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“If You Want Anything, You Have to Fight for It” Prisoner Strikes at Kingston Penitentiary, 1932–1935

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Article abstract

For four days in October 1932, during the height of the Great Depression, prisoners at Kingston Penitentiary revolted. They took control of their workshops and brought the convict labour regime to a halt, until the guards and militia violently regained control. This revolt was the culmination of more than a year of organizing and collective actions. Prisoners wrote manifestos, participated in work refusals, elected representatives, and developed a sophisticated critique of the conditions of their incarceration and the penitentiary administration. Using a unique collection of archival documents, this article closely examines the complaints, criticisms, fears, hopes, and frustrations of the incarcerated, whose demands and goals are crucial for understanding how and why the prisoner revolt unfolded as it did. I argue that the prisoners at Kingston Penitentiary, by striking and organizing to assert their dignity, democratically organized their lives and ensured a “fair deal” should be considered part of the Depression-era protests of the unemployed, imprisoned, and marginalized.

ARTICLE

"If You Want Anything, You Have to Fight for It": Prisoner Strikes at Kingston Penitentiary, 1932–1935

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Abstract: For four days in October 1932, during the height of the Great Depression, prisoners at Kingston Penitentiary revolted. They took control of their workshops and brought the convict labour regime to a halt, until the guards and militia violently regained control. This revolt was the culmination of more than a year of organizing and collective actions. Prisoners wrote manifestos, participated in work refusals, elected representatives, and developed a sophisticated critique of the conditions of their incarceration and the penitentiary administration. Using a unique collection of archival documents, this article closely examines the complaints, criticisms, fears, hopes, and frustrations of the incarcerated, whose demands and goals are crucial for understanding how and why the prisoner revolt unfolded as it did. I argue that the prisoners at Kingston Penitentiary, by striking and organizing to assert their dignity, democratically organized their lives and ensured a "fair deal" should be considered part of the Depression-era protests of the unemployed, imprisoned, and marginalized.

Keywords: Kingston Penitentiary, prison strike, prison riot, prison labour, penal reform, penal system, prison narratives

Résumé : Pendant quatre jours en octobre 1932, au plus fort de la Grande Dépression, les prisonniers du Pénitencier de Kingston se sont révoltés. Ils ont pris le contrôle de leurs ateliers et ont mis un terme au régime du travail des condamnés, jusqu'à ce que les gardes et les miliciens reprennent violemment le contrôle. Cette révolte a été l'aboutissement de plus d'un an d'organisation et d'actions collectives. Les détenus ont rédigé des manifestes, participé à des refus de travail, élu des représentants et élaboré une critique sophistiquée des conditions de leur incarcération et de l'administration pénitentiaire. À partir d'un ensemble unique de documents d'archives, cet article examine de près les plaints, les critiques, les peurs, les espoirs et les frustrations des incarcérés, dont les revendications et les objectifs sont essentiels pour comprendre comment et pourquoi la révolte des prisonniers s'est déroulée comme elle était. Je soutiens que les prisonniers du Pénitencier de Kingston, en faisant la grève et en s'organisant pour affirmer leur dignité, ayant organisé démocratiquement leur vie et assuré un « accord équitable » devraient être considérés comme faisant partie des manifestations des chômeurs, emprisonnés et marginalisés de l'époque de la Dépression.

Mots clefs : Pénitencier de Kingston, grève en prison, révolte de prisonniers, travail en prison, réforme pénale, système pénal, récits de prison

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TO MARK THE FIRST ANNIVERSARY of the 1932 riot at Kingston Penitentiary, prisoners clandestinely circulated a program throughout the institution. Its anonymous authors called for a “three minute silent period” beginning at 3 p.m. on 17 October 1933, in “commemoration for the martyrs who sacrificed their liberty that you and I might be freer,” followed by “a general disturbance against [Deputy Warden] Sullivan’s dictatorship” and a “song of liberty.” The program called for “a general discussion” about the dangers of a reactionary backlash by prison staff, expressed frustration that demands for access to uncensored newspapers and radio had not been granted, and celebrated the privileges “that we forced them to give” in the previous year: prisoner-organized bands and sports, smoke breaks during work hours, short periods of freedom to talk and associate with other men, limits to the warden’s power to order corporal punishment, and the end of humiliating practices like shaved heads. Prisoners caught with the program, several of whom had participated in protests the year before, claimed it had been written by members of the prisoner committee. No disturbance or moment of silence occurred that day. The warden, William B. Megloughlin, ordered exemplary punishments in solitary confinement of the 22 individuals found with copies of the program and the deployment of armed guards. He felt that he had “over-awed” the prisoners, although his officers reported more noise than usual in the cell block that evening.¹

