised good treatment and early consideration for parole, they were now being held six in a room with no ventilation.

They asked for two things:

1. If they were to be kept there for any length of time, better accommodation should be provided;
2. Their paroles should be considered.

I called Mr. Faguy at 3:00 p.m. who undertook to speak to Mr. Aiken regarding the situation.

B.C. Hofley

4/8/71  
Munster advised

MEMORANDUM

NOTE DE SERVICE

GOVERNMENT OF CANADA



GOUVERNEMENT DU CANADA

FROM  
DE

A/Executive Assistant

TO  
A

Deputy Solicitor General

OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE 12-5-4
DATE July 30, 1971.
REFER REPLY TO ENVOYER LA RÉPONSE À
TEL. NO. TÉL.

SUBJECT  
SUJET

Letter of Arthur Martin dated July 5, 1971.

Reference your minute to memorandum of July 7, 1971 the Minister considers that an acknowledgment should be made in and that it should re-affirm very briefly what was said in his letter of June 16, 1971 and that he has nothing to add.

JON P. CAMERON

J.R. Cameron.

Mr. R. Appa  
Mr. H. H. H. H.  
Mr. H. H. H. H.  
File: 141/6 (1)

Mr. H. H. H. H.  
30 sep 1971  
OTTAWA, KIA OPS,  
July 27, 1971.

Dear Mr. Apps.

The Regional Director of Penitentiaries for Ontario has been in telephonic communication with Mr. Don Sinclair, Executive Director of Institutions for the Ontario Department of Correctional Services, concerning the housing of penitentiary inmates who are giving evidence at the preliminary hearings in connection with the charges arising from the disturbance at Kingston Penitentiary earlier this summer. I am writing to you to obtain formal approval of the arrangements made between our Regional Director and Mr. Don Sinclair.

These inmates giving evidence must be protected. It is impossible to afford them proper protection in the penitentiaries and we require accommodation for up to forty such inmates. We, of course, are quite prepared to pay a per diem rate for their maintenance and we also require a nominal rental charge for accommodation in order to overcome the legal problems of incarcerating penitentiary inmates in provincial institutions.

Mr. Sinclair expressed his willingness to cooperate and said that all forty could not be accommodated at the Hapanee Jail but that they could be allocated to several institutions, including the maximum security institution at Millbrook.

The Penitentiary Service would be responsible for transporting the inmates from jail to court and for the escorts.

It would appear that the trials will take place in September. It would, therefore, appear that these inmate witnesses would need to be accommodated at least until the end of September. Of course, there is no certainty that the trials will be finished then.

The Hon. C.J.S. Apps,  
Minister of Correctional Services,  
Province of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

...../2

- 2 -

On the order of the Presiding Judge, those inmates who have already given evidence were taken to the County Jail at Napanee. Apparently the facilities there are filled to capacity and, when more inmates give evidence, the situation will become a serious one, unless the provision of additional accommodation in provincial institutions is provided.

I shall be grateful if you would confirm the arrangements agreed to by Mr. Sinclair and let me have particulars of the institutions in which our inmate witnesses can be accommodated, the per diem rate for their maintenance and the rental charge for the accommodation in which they are to be held.

Thank you very much for the cooperation already demonstrated by your Department and I am certain that, between us, we can find a solution to this quite difficult problem.

Yours sincerely,

Original Signed by  
JEAN - PIERRE GOYER  
Jean-Pierre Goyer.

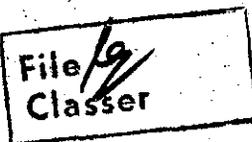
J.R. STONE/SR

Distribution: Minister (2)  
D/S/G  
COMM.  
SEC.  
FLOATER  
SHANNON  
FILE

185/12(1)

646-5/29-1

OTTAWA, KLA OFS  
July 26, 1971



N.R.

Dear Mr. Jackson:

This will acknowledge receipt of your letter of June 3, 1971 together with a clipping from the Kingston Whig Standard of the same date regarding the Commission of Inquiry into the April disturbance at Kingston Penitentiary.

There is no doubt that the trials of inmates charged with kidnapping and murder, and of officers charged with assault, will throw considerable light on what transpired during the disturbance. However the responsibility of the court is to determine only the guilt or innocence of those charged.

The reason for the appointment of a separate Commission of Inquiry is to provide detailed information for internal use in my Department. The type of information you are seeking is reflected in the terms of reference of the Commission which are to investigate and report upon:

- (a) the immediate cause or causes of the said disturbances;
- (b) the identity of those persons who fomented or acted as leaders in the said disturbances;
- (c) whether the disturbances were spontaneous or were planned, and if the latter, the extent and nature of the planning;
- (d) whether, if the disturbances were planned, knowledge of the planning came to the attention of any person in the employ of the Canadian Penitentiary Service or should have come to the attention of any such person;

... /2

Mr. A. Jackson,  
242 Johnson Street,  
Kingston, Ontario.

- 2 -

- (e) whether, if any person in the employ of the Canadian Penitentiary Service had knowledge as aforesaid, he took any preventive or other action, and if so, what action;
- (f) what bodily harm was occasioned to persons, whether inmate or staff, during the course of the said disturbances or related thereto, and the identity of the persons responsible for causing such harm;
- (g) the extent of damage to buildings and facilities caused in the course of the said disturbances;
- (h) whether existing security measures are adequate, were they carried out and what additional security measures, if any, should have been taken to minimize the risk that persons in the employ of the Canadian Penitentiary Service might be taken and held hostage by inmates.

I might add that while I do not propose to make public the full inquiry report it is my intention to make known to Members of the House of Commons any recommendations contained therein except in the case where the Commission requests that a specific recommendation not be made known.

Thank you for writing to me on this matter and please accept my apology for the delayed reply.

Yours sincerely,

Original Signed by  
JEAN - PIERRE GOYER

Jean-Pierre Goyer

WJMEDER/sf

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1231 (1)

File  
Classer

OTTAWA, KIA 0P6

July 19, 1971

M. R.

Dear Mr. Howard:

This will acknowledge receipt of your letter of July 12, 1971 concerning the correctional officers who were held hostage during the recent disturbance at Kingston Penitentiary.

The present situation with regard to these six officers is that one has resigned, four are on extended accident leave and one is performing duties in which he has limited contact with inmates who were involved in the disturbance.

Yours sincerely,

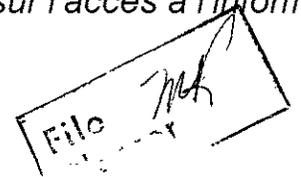
Original Signed by  
JEAN-PIERRE GOYER  
Jean-Pierre Goyer

W. J. MEDER/cm

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Shannon

Mr. Frank Howard  
Member of Parliament  
House of Commons  
Ottawa, Ontario  
K1A 0A6



Ottawa, Ontario  
June 15, 1971

Dear Mr. Hutcheon:

You asked me, in your letter of June 1, to reply to two questions, one dealing with the trial and the other with the representation by legal counsel of the 18 men charged with crimes committed during the Kingston Penitentiary disturbance.

Each of the 18 men will be represented by legal counsel during both the preliminary hearing and the trial. William Knight, whom you mentioned, is represented by Mr. Barry Swadron, Toronto. I do not know the identity of Brian Dodge's lawyer but I am positive that Provincial Judge F.E.D. Baker of Frontenac County will not allow the preliminary hearing to proceed until all the persons charged are defended by legal counsel.

The preliminary hearing of the charges has not yet begun so the possible date of the trials or trial cannot be known. The men charged have been remanded to June 15 but it is impossible to say whether the preliminary hearing will begin on that date. The charges are being heard in the Frontenac County Court at Napanee, Ontario.

..2

Mr. R.J. Hutcheon,  
Box 237,  
Niagara Falls, Ontario.

-2-

I should like to add that, it was neither myself nor my officials who laid criminal charges against the group of Kingston inmates and the group of Millhaven correctional officers. These charges were laid under the Criminal Code by the Attorney-General's Department of Ontario after investigations by the Kingston city police and the Ontario Provincial Police.

I should also wish to note that the two inmates who died as a result of the Kingston Penitentiary disturbance died of injuries received at the hands of other inmates at the time when these other inmates had grouped together and put all inmates beyond the protection of the penitentiary staff.

Yours very truly,

1977  
JAN 11 1977

Jean-Pierre Goyer

*Dr Robert*

646-5/29-1

MEMORANDUM  
GOVERNMENT OF CANADA



NOTE DE SERVICE  
GOUVERNEMENT DU CANADA

DM SM  
SOL GEN

FROM  
DE

Commissioner of Penitentiaries

JUN 8 3 55 PM '71  
File  
CLASSER  
DOSSIER

OUR FILE - N/RÉFÉRENCE
333 (1)
YOUR FILE - V/RÉFÉRENCE
DATE
June 8, 1971
REFER REPLY TO ENVOYER LA RÉPONSE À
TEL. NO. TEL.

FOR

The Minister

SUBJECT  
SUJET

Suspension of Two Officers from Duty  
Kingston Penitentiary

- The under-mentioned officers of Kingston Penitentiary were suspended from duty on suspicion of being involved in pilfering inmate hobbycraft items following the recent disturbance at Kingston Penitentiary.
  - Hospital Officer N. S. Kittner - suspended at 4 p.m. on May 20, 1971.
  - Correctional Officer D. Dupre - suspended at 10:20 a.m. on May 24, 1971.
- Both officers remain under suspension pending the report of a fact-finding Board established by the Warden to investigate this matter. The report, which is now being typed, will be ready sometime tomorrow.
- The Warden intends to come to Ottawa to discuss the findings with appropriate officials at this Headquarters.

Original signed by  
G. SURPRENANT  
Chief, Secretariat,  
for Commissioner.

WJM/dg

COPIES TO:

- Deputy Solicitor General ✓
- Deputy Commissioner
- D. Custody
- S.R.O.
- Secretariat

*Monahan*

*M. P. ...*  
*2) M. ...*  
*Eley*

Our Files: 23 (410)  
23 (420)  
23 (440)  
Inmates' Files

File Classifier *msj*

June 2nd, 1971.

*646-5/29-1*

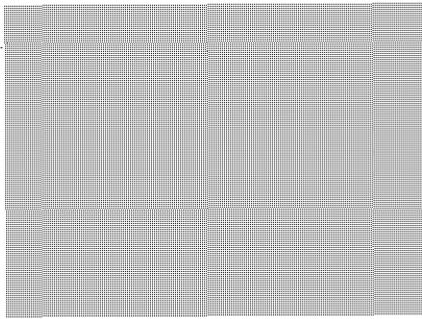
From: COMMISSIONER OF PENITENTIARIES.

To: SOLICITOR GENERAL.

Subject: KINGSTON INCIDENTS  
APRIL 14-18, 1971

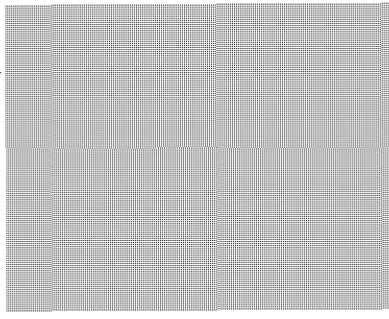
1. The following inmates of the Ontario Region are being charged of having committed criminal acts as listed hereunder. This information was received from the Warden of Millhaven Institution who has confirmed it with the local Senior Officer of the Ontario Provincial Police Force:

Kingston Penitentiary



Kidnapping and non-capital murder.  
Non-capital murder.  
- Non-capital murder.  
Non-capital murder.  
- Non-capital murder.

6657 - SHEPLEY, W.D. - Non-capital murder.



Non-capital murder.  
- Non-capital murder.  
Non-capital murder.  
- Non-capital murder.  
. - Non-capital murder.

*SPW*

s.19(1)

- 2 -

Millhaven Institution

[REDACTED] - Kidnapping.

[REDACTED] - Kidnapping.

[REDACTED] Kidnapping.

[REDACTED] - Non-capital murder.

[REDACTED] - Non-capital murder.

Collins Bay Penitentiary

3573 - KNIGHT, W.J. - Kidnapping.

[REDACTED] - Kidnapping.

2. No summons were issued to these inmates. The Crown Prosecutor through the Ontario Provincial Police Force requested that the Wardens advise the inmates that they will be appearing in court on Friday, June 4, 1971 at 1130 hours for those charged with non-capital murder and at 1230 hours for those charged with kidnapping, and that the charges will be read at that time and that they would be remanded.



G. Surprenant,  
Chief, Secretariat,  
for Deputy Commissioner.

OTTAWA, KIA 0P8  
May 31, 1971

File *M2*  
Classer 76-71

Dear Mr. Whitelaw:

This is in reply to your letter of May 12, 1971 concerning the Commission of Inquiry into the Disturbance at Kingston Penitentiary. I wish to thank you for your letter and your comments in this regard.

I am pleased to note that you agree that the Commission's report cannot be made public when it is available.

As I stated in the House of Commons on May 18, 1971, after receiving and considering the report I will make a statement and the recommendations will be published.

Yours sincerely,

Jean-Pierre Goyar

FXO\*BL/EN/hp

Mr. A.B. Whitelaw, President  
John Howard Society of Ontario  
168 Isabella Street  
Toronto 285, Ontario

*G. Arthur Martin, B.C. LL. D.*

The Honourable Jean-Pierre Goyer,  
Solicitor General of Canada,  
Sir Wilfred Laurier Building,  
340 Laurier Avenue West,  
Ottawa, Ontario.

Dear Mr. Minister:-

Further to my letter to you of April 26th, 1971, and your letter to me of May 6th, 1971, I am pleased that the investigation of the allegations with respect to the beating of inmates by guards, subsequent to the termination of the riot at Kingston Penitentiary falls within the terms of reference of the Commission of Inquiry under the Chairmanship of Mr. J. W. Swackhamer, Q. C. I have also been supplied with a copy of the terms of reference of the Commission of Inquiry. I am, of course, still concerned about the assurance that the Citizens' Committee gave the Prisoners' Committee that they would have the assistance of Counsel in presenting their grievances to the penitentiary authorities.

The memorandum which Mr. Haggart and I presented to you in Ottawa on Friday, April 16th, reads as follows:-

"The grievances prepared by the Prisoners' Committee by 12:00 noon, April 16th, 1971, will be presented to the penitentiary authorities with the assistance of Legal Counsel and under the observation of members of this Committee."

A list of grievances had not been prepared by the Prisoners' Committee by noon on April 16th and could not be presented to you. I would, however, regard it as extremely unfortunate if a rigid adherence to the terms of the Memorandum were to prevent the spirit of the assurance from being carried out. Any feeling on the part of the inmates that promises have not been fulfilled which were made to them for the purpose of

-2-

persuading them to release the hostages unharmed and to terminate the riot would have a disastrous effect on inmate attitudes. Moreover, such a feeling on the part of the prisoners would seriously damage the credibility of the Government as well as that of the Citizens' Committee.

I realize, of course, that there are a number of problems to be faced. The Memorandum speaks of the presentation of grievances to the "Penitentiary Authorities." The nature of the Body or Tribunal which is to hear the grievances is not clear and a question arises as to the appropriate person or persons to whom the grievances should be presented.

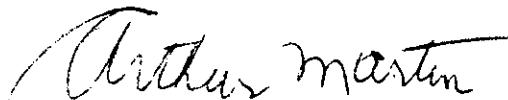
The Citizens' Committee was of the view that it was absolutely essential that the services of Counsel should be available to assist in sorting out and organizing the material to be presented, so that the presentation could be made in an orderly way and within a reasonable period of time. The appointment and the payment of Counsel also raises questions. A question may arise as to whether this kind of Legal advice and assistance falls within the scope of the Ontario Legal Aid Plan. It seems to me, however, that all of these questions can be resolved.

I would suggest that the Commission of Inquiry is a suitable Body to whom the prisoners might present their grievances. If the Commission's Terms of Reference are not sufficiently wide to permit this the Terms of Reference could be enlarged.

I would also suggest that the presentation of grievances might be considered as Phase II of the Inquiry so as not to delay the work of the Commission of Inquiry in its investigation and report upon the matters now referred to it.

I would be pleased to come to Ottawa to discuss these matters with you at a time which is convenient to you.

Yours sincerely,



May 27th, 1971.

P. O. Box 16,  
Toronto Dominion Tower,  
Toronto-Dominion Centre,  
Toronto 1, Canada.

368-6241.

000611

MEMORANDUM  
GOVERNMENT OF CANADA



NOTE DE SERVICE  
GOUVERNEMENT DU CANADA

FROM  
DE

ADMINISTRATIVE ASSISTANT

TO  
À

COMMISSIONER OF PENITENTIARIES

ATTN: Mr. G. Surprenant,  
Chief, Secretariat

SUBJECT  
SUJET

OUR FILE - N/RÉFÉRENCE
646-5/29-1
YOUR FILE - V/RÉFÉRENCE
DATE
May 26, 1971
REFER REPLY TO ENVOYER LA RÉPONSE À
TEL. NO. TÉL.

①

Attached is a copy of a self-explanatory letter dated May 13th, 1971 addressed to the Minister by Bruce Holvick.

As this letter concerns <sup>the</sup> matter of policy it is forwarded for the preparation of a letter of reply to Mr. Holvick for signature by the Solicitor General, please.

JEAMOSLEY/sc

*J.E.A. Mosley*  
J.E.A. Mosley

Att.

② CR  
SF 3  
*Jeamosley*  
*26 May*  
*noted*

File with Mrs. Mosley



FACULTY OF LAW,  
UNIVERSITY OF TORONTO

Toronto 181, Canada

RECEIVED  
OFFICE OF THE  
SOLICITOR GENERAL  
MAY 15 9 24 AM '71

May 19, 1971

646-5/291

JDM

Solicitor General of Canada,  
Ottawa, Ontario.  
K1A 0P8.

Dear Mr. Minister:

Thank you for your courteous letter of April 23rd, 1971. I hope that it will not seem ungracious if I take this opportunity to point out that I was not invited to join a Committee by any government agency and do not regard it as my mandate to report to you.

May I say, however, that I share your gratification that such a potentially destructive disturbance was eventually settled with so small, and although still regrettable loss of life.

Yours most respectfully,

J. D. Morton /jsh

J. D. Morton.

JDM:pah

Prof. Morton was invited in to K.P. by Par. comm. upon approval of Com. Dagny. His acceptance to be a member of the Committee - whose Chairman was Arthur Martin selected by the Dept - clearly made him a person or least implicitly selected by the Department.

This letter also shows you can't rely on these persons who seek to have themselves recognized as members of citizens' committees.

Edg. DVE

000613

76/4/71

MEMORANDUM  
GOVERNMENT OF CANADA



NOTE DE SERVICE  
GOUVERNEMENT DU CANADA

FROM  
DE

ACTING EXECUTIVE ASSISTANT

TO  
A

DEPUTY SOLICITOR GENERAL  
ATTN: DEPARTMENTAL SECRETARY

OUR FILE - N/RÉFÉRENCE	
YOUR FILE - V/RÉFÉRENCE	
DATE May 17, 1971	
REFER REPLY TO ENVOYER LA RÉPONSE À	TEL. NO. TÉL.

SUBJECT  
SUJET

Publicity - Commission of Inquiry, Kingston

The attached copy of a letter dated May 12, 1971 from the President of the John Howard Society of Ontario is forwarded for the preparation of a reply for signature by the Solicitor General.

As this letter does not appear to admit of other than a substantive reply no acknowledgment has been made and your early attention would be appreciated.

②  
Mr. Cole  
For your consideration please

*J.R. Cameron*  
J.R. Cameron

R.M.J. La Brosse  
MAY 17 1971

③ M. La Brosse

Please prepare reply saying  
a) thank you for letter & its contents  
b) glad to see they agree report cannot  
be made public & c) will consider  
making statement at appropriate time.  
17/17/71  
*Cole*

③  
Frank  
draft reply - pls.  
R.M.J. La Brosse  
MAY 17 1971

# JOHN HOWARD SOCIETY OF ONTARIO

Founded by

LATE BRIG.-GEN. D. C. DRAPER  
C.M.G., D.S.O.