The victories these unknown writers chose to emphasize, a year after the struggles of October 1932, are particularly revealing of the political thought, priorities, and concerns of prisoners confined at Kingston Penitentiary in the early Great Depression. The 1933 memorial program was not an unusual document of prisoner struggle but a continuation of earlier organizing to challenge abuses and circulate criticisms of prison practices. These earlier efforts had culminated in a strike on 17 October 1932, followed by a series of riots lasting until 20 October 1932 as prisoners resisted the violent resumption of control by guards. The prisoner strikers brought about a profound “crisis of imprisonment” in Canada, throwing into doubt the organization, purpose, and legitimacy of the federal penitentiary system.² The 1932 riot is a dramatic example that “struggle is the motor of penal change,” yet prisoners’ own suggestions for change were elusive to their contemporaries, diverged from reforms proposed by non-prisoners, and have not been thoroughly studied.³

1. The 17 October 1933 program is part of a series of documents under the subject heading “Proposed unrest, October 17, 1933,” which includes the investigations, interviews with those individuals assumed to be involved, the staff preparations to meet the demonstration, and the punishments awarded. Kingston Penitentiary – Disturbances, vol. 1, Subject Files of the Penitentiary Branch, Correctional Service of Canada fonds (hereafter SFPB, CSC fonds), RG73-C-2, 1983-84/291, box 31, 4-15-1, Library and Archives Canada (LAC).

2. Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics and the Making of the American Penal State* (Cambridge: Cambridge University Press, 2008).

3. Philip Goodman, Joshua Page and Michelle Phelps, *Breaking the Pendulum: The Long*

This article therefore directs its attention away from penal reformers and administrators and toward prisoners and their diverse efforts to influence everyday life at Kingston Penitentiary in the early 1930s.

This article will first look at how prisoners experienced their incarceration and how the material, cultural, disciplinary, and labour conditions structured the meaning of their protest. Following this, I will place the strike and riots of October 1932 in a broader continuum of struggle, by examining how prisoners articulated their grievances and organized resistance leading up to the riot and how they struggled to enforce their demands and claim as their own the new rules and new routines instituted thereafter. Prisoners objected to the arbitrary management of the prison, the harms of imprisonment, and the conduct of custodial staff, while their collective aims – an official role in guiding policy, a fair deal, equality in treatment – mobilized and sustained protest. The arguments and tactics of prisoners paralleled other contemporary struggles, reflecting the influence of incarcerated members of the Communist Party of Canada and the crisis of the Great Depression. The organizing and struggle of prisoners to implement their vision of incarceration at Kingston Penitentiary adds a new dimension to Canadian penal history as well as fresh insight into struggles of the marginalized during the 1930s.

Riots by prisoners are one of the most dramatic and spectacular forms of prisoner collective action, frequently resulting in property destruction, injury, and loss of life, and draw considerable attention and scrutiny from politicians, judges, the press, and many other groups outside the prison. The causes of prison riots are complex and sometimes difficult to discern. Violence and rioting are generally, to outsiders, the most legible expression of often obscure struggles for power and influence inside the prison between inmates, guard staff, and administrators. These struggles intersect with broader social, political, and economic conflicts, whether in the form of the criminalization of certain groups or behaviours, punitive change to sentencing and release, the warehousing of surplus populations during capitalist crises, and the success or prominence of civil rights movements and radical resistance, as the literature on the prisoner rebellions of the late 1960s and 1970s demonstrates.⁴

Struggle over Criminal Justice (New York: Oxford University Press, 2017), 3. Victor Hassine calls penal change "a battlefield." Hassine, "Prison Politics and Change," *Journal of Prisoners on Prisons* 8, 1–2 (1997): 31–36.