168 ISABELLA ST.  
TELEPHONE: 925-4386  
TORONTO 285 — CANADA

May 12, 1971

RECEIVED  
OFFICE OF THE  
SOLICITOR GENERAL  
MAY 14 9 01 AM '71

A. B. WHITELAW, Q.C.  
President

W. P. FREYSENG  
Past President

E. BROWN  
G. C. MERRITT  
L. W. SKEY  
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A. M. KIRKPATRICK  
Executive Director

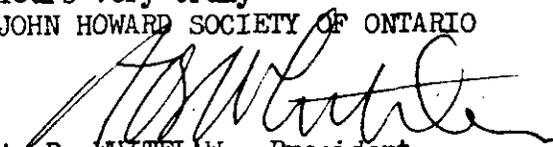
A. K. COUSE  
Associate Director

Dear Mr. Goyer:

The interest of the public with regard to correctional matters is presently focussed upon the riot or insurrection which took place at Kingston Penitentiary recently. Our Society views the resulting comments and publicity as an opportunity to make the public aware of the problems which exist with respect to the handling of long term offenders. It must be made clear that no simple solution has been found anywhere in the world but that the Government and all parties in the correctional field are most anxious to do what is necessary to advance the cause of corrections by building institutions around programmes which will be directed towards the rehabilitative process.

Our present concern results from the fact that a Commission of Inquiry was set up to investigate the violent occurrences at both Kingston and Millhaven. An invitation to the public to give information was made by advertisement in at least one Toronto newspaper. I wish to emphasize that this advertisement related both to Millhaven and Kingston Penitentiary. We are concerned with your subsequent statement to the effect that the results of this Commission of Inquiry would not be made public. We agree that this procedure is desirable from the view point of your Department and the Government in making a free and impartial assessment of the problem. What I am suggesting, however, is that without making full disclosure of the findings and evidence taken at the Commission of Inquiry, some statement be made by you. We feel that it is in the public interest to clarify the situation at some suitable time so that individuals who come forward with information may not feel that their assistance is only related to something which involves the Government but is an investigation which was in part shared by the communities.

Yours very truly  
JOHN HOWARD SOCIETY OF ONTARIO

  
A. B. WHITELAW - President

abw:kw

646-5791  
Mr. Labrosse

MEMORANDUM  
GOVERNMENT OF CANADA



NOTE DE SERVICE  
GOUVERNEMENT DU CANADA

FROM DE ACTING EXECUTIVE ASSISTANT

TO A DEPUTY SOLICITOR GENERAL  
ATTN: DEPARTMENTAL SECRETARY

OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE May 17, 1971
REFER REPLY TO ENVOYER LA RÉPONSE À
TEL. NO. TÉL.

SUBJECT  
SUJET

Non-Release of Report into  
Kingston Penitentiary Disturbance

①

The attached copy of letter dated May 13, 1971 from Mr. Bruce Holvick is forwarded for the preparation of a reply by the Minister.

*J.R. Cameron*  
J.R. Cameron

② Mr. J.H. Hallis

*I am not sure whether there are any legal considerations connected with the attached letter, need to not to whom it should be forwarded for preparation of a reply. I don't think it should be me.  
May I have your comments, please.*

*J. [Signature]*

646-5/29-1

Commissioner of Penitentiaries

6709 ROBERT, B.F.

May 17, 1971

The Minister

**6709 Inmate ROBERT, Bertrand Henry  
DIED OF INJURIES SUSTAINED IN THE  
KINGSTON PENITENTIARY DISTURBANCE**

1. The Warden of Kingston Penitentiary reports that Inmate ROBERT died in Kingston General Hospital at 1345 hours, Sunday May 16th. Death was attributed to injuries received during the recent disturbance at Kingston Penitentiary. He had been in the hospital since April 18th.
2. The Coroner and Police were notified and an autopsy has been performed. The inmate's sister was contacted in Chatham, Ontario, and is claiming the body which will be transferred by the Thompkins Funeral Home, Kingston to the Hinnagan Funeral Home in Chatham.
3. ROBERT who was 34 years of age and married was serving a six year sentence from May 4, 1970 on five charges of assault causing bodily harm (to his own children).
4. The Warden reports that the other inmates who were injured during the disturbance are all on the mend. One inmate remains in Canadian Forces Hospital, Kingston, and is in satisfactory condition.

W. J. MEDER

W. J. MEDER/cag

*for* Chief, Secretariat  
for Commissioner

c.c. Deputy Solicitor General  
Deputy Commissioner  
Secretariat (2)  
Mr. Riddiough - 3rd floor

Copy re: 6709 Robert B. H.

MEMORANDUM



TO  
A

FILE

CLASSIFICATION

YOUR FILE No.  
Votre dossier

File ROP  
Classer

OUR FILE No.  
Notre dossier

FROM  
De DEPUTY SOLICITOR GENERAL

DATE May 14, 1971

FOLD

SUBJECT  
Sujet

With the Minister's approval, I spoke with Professor Desmond Morton about the article which had appeared in the Ottawa Journal on May 13th that the Kingston disturbance would have ended without anyone being killed or hurt had Solicitor General Goyer promised the 500 inmates they would not be "criminally mistreated".

When I reached Professor Morton, he spoke a good deal about problems at Millhaven - the air of unsettledness, the case of the Oag Brothers, James and Donald, who are inmates in the Ontario Region and one accused apparently of murder, etc.

While Professor Morton spoke highly of the Regional Penitentiary Staff, of the Warden and the Penitentiary staffs throughout, and while he approved of the Army, he thought that the Solicitor General was not able to get across to the inmates that there would be no reprisals or no shootings if the inmates came out peaceably. In other words he felt that the thing could have folded up probably on Friday night if it had been possible to get across to the inmates, 90 to 95 per cent of whom were scared of the psychopaths inside and frightened that they should be shot up by the Army if the Minister had been able, through the Penitentiary Service or otherwise, to communicate to the inmates that they would not be shot up on coming out peaceably.

I think that Professor Morton probably did use the words "criminally mistreated" in the sense of reprisals or in the sense of the Army shooting indiscriminately and violently into the inmates.

My own memory is quite clear that the Minister had said to the members of the Citizens Committee here that there would be no "reprisals" but only appropriate criminal or disciplinary prosecutions in the appropriate individual cases.

E. A. Côté

000618

4000 - 30th Ave.  
Vernon, B.C.  
May 13th, 1971

Mr. Jean Pier Goyer  
Solicitor General, Canada  
c/o Parliament Buildings  
Ottawa, Ontario

Dear Mr. Goyer;

I wish to inquire into two matters of very grave concern to all of us.

Although I may be mis-informed, it is my understanding that the Government, through your office, has made an announcement, that at the completion of an inquiry into the Kingston prison riot, and "related matters", - that the report will not be made public. I sincerely hope that I have been mis-informed.

If, in fact, my information is correct, I would request from you an explanation for this decision.

I cannot believe that the Government would make such a drastic and frightening move to "censor" the report, in whole or in part, - unless there was an excellent reason.

The reason would, no doubt, clearly be of such importance, as to place secondly, certain very basic rights, such as freedom of speech, that all people are entitled to, whether they be in prison or not.

Therefore, if the final report will not be made public, - then as per my request, standing on my right as a citizen, I will expect a full explanation.

I anxiously await your reply.

Respectfully,

*Bruce Holvick*  
Bruce Holvick

c.c.  
Prime Minister Trudeau  
Doug Stewart O.K./Koot. M.P.  
CJIB Radio, Vernon  
The Vernon News  
The Vancouver Sun  
The Calgary Herald

121 (1)

646-5/29-1

File  
Classe

Ottawa K1A 0P8  
May 11, 1971.

Dear Miss Norland:

This will acknowledge receipt of your letter of April 22, 1971 on the subject of the recent disturbance at Kingston Penitentiary.

I share your concern over the plight of those unfortunate persons who are sentenced by the courts to imprisonment and in particular those who must be incarcerated in our federal maximum security institutions. I take the view that inmates in our correctional institutions remain members of our society although temporarily segregated from it and my Department is pursuing increasingly progressive penitentiary programmes to meet the needs of this group so that they may eventually return as free members of that society and take a responsible place in the community.

The whole question of improvement of penitentiary services and methods of rehabilitation presents both short and long term problems which involve not only the government, the Penitentiary Service, and the inmates but also the Canadian public. I have appointed a working group composed of outside and departmental sources to look into the rehabilitation approach for maximum security institutions and to recommend the type of new programmes and facilities that should be developed.

In another area of concern, I have directed that a study be made of present recruiting standards and a committee in my Department is looking into the whole field of correctional and professional manpower needs.

I hope the foregoing will give you some insight into what is being done and what my Department intends to do by way of penitentiary reform. Changes must, of course, take place in an orderly manner and the speed at which changes can be made depends jointly on the co-operation of the inmates with the department and on public understanding and support.

Thank you for your interest in these matters and for making your views known.

Yours sincerely,

Original Signed by  
JEAN-PIERRE GOYER

WJMEDER/dg

Miss Amy Norland,  
813 Michigan Avenue,  
Sarnia, Ontario.

Jean-Pierre Goyer	
MINISTER'S OFFICE:	original & 2 copies
B.S.G.:	1 copy ✓
COMMISSIONER:	1 copy
FILE:	1 copy
FLOATER:	1 copy
SEC.:	1 copy
SHANNON:	1 copy

646-3/29-1

File  
Classer

121 (1)  
OTTAWA K1A 0P8  
May 10, 1971

Dear Mr. Male:

Your letter of April 20, 1971 addressed to the Honourable John Turner, Minister of Justice, has been referred to me as Minister responsible for federal penitentiaries.

In answer to the questions you have asked, I am prepared to say only that I have ordered an investigation into the recent disturbance at Kingston Penitentiary. This will be a time consuming task and a full report is not expected for several weeks or perhaps months.

I hope you will understand my reluctance to express an opinion on any aspect of the disturbance before the investigation has been completed and I have had an opportunity to study the report.

Yours sincerely,

JEAN-PIERRE GOYER

Jean-Pierre Goyer

W.J. MEDER/cag

Mr. Charles Male,  
17<sup>th</sup> Beacon Hill Road,  
BEACONSFIELD, Quebec.

DISTRIBUTION:

- Minister's Office: ORIGINAL & 2 COPIES
- D/Minister: 1 COPY
- Commissioner: 1 COPY
- FLOATER
- FILE
- Secretariat: 2 COPIES
- SHANNON

646-5/29-1 PA

12/4/71

*G. Arthur Martin, D.C. LL.D.*

RECEIVED  
OFFICE OF THE  
SOLICITOR GENERAL

MAY 12 9 21 AM '71

The Honourable Jean-Pierre Goyer,  
Solicitor General of Canada,  
Sir Wilfred Laurier Building,  
340 Laurier Avenue West,  
Ottawa, Canada.

Dear Mr. Minister:-

I wish to acknowledge receipt  
of your letter of May 6th, 1971, for which I thank  
you.

Yours sincerely,

*Arthur Martin*

May 10th, 1971.

P. O. Box 16,  
Toronto Dominion Tower,  
Toronto-Dominion Centre,  
Toronto 1, Canada.

SOLICITEUR GÉNÉRAL  
ADJOINT

DEPUT.  
SOLICITOR GENERAL

2/10/71

Mrs. Peckatt

Please follow up with  
Com. Piquay's sec'y.

If this is substantially  
ok. as amended, please put  
in final form.

Esley

CANADIAN PENITENTIARY SERVICE

SERVICE PENITENTIAIRE CANADIEN

s.19(1)



CANADA

OTTAWA 4, ONT.

646-5/29-1

Ottawa K1A 0P8, May 10, 1971

Ian Scott, Esq.,  
Counsel to Commission of Inquiry,  
Kingston, Ontario

PLEASE QUOTE REFERENCE;  
VEUILLEZ MENTIONNER:

Dear Mr. Scott:

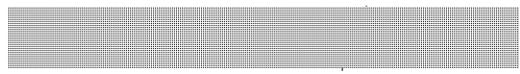
During a visit to Kingston Penitentiary on May 8th, by Mr. J.H. Hollies, Q.C., our Departmental Counsel, he was given certain information by one of the inmates.

The inmate in question is [redacted] penitentiary number [redacted] who is now held in Kingston Penitentiary. [redacted] wishes to appear as a witness before the Commission and the statements made by him to Mr. Hollies bear on matters which would be relevant to the inquiry. This information is passed to you for such action as the Commission of Inquiry may wish to take.

Yours sincerely,

Paul A. Faguy,  
Commissioner of Penitentiaries

*Refer on: 119-2*



SOLICITOR GENERAL



SOLICITEUR GÉNÉRAL

Ottawa, Ontario,  
K1A 0P8

May 4, 1971

Dear Mr. Martin:

Thank you for your letter of April 26th which was acknowledged, in my absence, by the Deputy Solicitor General.

To take the last paragraph of your letter first, speaking on behalf of yourself and the persons who constituted the "Citizens' Committee" during the course of the disturbances at Kingston between April 14 and 18, you ask that the alleged incidents of beating of prisoners by guards be fully investigated and appropriate charges in the Criminal Courts be laid if warranted by the evidence.

I can tell you that a preliminary investigation was immediately conducted by Penitentiary authorities when this allegation was made. In addition, the Commission of Inquiry, headed by Mr. J. W. Swackhamer, Q.C., has terms of reference which cover any such allegation or occurrence. Thirdly, the Ontario Provincial Police has under way a police investigation into these allegations. Finally - and contrary to the advice tendered to me at one time - I have consistently refused to consider the granting to inmates of any immunity from criminal or disciplinary measures for acts arising out of these disturbances. You may also recall that I have recently reaffirmed in the House my views that all citizens are equal before the law. Therefore, I agree that there should be no immunity granted from criminal prosecution or disciplinary measures to anyone, guard or inmate, who violates the criminal law or the Canadian Penitentiary Regulations. I would expect that the Provincial Attorney General or Crown Prosecutors (insofar as the Criminal law is concerned) would take whatever action they deem appropriate.

Having said this, I should revert to the substance of the proposals you outlined earlier in your letter and which you said the Department accepted. With the utmost respect, I should say that the "Citizens' Committee's" terms of reference given by the Department were to hear the views of the "Inmates'

Mr. G. Arthur Martin, Q.C.,  
Barrister, etc.,  
P.O. Box 16,  
Toronto Dominion Tower,  
Toronto-Dominion Centre,  
Toronto 1, Ontario

- 2 -

Committee" and to report to the Solicitor General. I later asked you to carry out a special task, namely to convey to the "Inmates' Committee" that immunity from criminal or disciplinary proceedings was unlikely to be granted and to make it clear that the hostages should be released first. I also asked you to ascertain if the views put forth by the "Inmates' Committee" comprising inter alia essentially the points you made in paragraphs numbered 1 and 2 of your letter, represented in fact the views of the majority of the inmates. Grievances were to have been listed by a given time but this was not done. You and members of your Committee worked long into the night but were unsuccessful in getting such an understanding. There were, therefore, no agreed proposals.

As events turned out, over 200 inmates came out in the first rush. Hostages were released gradually and inmates came out as called by name.

You and the Committee members acted in the best of good faith and with great public spirit during the very fluid and developing situation which could have ended disastrously. Having embarked on a course of action from which it could not disengage itself, the "Citizens' Committee" could not commit the Government or the Canadian Penitentiary Service to any agreement any more than it could commit the 500 inmates in the cell blocks to a given course of action or as to their views.

You may rest assured that quiet having been restored at Kingston, the security, safety and welfare under the law of both inmates and guards will remain a constant and high priority of this Government and of the Canadian Penitentiary Service. Naturally (so far as I am concerned) Legal Aid should be available to inmates on the same basis as for other citizens. However, it is not possible to contemplate, in addition to the Coroner's Inquiry, the Commission of Inquiry and Police investigations by the Ontario Provincial Police and the Kingston Police which will ensure a complete and thorough investigation under the law of all aspects of this disturbance, that there should be a continuous series of visitations relative to this disturbance by other persons, be they Members of Parliament or of Committees of Citizens, however well-intentioned.

I repeat my gratitude to you and members of your Committee for the work you did both within and outside your terms of reference. But I cannot accept that your Committee should now wish to re-activate itself.

Yours sincerely,

Jean-Pierre Goyer

May 4, 1971.

Dear Mr. Martin:

Thank you for your letter of April 26, which was acknowledged, in my absence, by the Deputy Solicitor General.

To take the last paragraph of your letter first, speaking on behalf of yourself and the persons who constituted the "Citizens' Committee" during the course of the disturbances at Kingston between April 14 and 18, you ask that the alleged incidents of beating of prisoners by guards be fully investigated and appropriate charges in the Criminal Courts be laid if warranted by the evidence.

I can tell you that a preliminary investigation was immediately conducted by Penitentiary authorities when this allegation was made. In addition, the Commission of Inquiry, (4) headed by Mr. <sup>Wit</sup> Swackhamer, Q.C., has terms of reference which cover any such allegation or occurrence. Thirdly, the Ontario Provincial Police has under way a police investigation into these allegations. Finally - and contrary to the advice tendered to me at one time - I have consistently refused to consider the granting to inmates of any immunity from criminal or disciplinary measures for acts arising out of these disturbances. You may also recall that I have recently reaffirmed in the House my views that all citizens are equal before the law. ~~I could not, there-~~ <sup>(no immunity)</sup> ~~fore,~~ agree in ~~principle~~ that there should be granted ~~any~~ <sup>^</sup> ~~immunity~~ from criminal prosecution or disciplinary measures to anyone, guard or inmate, who violates the criminal law or the Canadian Penitentiary Regulations. *I would expect that the Provincial Attorney-General or Crown Prosecutors (insofar as the Criminal Law is concerned) would take whatever action they deem appropriate.*

Having said this, I should revert to the substance of the proposals you outlined earlier in your letter and which you said the Department accepted. With the utmost respect, I should say that the "Citizens' Committee's" terms of reference given by the Department were to hear the views of the "Inmates' Committee" and to report to the Solicitor General. I later asked you to carry out a special task, namely to convey to the "Inmates' Committee" that immunity from criminal or disciplinary proceedings was unlikely to be granted and to make it clear that the hostages should be released first. I also asked you to ascertain if the views put forth by the "Inmates' Committee" comprising inter alia essentially the points you made in paragraphs numbered 1 and 2 of your letter, represented in fact the views of the majority of the inmates. Grievances were to have been listed by a given time but this was not done. You and members of your Committee worked long into the night but were unsuccessful in getting such an understanding. There were, therefore, no agreed proposals.

As events turned out, over 200 inmates came out in the first rush. Hostages were released gradually and inmates came out ~~in groups~~ <sup>or called by name.</sup>

*You and* the Committee members ~~and you~~ acted in the best of good faith and with great public spirit during a very fluid and developing situation which could have ended disastrously.

*Having embarked on a course of action from which it could not disengage itself,*  
Once the "Citizens' Committee" had embarked on its course of ~~the "Committee's" action,~~ *"Citizens' Committee"* action, it could not disengage itself but

....3

~~It~~ could not commit the Government <sup>of</sup> the Canadian Penitentiary Service, any more than it could ~~commit~~ the 500 inmates in the cell blocks *to a given course of action or state their views.*

You may rest assured that quiet having been restored at Kingston, the security, safety and welfare under the law of both inmates and guards will remain a constant and high priority of this Government and of the Canadian Penitentiary Service. Naturally (so far as I am concerned) Legal Aid should be available to inmates on the same basis as for other citizens. However, it is not possible to contemplate ~~that~~, in addition to the Coroner's *inquiry* the Commission of Inquiry and Police investigations by the Ontario Provincial Police, <sup>should</sup> there be a continuous series of visitations relative to this disturbance <sup>by other persons, better</sup> ~~of "ombudsmen"~~ <sup>in</sup> the form of Members of Parliament or of Committees of Citizens, however well-intentioned.

I repeat my gratitude to you and members of your Committee for the work you did both within and outside your terms of reference. But I cannot ~~now~~ <sup>accept</sup> agree to further activities beyond the terms of reference agreed between you and me. *that your committee should now wish to re-activate itself.*

Yours sincerely,

Jean-Pierre Goyer.

EACOTE/MR

*and the Kingston Police*

*which will ensure a complete and thorough investigation under the law of all aspects of this disturbance, that*

MEMORANDUM  
GOVERNMENT OF CANADA



NOTE DE SERVICE  
GOUVERNEMENT DU CANADA

646-5/29-1  
Mr. Hefley  
M. J. [unclear]

FROM  
DE S.L. Roberts,  
Asst. Director, Information

TO  
À Mr. E.A. Cote,  
Deputy Solicitor General

OUR FILE - N/REFERENCE		3/1/71	Do not	Ealey
YOUR FILE - V/REFERENCE				
DATE		May 3, 1971.		
REFER REPLY TO ENVOYER LA RÉPONSE À				TEL. NO. TEL.

SUBJECT  
SUJET 1. Deployment of Information Staff.

Mr. Riddiough was in Montreal Friday in relation to the National Film Board's Challenge for Change program and was to go to Toronto this morning to finalize the attitudinal survey contract with Complan Research Associates. I was notified by his wife at 10:30 a.m. today that he returned to Ottawa Friday very ill and would not be able to report to work immediately. I cancelled his appointment in Toronto this morning and made alternative arrangements with the executive officers of Complan to meet with them Tuesday morning and finalize the terms of the contract at this time. I hope it will be possible for me to return to Ottawa Tuesday evening. Should you or anyone wish to get in touch with me Tuesday I may be reached at Complan Research Associates, Toronto phone 483-1126.

2. Photographs of Minister

I am forwarding two CAF photos taken of Mr. Goyer while he was at Kingston Penitentiary. I thought the Minister might like these for personal retention. Should he wish, additional, or larger, prints, I can obtain these from Major Bev Todman, the CAF public relations officer for Ontario, whom became a personal friend during the disturbance.

Rec'd to  
S.G.  
Ealey

S.L. Roberts

Original on: 110-10-2

646-5/29-1

SOLLICITEUR GÉNÉRAL  
ADJOINT

30/iv/71

DEPUTY  
SOLICITOR GENERAL

*JA*

Mr. Riddiough  
Mr. Roberts

Here is a letter from  
Arthur Martin on the subject  
of the "Citizens' Committee" and  
a draft reply which I  
have prepared.

I would be grateful  
for your comments as soon  
as possible. CPS is  
being asked to comment  
also.

*Eddy*

646-5/29-1

→ 6242 (410)

OTTAWA KIA 0P6  
April 30, 1971

Dear Miss Green

Your letter of April 15, 1971 to the Prime Minister concerning an offer to sit as a member of the Committee to investigate the grievances of inmates at Kingston Penitentiary has been passed to me for attention and reply.

I appreciate your action in this respect, however, the members of the Board of Inquiry have previously been chosen and appointed to investigate all aspects of the disturbance at Kingston Penitentiary, April 14 - 18.

Your letter is being placed on file in my office and in addition I am taking the liberty of passing a copy of it, and the material attached thereto, to the Commissioner of Penitentiaries for the attention of his Chief of Classification and Psychological Services.

Thank you for writing.

Yours very truly

Original Signed by  
JEAN - PIERRE GOYER

Jean-Pierre Goyer

BKKAINE/cm

Miss Sylvia Green  
117 - 2460 Benny Crescent  
MONTREAL 261, P.Q.

**DISTRIBUTION:**  
 Minister's Office: Original and 2 copies  
 D/Minister: 1 copy  
 Commissioner: 1 copy  
 Fleeter  
 File ✓  
 Secretariat: 2 copies  
 Shannon

c.c. for the information of: Solicitor General

(File No. 646-5/29-1)

Ottawa, Ontario,  
K1A 0P8

April 29, 1971

Dear Mr. Martin:

The Minister has had to absent himself from the City for a few days. However, before leaving he asked me to thank you for your letter of April 26th, which he received yesterday, and to which he proposes to reply as soon as possible.

Yours sincerely,

E. A. Côté,  
Deputy Solicitor General

EAC/ROP

Mr. G. Arthur Martin, Q.C.,  
Barrister, etc.,  
P. O. Box 16,  
Toronto Dominion Tower,  
Toronto-Dominion Centre,  
Toronto 1, Ontario

CANADA

Ministère du Secrétaire  
Général

Department of the  
Solicitor-General

TO: SOLICITOR-GENERAL

AU: SOLLICITEUR-GÉNÉRAL

3/1/71

POUR AUTORISATION  
FOR APPROVAL

FOR SIGNATURE  
POUR SIGNATURE

POUR INFORMATION  
FOR INFORMATION

FOR DIRECTION  
POUR DIRECTIVE

SUR SA DEMANDE  
AS REQUESTED

TO NOTE AND RETURN  
PRENDRE NOTE ET  
RENOYER

DICTATED BY  
DICTÉ PAR \_\_\_\_\_

DATE

DACTYLOGRAPHIÉ PAR  
TYPED BY \_\_\_\_\_

DATE

Je ne crois pas que Jim Dacey  
soit contre le ~~contenu~~ de  
la lettre.

Toutefois, il croit qu'il  
serait préférable que vous  
parliez de ceci de vive voix  
avec M. Martin.

*Edey*

000634

*G. Arthur Martin, Q.C., LL.D.*

The Honourable Jean-Pierre Goyer,  
Solicitor General of Canada,  
Sir Wilfred Laurier Building,  
340 Laurier Avenue West,  
Ottawa, Ontario.

RECEIVED  
OFFICE OF THE  
SOLICITOR GENERAL  
APR 28 12 42 PM '71  
DM

FILE 646-5/29-1  
DOSSIER

Dear Mr. Minister:-

I am gravely concerned by the information which I have received that two members of the Prisoners' Committee have been seriously injured by prison guards in the course of being transferred from Kingston Penitentiary to Millhaven.

The Citizens' Committee appointed by your Department, as a consequence of the riot at Kingston Penitentiary, made certain proposals with respect to the surrender by prisoners in Kingston Penitentiary and the subsequent transfer of prisoners to other Federal Penitentiaries. A proposal was also made with respect to the presentation of grievances by the Prisoners' Committee.

The substance of those proposals was as follows:

1. That prisoners would emerge from the cell blocks under the observation of the Citizens' Committee and prisoners being transferred to other Federal Penitentiaries would be transferred under the observation of members of the Citizens' Committee. It was proposed that a guard held as hostage by the prisoners would be released concurrently with the surrender of each group of sixty prisoners until all the hostages were released.
2. That the Prisoners' Committee would have the assistance of Counsel in presenting a list of grievances, to be prepared by the Prisoners' Committee, to an appropriate Board or Tribunal under the observation of members of the Citizens' Committee.

-2-

The Citizens' Committee considered, and does consider, that these proposals were accepted by your Department and, in fact, prisoners emerged from the cell block area and hostages were released in substantial compliance with this formula on Sunday, April 18th. The Citizens' Committee acted as observers as the prisoners left the cell block area and of the transfer of prisoners which took place during the day of Sunday, April 18th.

At the time the proposal was made it was contemplated that approximately three hundred prisoners would leave the cell block area at Kingston as their names were called by the prison authorities. These prisoners would be immediately transferred to other Federal Penitentiaries. It was contemplated that approximately two hundred prisoners would remain at Kingston. Subsequent events, however, made it necessary to temporarily evacuate the entire inmate population from the cell block area with consequent delay in the transfer of some prisoners to other Penitentiaries.

The Citizens' Committee assumed that, with the peaceful re-occupation of Kingston Penitentiary achieved, the assurance that the prisoners would not be subject to illegal violence from guards during subsequent transfers to other Penitentiaries, which was inherent in the right of the Citizens' Committee to observe and inspect, would be carried out by the prison officers.

I am informed, however, that on Wednesday, April 21st, a number of prisoners who had remained at Kingston Penitentiary were transferred to Millhaven and that it was during the course of this transfer that some inmates were beaten and seriously injured.

On behalf of the Citizens' Committee I requested your Department on Friday, April 23rd, to permit the Citizens' Committee to visit Millhaven to investigate the information which the Committee had received with respect to the beating of inmates. The request of the Committee was refused.

On behalf of the Citizens' Committee and myself I wish to take issue with the policy of your Department in refusing the request of the Citizens' Committee. Such refusal was, in our view, contrary to the spirit of the right of observation and inspection by the Citizens' Committee agreed to by your Department.

Such a narrow interpretation of the role of the Citizens' Committee is, in my view, unfortunate, and incompatible with the assurances that the Committee gave, with the approval of your Department.

-3-

A feeling among the inmates that either the Citizens' Committee or the Government has failed to carry out assurances with respect to safeguarding prisoners from illegal violence at the hands of guards will inevitably have a serious and unfortunate effect on inmate attitudes and will create feelings of injustice and bitterness.

The Committee urges that alleged incidents of the beating of prisoners by guards be fully investigated and appropriate charges in the Criminal Courts be laid if warranted by the evidence.

Yours sincerely,

A handwritten signature in cursive script that reads "G. Arthur Martin". The signature is written in dark ink and is positioned to the right of the typed name.

April 26th, 1971.

P. O. Box 16,  
Toronto Dominion Tower,  
Toronto-Dominion Centre,  
Toronto 1, Canada.



T.B. Number - C.T. No

SOLICITOR GENERAL  
CANADIAN PENITENTIARY SERVICE 185/12(1)  
Department - Ministère File - Dossier

April 27, 1971.  
Date

SUBJECT: PAYMENT OF AN ALLOWANCE TO PERSONS ACTING  
AS MEMBERS OF A COMMISSION OF INQUIRY

PROPOSAL: To pay allowances to the following persons appointed  
as a Commission of Inquiry pursuant to section 13  
of the Penitentiary Act at the rates shown:

J.W. Swackhamer, Q.C., an allowance of \$50 per hour,  
for each hour the Commission serves, plus actual  
living and travelling expenses;

W.T. McGrath, Esquire, an allowance of \$100 per day,  
with a proportionate rate for a part of a day, plus  
actual living and travelling expenses;

Ian Scott, Esquire an allowance of \$35 per hour ;  
plus actual living and travelling expenses;

At the regular rates of the Ontario Supreme Court,  
to pay court reporters fees for each day necessarily  
in attendance, also payment of transcripts of evidence;

To approve payment of such further sums as are  
necessary to defray expenditures for accommodation,  
witness fees, secretarial and clerical assistance,  
and other incidental expenses as may be approved by  
the Commissioner and for which the usual detailed  
accounts will be submitted.

CHARGEABLE TO: The Department of the Solicitor General, Vote 5,  
Operation and Maintenance of Penitentiaries.

../2

Signed by Jean-Pierre Goyer and  
sent by hand to Treasury Board  
on April 23, 1971.

for J.M.T.

Copy to: 119-2

REMARKS:

Pursuant to section 13 of the Penitentiary Act the Commissioner of Penitentiaries has appointed a Commission of Inquiry consisting of the persons listed above, plus H. Popp Esquire, Canadian Penitentiary Headquarters Staff, to investigate and report upon disturbances which occurred at Kingston Penitentiary between the fourteenth and eighteenth days of April, 1971.

J.W. Swackhamer, Q.C., is appointed to exercise general direction of the Commission of Inquiry.

The proposed rate of \$35 per hour payable to Ian Scott, Esquire is based on the legal aid tariff.

646-5/29-1

DEPUTY COMMISSIONER J.R.R. CARRIERE,  
R.C.M.P.

File  
Classer *JRC*

DEPUTY SOLICITOR GENERAL

OFFICE OF THE SOLICITOR GENERAL  
OTTAWA  
APR 26 1970

April 26, 1971.

Following my letter to you last week about the services of the R.C.M.P. in connection with the disturbance at Kingston Penitentiary, I had a further conversation with Mr. Arthur Martin, Q.C., Chairman of the so-called Citizens' Committee for whom "N" Division had provided transportation from Toronto to Kingston.

Mr. Martin was loud in his praise of Constables Banks and Farquharson who did a tremendous job for a period of a few days when Mr. Martin was involved in the matter of the disturbance. Mr. Martin asked me particularly to draw to the Force's attention, the quality of the services given by these two Constables and how impressed he was of the calibre of young men now joining the Force.

E. A. CÔTÉ

E.A. Côté,  
Deputy Solicitor General.

<sup>^ /</sup>  
EACOTE/MR

MEMORANDUM



TO  
A FILE

CLASSIFICATION

YOUR FILE No.  
Votre dossier

File *ROP*  
Classifier

OUR FILE No.  
Notre dossier

FROM  
De DEPUTY SOLICITOR GENERAL

DATE April 23, 1971

FOLD

SUBJECT  
Sujet Kingston Disturbance

Mr. Arthur Martin, Q.C. phoned me at 1455 hours on April 23rd (his phone number is Toronto - 368-6241) saying that he was meeting with the four other members of the Committee. Apparently Professor Morton had informed him that McCaud and Knight had been beaten up by the guards. I wondered how this occurred. He said Professor Morton had found this out. He thought that there was a personal commitment on the part of the Committee to go back to see the inmates. He felt strongly that he and his group should go to Millhaven tomorrow and he wondered whether we could provide an R.C.M. Police car for this purpose.

I replied to Mr. Martin that when the Citizens' Committee was formed, he and I had both agreed that its terms of reference were to hear what the inmates had to say and to report back to the Solicitor General. This had been done and Mr. Martin personally had been asked to undertake a task of some delicacy, namely to go back to the inmates and intimate to them that it was most unlikely that the Government would accede to their demands for immunity. This Mr. Martin had done with considerable tact and other members of the Committee decided to in fact "negotiate" with the Inmates' Committee. The job of his Committee done in this fashion was most helpful in the circumstances but I did not think that Mr. Martin or his colleagues would consider that they were a continuing "Ombudsman Committee" for the settlement of the issues which were brought up by the disturbances.

Mr. Martin agreed that this was not their role. However, he and his colleagues felt that they gave a personal commitment to the inmates that they would not be harmed and he thought that if some had been injured they should go back and see the inmates.

I was able to point out to Mr. Martin that the Board of Inquiry had been announced this morning by the Solicitor General in the House of Commons. I gave him the composition of the Commission and he thought it was excellent. I also said that this Commission of Inquiry was on the ground at Kingston and would doubtless be calling upon the members of the former Citizens' Committee to give evidence before it. I said that I thought it would be important for me to speak to the Minister. Mr. Martin agreed.

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- 2 -

In the conversation it appeared that Professor Morton wanted to see McCaud as "his lawyer". I asked Mr. Martin if Professor Morton had been admitted to the Bar. He said he was a "Q.C." and was admitted to the Bar.

I was able to finally reach the Minister, after discussion with Commissioner Faguy and Deputy Commissioner Stone. They were all agreed that the ex-Citizens' Committee should not be allowed to go to Kingston or Millhaven. The Minister did not think that Mr. Swackhamer should be informed of this nor that I should mention to Mr. Martin that any incident involving McCaud and Knight had occurred.

I was able to reach Mr. Martin again at 1620 hours and said that after conversation with the Minister, and in view of the terms of reference of the Commission of Inquiry (which I outlined quickly over the phone) it would appear that all matters related to the disturbances were now as it were sub judice. Under these circumstances I could not see that as a sort of "Ombudsman Committee" it could do anything to detract from the activities of the Commission of Inquiry.

Mr. Martin said that he felt that the Committee had given an implied commitment to the Inmates' Committee. There was a very real fear by the inmates that they would be shot. The Citizens' Committee had given a commitment that they would be safely gotten out of the Kingston cell blocks and those who wanted to would be transferred to Millhaven without harm. He thought that this had been done correctly. However, they had learned specific details that one inmate had been beaten yesterday and down to the specific number of stitches he had had. I said that this was the sort of matter (if it had happened) that would be looked into by the Commission of Inquiry. However, the Citizens' Committee undertaking surely was only until after the completion of the transfer and it could not deal with events yesterday, the day before, a week hence or a month hence. With this Mr. Martin agreed. I said to him that I thought that really, in essence, the Commission of Inquiry had all matters related to the disturbances sub judice and that for all practical purposes the Citizens' Committee was functis officio.

Mr. Martin agreed and said he would drop the matter for now but reserved the right to come back to me. I said he was free to do so at any time.

At 1655 hours Mr. Martin phoned me again. He said that if he understood it correctly, the Solicitor General's view was that the Citizens' Committee visit now to Millhaven would be an "invasion of the investigatory function". I repeated that I thought the whole matter, including any incidents such as were alleged, would be sub judice to the Commission of Inquiry. He wondered what would happen if the Committee appeared at Millhaven

- 3 -

tomorrow. Would the Warden turn them back? I said that the view was that the Committee was functis officio. Mr. Martin asked if he could have Professor Morton speak to me and I agreed.

Professor Morton said he had been retained by Mr. McCaud who had been beaten up and he wondered whether if he went to Millhaven tomorrow he would be admitted. I asked him if he had been so informed by the Penitentiary Service that he had been retained. He said no. I said that it was important for Mr. McCaud to make this known. In that case he said if he went alone to Millhaven would he be turned back. I said that if Mr. McCaud had not intimated in the usual way that Professor Morton was his lawyer, he would not be allowed in. He then said he would take out a Writ of Mandamus on Monday. I replied with vigour that this was the first time in the two or three conversations I had had with Mr. Martin that there was any discussion about Professor Morton attending Millhaven in the capacity as Mr. McCaud's lawyer. All the discussion had centred on the "Committee of Citizens" seeing McCaud and Knight and the inmates: no discussion whatsoever had taken place about one of them, in his quality as a lawyer, attending a penitentiary to see an inmate! Mr. McCaud from past experience knew full well that if he wishes to have a lawyer he should make the request in writing. Professor Morton then said Mr. McCaud was in no position to do so. I said that if Mr. McCaud wanted Professor Morton as his lawyer and so signified in writing (for which the means would be made available if requested by Mr. McCaud) Professor Morton would be admitted.

We ended on a friendly tone but it was clear that Professor Morton (and maybe some of his associates) are trying to develop more chapters for Ron Haggart's and Aubrey Golden's "book" on the disturbances at Kingston!

I informed Commissioner Faguy and he said he would phone Mr. Moloney because as I intimated to the Commissioner this was the person that Professor Morton was trying to reach now. The Commissioner said he would instruct Mr. Moloney carefully.



E. A. Côté

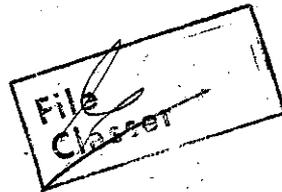
c.c. for the information of:

Solicitor General  
Commissioner of Penitentiaries  
Regional Director (thru' C.P.S.)  
Mr. J. H. Hollies, Q.C.

*S.G. advised orally  
my reading of last 1 1/2 pages.*

*76/iv/71*

*E.A.C.*



XX

FOR THE MINISTER.

Attention: Mr. John Cameron.

COMMISSIONER OF PENITENTIARIES.

April 23, 1971.

I cannot recall the tabling of any press release regarding an inquiry into the circumstances of a disturbance in any of the institutions. The riot at St. Vincent de Paul was investigated by a Board of Inquiry headed by Mr. J.A.C. LaFerriere who was, at that time, the Director of Treatment and Training at this Headquarters.

Some two years ago, an escape from Collins Bay Penitentiary caused some adverse publicity and Judge Daymann of Peterborough conducted an inquiry into the circumstances of this incident. To the best of my recollection, this is the only outside inquiry into the circumstances of an escape or a disturbance since 1959.

J. R. Stone,  
Deputy Commissioner,  
for Commissioner.

JRS/SR

c.c. → Deputy Solicitor General;  
Sec.  
Commissioner.

PERSONAL

c.c. for the information of:

Mr. Paul Faguy,  
Commissioner of Penitentiaries

646-5/29-1

Ottawa, Ontario,  
K1A 0P8

April 23, 1971

Dear Mr. Donkin:

On behalf of both the Government of Canada and of myself, as Solicitor General of Canada, I should like to thank you most sincerely for your valuable assistance in the role which you played in helping to bring about a solution at Kingston Penitentiary.

You were kind enough to agree to join a Committee of distinguished citizens, formed under the chairmanship of Mr. Arthur Martin, Q.C., whose mandate it was to meet with the Inmates' Committee, to hear their views and to report to me. Your prompt acceptance to join the Committee was greatly appreciated.

I would say how much appreciated were your contributions in this particularly difficult and delicate assignment.

Yours sincerely,

Original Signé Par  
JEAN - PIERRE GOYER

Jean-Pierre Goyer

RMJLABROSSE/EACOTE/LCF/ROP

Mr. W. R. Donkin,  
Area Director,  
York County,  
Ontario Legal Aid Plan,  
73 Richmond Street West,  
Toronto, Ontario

PERSONAL

c.c. for the information of:  
Mr. Paul Faguy,  
Commissioner of Penitentiaries

Ottawa, Ontario  
K1A 0P8

April 23, 1971

Dear Mr. Golden:

On behalf of both the Government of Canada and of myself, as Solicitor General, I should like to thank you most sincerely for your valuable assistance in the role which you played in helping to bring about a solution at Kingston Penitentiary.

You were kind enough to agree to join as an associate on the Committee of distinguished citizens, formed under the chairmanship of Mr. Arthur Martin, Q.C., whose mandate it was to meet with the Inmates' Committee, to hear their views and to report to me. Your prompt acceptance to join the Committee was greatly appreciated.

I would say how much appreciated were your contributions in this particularly difficult and delicate assignment.

Yours sincerely,

Original signed Par  
JEAN - PIERRE GOYER

Jean-Pierre Goyer

RMJLABROSSE/EACOTE/LCF/ROP

Mr. Aubrey E. Golden,  
Barrister-at-Law,  
Suite 1915,  
Richmond-Adelaide Centre,  
101 Richmond Street West,  
Toronto 1, Ontario

PERSONAL

c.c. for the information of:  
Mr. Paul Faguy,  
Commissioner of Penitentiaries

646-5/29-1

Ottawa, Ontario  
K1A 0P8

April 23, 1971

Dear Mr. Haggart:

On behalf of both the Government of Canada and of myself, as Solicitor General, I should like to thank you most sincerely for your valuable assistance in the role you played in helping to bring about a solution at Kingston Penitentiary.

You were kind enough to agree to join a Committee of distinguished citizens, formed under the chairmanship of Mr. Arthur Martin, Q.C., whose mandate it was to meet with the inmates, to get their views and to report to me.

I would like to commend you for the tenacity and single-mindedness of purpose which you displayed during this particularly difficult and delicate assignment.

Yours sincerely,

Original Signé Par  
JEAN - PIERRE GOYER

Jean-Pierre Goyer

RMJLABROSSE/EACOTE/LCF/ROP

Mr. Ron Haggart,  
The Toronto Telegram,  
440 Front Street West,  
Toronto 135, Ontario

c.c. for the information of:

Mr. Paul Paguy,  
Commissioner of Penitentiaries

Ottawa, Ontario  
K1A 0P8

April 23, 1971

Dear Dr. Horton:

On behalf of both the Government of Canada and of myself, as Solicitor General of Canada, I should like to thank you most sincerely for your valuable assistance in the role which you played in helping to bring about a solution at Kingston Penitentiary.

You were kind enough to agree to join a Committee of distinguished citizens, formed under the chairmanship of Mr. Arthur Martin, Q.C., whose mandate it was to meet with the Inmates' Committee, to hear their views and to report to me. Your prompt acceptance to join the Committee was greatly appreciated.

I would say how much appreciated were your contributions in this particularly difficult and delicate assignment.

Yours sincerely,

Original Signé Par  
JEAN - PIERRE GOYER

Jean-Pierre Goyer

RMJLABROSSE/EACOTE/LCF/ROP

Dr. Donald Horton,  
Professor,  
Faculty of Law,  
University of Toronto,  
Toronto 5, Ontario



Le 22 avril 1971  
OTTAWA, Ontario.  
K1A 0P8

Monsieur le Commissaire,

Je vous prie de bien vouloir transmettre mes remerciements les plus sincères aux membres de la Gendarmerie pour la précieuse collaboration qu'ils nous ont apportée au cours de la récente émeute au pénitencier de Kingston.

Le centre de renseignement INTEREX a dû recourir à plusieurs reprises aux services de votre Division "A" et de son détachement à Kingston, ainsi qu'à ceux de votre Division "O", de Toronto. Comme d'habitude, la coopération, la diligence et l'aide des membres de la Gendarmerie furent excellentes en tout point.

Veuillez agréer, Monsieur le Commissaire, l'expression de mes meilleurs sentiments.

Le Solliciteur général adjoint,

E. A. CÔTÉ

RMJLABROSSE/ML

E.A. Côté

c.c. Service canadien des pénitenciers

Le Commissaire par intérim, J.-R.-R. Carrière  
Gendarmerie royale du Canada  
1200, promenade Alta Vista  
OTTAWA, Ontario.

646-5/29-1

CC: MR. PAUL FAGUY  
COMMISSIONER OF PENITENTIARIES

April 22, 1971  
OTTAWA, Ontario  
K1A 0P8

My dear Colleagues:

I am writing to ask you to convey to all the members of the Canadian Armed Forces who were involved in the recent disturbance at Kingston Penitentiary, my most sincere thanks for the excellent job they did.

In characteristic fashion, the Armed Forces once again responded to a critical situation with diligent efficiency and professional aplomb. The prompt intervention of the troops when called upon to assist and their continued support and co-operation, contributed greatly to the regaining of control and the re-establishment of order by the Penitentiary authorities.

May I express to you my sincere appreciation for the assistance of your Department on this occasion.

Yours sincerely,

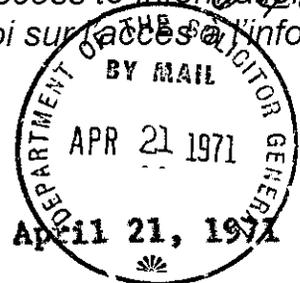
Original signed by

JEAN - PIERRE GOYER

Jean-Pierre Goyer

RMJLABROSSE/lcf

The Honourable Donald S. Macdonald, M.P.,  
Minister of National Defence,  
House of Commons,  
OTTAWA, Ontario.



Ottawa K1A 0P8, April 21, 1971

Dear Mr. Armstrong:

While the ready availability and assistance of the Canadian Forces generally during the recent disturbances at Kingston Penitentiary was invaluable, the purpose of this letter is to deal with one particular aspect of the help given by them.

As you may be aware, the Department of the Solicitor General has only a very small legal staff. Indeed, that staff consists at the moment of only two persons so that it was impossible to provide legal counsel on the ground at Kingston from within our resources. I am told that Major R.L. Martin of the Office of the Judge Advocate General was present in his capacity as legal adviser to the element of the Canadian Forces that was involved. I am further informed that our public relations representative, Mr. Roberts, was much impressed not only by the calmness and competence of Major Martin in carrying out his military duties, but in his readiness to make his services available as necessary to members of this department. As one example, I understand that when it was discovered that an inmate had been killed Major Martin at once drew to the attention of Mr. Roberts the legal position regarding calling in the coroner. Arrangements were thereupon made for Major Martin to speak to the Solicitor General, which he did, and thereby obviated the possibility of a somewhat awkward situation developing with the Provincial Coroner's Office.

I suggest that it is this type of cooperation and assistance that is imperative in a situation fraught with so much difficulty as was that at Kingston. Perhaps you would be good enough to convey to Major Martin my thanks on behalf of this department for the help that he gave.

Yours sincerely,

E. A. CÔTÉ

E.A. Côté,  
Deputy Solicitor General

J.H. HOLLIES/mab

Mr. E.B. Armstrong,  
Deputy Minister,  
Department of National Defence,  
OTTAWA, Ontario

APR 20 1971

640-5/29  
[Handwritten initials]

111 B The Minister

DOSSIER

[Handwritten signature]

61214 (1)  
9370-BHSON, D.

Commissioner of Penitentiaries

April 20, 1971

9370 - Inmate BHSOR, Brian  
Kingston Penitentiary  
~~DECEASED~~

Closure [Handwritten initials]

1. At 1942 hours on April 10, 1971, after authorities had gained control over the riot situation, a report was received from Kingston Penitentiary indicating that as a consequence of the violence which had occurred, 9370 - Inmate Bhsor, Brian, was dead. Speculation is that he was assaulted by other inmates, however, the time and specific cause of death are still under investigation.

2. Background information on Inmate Bhsor is as follows:

AGE: 26 years - born July 8, 1944.

MARITAL STATUS: single

OFFENCE: Dangerous sexual offender.

SENTENCE: Preventive detention on 26 November 1962.

ADMITTED: Kingston Penitentiary 27 November 1962.

REMARKS: This man's criminal record shows two previous convictions as follows:

- (i) Contributing to juvenile delinquency, and break and enter with intent (Dec. 1960).
- (ii) Contributing to juvenile delinquency and indecent assault (May 1960).

He was serving his first term  
in a federal institution.

WJM/dg

W. J. MEDER

Chief, Secretariat,  
for Commissioner.

COPIES TO:

Deputy Solicitor General ✓  
Deputy Commissioner  
Secretariat (2)  
Mr. Riddiough (Room 533)



April 19, 1971

File *CM*  
Classer 21/4/71

STATEMENT OF SOLICITOR GENERAL  
IN THE HOUSE OF COMMONS

On the night of April 14th, inmates of Kingston Penitentiary seized six prison guards as hostages, smashed windows, furniture, the cell locking devices and occupied the cell blocks and the central control area.

As a precautionary measure the Warden of the Kingston Penitentiary requested assistance from the Canadian Armed Forces and troops were subsequently deployed to guard the perimeter of the Penitentiary.

On the morning of April 15th, the Warden, his deputy and the Regional Director of the Penitentiary Service met with a Committee of three inmates chosen as spokesmen to present grievances. Inmates requested that representatives of the press, radio and television media be permitted to attend and this was authorized.

The grievances expressed by the inmates dealt in general terms with the whole area of police, judicial and correctional systems. Only in three minor areas were complaints made against the Canadian Penitentiary Service itself.

The Inmates' Committee requested that a group of distinguished citizens be asked to hear the views of the inmates. It became clear that the hostages would not be released

until the inmates had had an opportunity to meet with such a group.

A committee of five citizens was subsequently formed under the chairmanship of Mr. Arthur Martin, Q.C., consisting of Mr. Ron Haggart, Dr. Desmond Morton, Mr. William Donkin and Mr. Aubrey Golden, Q.C. This Committee was given a mandate to hear the views of the inmates and to report to the Solicitor General.

This committee of citizens met with the Inmates' Committee throughout the night of April 16 and I received a report early on April 17.

Of the number of requests reported to me by the Citizens' Committee, the most significant was that the hostages would be released if it were guaranteed that no criminal or disciplinary charges were laid as a result of the disturbance and the seizure of the cell blocks. The Inmates' Committee was informed that the Government would be unlikely to discuss any matter as long as hostages were held by the inmates.

During the early afternoon of April 16, one of the hostages was released apparently unharmed and in good health. After a series of discussions between the Inmates' Committee and the Citizens' Committee which went on sporadically during the 17th of April, no agreement could be obtained from the total inmate population as to what they wanted to request of the Government.



The cell blocks and central control area had been occupied by about 500 of the 641 inmates at Kingston. No disturbances occurred at the Psychiatric Wing, at the Hospital or in the Dissociation Area which had remained under the Warden's control. However, very early in the morning of Sunday April 18, there were outward visible signs that internal control among the 500 inmates was deteriorating rapidly. There was apparently some sporadic fighting among these inmates.

As a result, I decided to go to Kingston Penitentiary. After consultation with the Penitentiary authorities on the spot, I authorized that a plan be put into effect permitting those inmates in the cell blocks who wished to do so to come out with hostages. Shortly after daylight, some 200 inmates were allowed into the courtyard and at about 7 o'clock movements of inmates to other institutions began. These movements continued throughout the day and the hostages were released gradually.

I know that Members of this House and all Canadians were greatly relieved when the last hostage was released apparently unharmed and in good health at about 5.00 p.m. on April 18, 1971.

Unfortunately one inmate was killed and a number of others were injured by other inmates while they were in control of the cell blocks. We have notified their families.

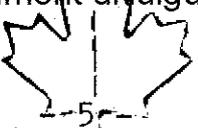
I would like to make it clear that there was no use of force at any time by penitentiary guards or the Canadian Armed Forces.



The whole question of improvement of penitentiary services and methods of rehabilitation presents both short term and long term problems which involve not only the Government, the Penitentiary Service and the inmates, but also the Canadian Public. In addition to the on-going programmes of the Department which the Committee on Justice and Legal Affairs now has an opportunity to examine, I decided two weeks before the recent events in Kingston to appoint a Working Group composed of outside and departmental sources to look into the Canadian Penitentiary Service rehabilitation approach for maximum security institutions and to recommend the type of new programmes and facilities that should be developed. These appointments will be announced shortly and I will ask that a report be made to me in six months.

So far as Kingston Penitentiary is concerned, a decision had been made many months ago to phase it out by September 1971. This plan was already under way with the transfer from Kingston of a number of inmates to the new institution at Millhaven before the recent disturbance.

Inmates of our correctional institutions remain members of our society though temporarily segregated. Programmes which meet the needs of this group in society must be based on the acceptance of the principle that chances of rehabilitation are enhanced if inmates are given an opportunity to socialize, work and participate in activities under conditions as close as possible to what is found in normal society.



The Government intends to pursue an increasingly progressive penitentiary programme but this can only be done in an orderly manner. The speed at which changes can be made depends jointly on the co-operation of inmates with the Department and on public understanding and support.

With regard to the events at Kingston Penitentiary, I have directed that a Board of Inquiry be established to review the events, to assess responsibility and to report to me.

On behalf of the Government and on my own behalf, I would like to express sincere thanks to Mr. Arthur Martin, Mr. Ron Haggart and to the members of the Committee for the very important role they played in helping to bring about a solution at Kingston. I should underline the valued co-operation of the Canadian Armed Forces and the police forces at the municipal, provincial and federal level. In concluding, I should like to express my personal thanks to several Honourable Members for offering to assist in any way they could.



CANADA DEPARTMENT OF LABOUR  
FINANCIAL AND MANAGEMENT SERVICES BRANCH

**TELEX-TELEGRAM MESSAGE**  
DELIVER IN THREE COPIES TO ROOM 808

FILE NO.  
646-5/29-1

CREDIT CARD NO. IF APPLICABLE

FOR TELEX USE ONLY

TELEX DIAL CODE  
VIA

N.P.S. TFC VIA CN. TELEX OR CN TELTEX ONLY

MESSAGE NO.  
12

**TO** (NAME OF PERSON AND OR TITLE)

The Warden's Office,  
Attention: Syd Roberts  
Kingston Penitentiary,  
P.O. BOX 22,  
KINGSTON, Ontario.

**ADDRESS**

**TEXT**

(CAPITAL LETTERS AND DOUBLE SPACING)

SYD:

THIS CAN BE RELEASED AT 2:30 P.M. TODAY SUBJECT  
TO YOUR CONFIRMATION BY PHONE 2-0319 THAT MINISTER MADE  
STATEMENT IN HOUSE. IF NOT MADE IN HOUSE WILL BE MADE AT PRESS  
CONFERENCE AT 3:15 P.M.

**FROM** Douglas Parkinson,

**SIGNATURE**  
*D Parkinson*

**TITLE** Information Officer

**BRANCH** Solicitor General

**DATE OF SIGNATURE**  
April 19, 1971

April 19, 1971

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IN THE HOUSE OF COMMONS

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. . . 3

- 3 -

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As a result, I decided to go to Kingston Penitentiary. After consultation with the Penitentiary authorities on the spot, I authorized that a plan be put into effect permitting those inmates in the cell blocks who wished to do so to come out with hostages. Shortly after daylight, some 200 inmates were allowed into the courtyard and at about 7 o'clock movements of inmates to other institutions began. These movements continued throughout the day and the hostages were released gradually.

I know that Members of this House and all Canadians were greatly relieved when the last hostage was released apparently unharmed and in good health at about 5.00 p.m. on April 18, 1971.

Unfortunately one inmate was killed and a number of others were injured by other inmates while they were in control of the cell blocks. We have notified their families.

I would like to make it clear that there was no use of force at any time by penitentiary guards or the Canadian Armed Forces.

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The whole question of improvement of penitentiary services and methods of rehabilitation presents both short term and long term problems which involve not only the Government, the Penitentiary Service and the inmates, but also the Canadian Public. In addition to the on-going programmes of the Department which the Committee on Justice and Legal Affairs now has an opportunity to examine, I decided two weeks before the recent events in Kingston to appoint a Working Group composed of outside and departmental sources to look into the Canadian Penitentiary Service rehabilitation approach for maximum security institutions and to recommend the type of new programmes and facilities that should be developed. These appointments will be announced shortly and I will ask that a report be made to me in six months.

So far as Kingston Penitentiary is concerned, a decision had been made many months ago to phase it out by September 1971. This plan was already under way with the transfer from Kingston of a number of inmates to the new institution at Millhaven before the recent disturbance.

Inmates of our correctional institutions remain members of our society though temporarily segregated. Programmes which meet the needs of this group in society must be based on the acceptance of the principle that chances of rehabilitation are enhanced if inmates are given an opportunity to socialize, work and participate in activities under conditions as close as possible to what is found in normal society.

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The Government intends to pursue an increasingly progressive penitentiary programme but this can only be done in an orderly manner. The speed at which changes can be made depends jointly on the co-operation of inmates with the Department and on public understanding and support.

With regard to the events at Kingston Penitentiary, I have directed that a Board of Inquiry be established to review the events, to assess responsibility and to report to me.

On behalf of the Government and on my own behalf, I would like to express sincere thanks to Mr. Arthur Martin, Mr. Ron Haggart and to the members of the Committee for the very important role they played in helping to bring about a solution at Kingston. I should underline the valued co-operation of the Canadian Armed Forces and the police forces at the municipal, provincial and federal level. In concluding, I should like to express my personal thanks to several Honourable Members for offering to assist in any way they could.

DEPARTMENT OF THE SOLICITOR GENERAL - MINISTÈRE DU SOLLICITEUR GÉNÉRAL

GENERAL ENTRIES CIRCULATION DU DOSSIER				B. F. AND P. A. ENTRIES INSTRUCTIONS AU CLASSIER				INSP
REFERRED TO DESTINATAIRE	PURPOSE OBJET	DATE	INIT.	DATE P. A. À CLASSER	INIT.	DATE B. F. À RENOYER	CANC. B. F. RENV. ANN.	
Miss Hensen	B.F. memo - 24/173	1/2/73	RM	1/2/73	Ref.			
Miss Hensen	req.	28/2	Jr	24/2/73	Ref			
Miss Hensen	Req.	13/73	DMW	26/3/73	P.B.			
Miss Hensen	Req.	26/73	DMW	27 III-73/14				
Mr. Hollier	memo - 17 26	28/2/74	Jr	29/2/74	P.B.			
Mr. Clauzet				25/10/74	L.H.			
Robert Albert	request	31/10	JM	1/11/74	Ref			
Mr. Doucet	req	7/5	Q	12/5/75	19/3			