4. A small selection includes Eric Cummins, *The Rise and Fall of California's Radical Prison Movement* (Stanford: Stanford University Press, 1994); Alan Eladio Gómez, "'Neustras Vidas Corren Casi Paralelas': Chicanos, *Independentistas*, and the Prison Rebellions in Leavenworth, 1969–1972," *Latino Studies* 6 (2008): 64–96; Anne Guérin, *Prisonniers en révolte: Quotidien carcéral, mutineries et politique pénitentiaire en France (1970–1980)* (Marseille: Agone, 2013); Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* (New York: Pantheon, 2016); Toussaint Losier, "Against 'Law and Order' Lockup: The 1970 NYC Jail Rebellions," *Race & Class* 59, 1 (2017): 3–35; Garrett Felber, "'Shades of Mississippi': The Nation of Islam's Prison Organizing, the Carceral State, and the Black Freedom Struggle," *Journal of American History* 105, 1 (2018): 71–95; Robert T. Chase, *We Are Not Slaves: State*

Criminologists have characterized 1920s and 1930s prisoner rioting, however, as making simple “housekeeping” demands or protesting against conditions, with prisoners playing little role in penal change.⁵ This characterization, as Alyson Brown has argued, understates the complexity and coherency of prisoner grievances and values.⁶

Riots by prisoners are part of a “continuum of practices and relationships” of prisoner resistance, as inmates, whether collectively or individually, have used numerous tactics to control their bodies and make their lives more bearable.⁷ Besides the risky collective action of riots, work stoppages, and strikes, this includes events like escapes, arson, self-harm, and routine but minor hindrances to institutional hegemony: denigrating staff through feigned ignorance, theft, shirking, foot dragging, gestures of contempt, and mockery. These forms of resistance are so common as to be considered an intrinsic aspect of incarceration. The antagonism of the incarcerated is generally understood not as mindless opposition but as the expression of individual and collective identities and goals.⁸

Violence, Coerced Labor, and Prisoners' Rights in Postwar America (Chapel Hill: University of North Carolina Press, 2020). For Canada, see Luc Gosselin, *Prisons in Canada* (Montréal: Black Rose, 1982); John Lowman and Brian MacLean, “Prisons and Protest in Canada,” *Social Justice* 18, 3(45) (1991): 130–154; Robert Gaucher, “Organizing Inside: Prison Justice Day (August 10th); A Non-Violent Response to Penal Repression,” *Journal of Prisoners on Prison* 3, 1–2 (1991): 93–110.

5. Alexander Berkman, *Opening the Gates: The Rise of the Prisoners' Movement* (Lexington, Massachusetts: Lexington Books, 1979), 39. Robert Adams contrasts these riots as distinct from later “political riots” in the 1960s and 1970s. Adams, *Prison Riots in Britain and the USA*, 2nd ed. (London: MacMillan, 1994), 60–71. Dan Berger and Toussaint Losier emphasize public anti-convict leasing and anti-lynching campaigns rather than prisoner protest in the pre-World War II United States; see Berger and Losier, *Rethinking the American Prison Movement* (Routledge: New York, 2018).

6. Alyson Brown, “The Amazing Mutiny at the Dartmoor Convict Prison,” *British Journal of Criminology* 47 (2007): 276–292. See also Rebecca M. McLennan, “Punishment’s ‘Square Deal’: Prisoners and their Keepers in 1920s New York,” *Journal of Urban History* 29, 5 (2003): 597–619; James B. Jacobs, *Stateville: The Penitentiary in Mass Society* (Chicago: University of Chicago Press, 1977); Mitchel P. Roth, *Fire in the Big House: America’s Deadliest Prison Disaster* (Athens: Ohio University Press, 2019); Alyson Brown, *Inter-War Penal Policy and Crime in England: The Dartmoor Convict Prison Riot, 1932* (London: Palgrave Macmillan, 2013); Micah Khater, “Riot and Reclamation: Black Women, Prison Labor, and Resistive Desires,” *Southern Cultures* 27, 3 (2021): 54–75.

7. Adams, *Prison Riots*, 36. Adams’ work draws heavily on Charles Tilly’s concept of “repertoires of contention.” Tilly, “Collective Violence in European Perspective,” in T. R. Gurr, ed., *Violence in America*, vol. 2, *Protest, Rebellion, Reform* (Newbury Park, California: SAGE, 1989), 62–100.

8. These “minor hindrances” are often compared to the “weapons of the weak” wielded by other marginalized groups. James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985).

As Lisa Guenther writes, "people do not wake up one morning with a perception of the intolerable and a desire to fight against it." Prisoner resistance, especially in the form of collective action, is not inevitable, nor are all forms of non-compliance with prison regulations acts of dissent. Prisoners accommodate and accept prison order, whether out of agreement with the regulations, fear, self-interest or personal benefit, or a desire to avoid trouble or danger from guards or other prisoners.⁹ During the Great Depression, as Ethan Blue notes, collective prisoner resistance and radical community were just "fleeting moments" in a repressive environment of atomization and mutual hostility.¹⁰ Overcrowding or aging infrastructure, however horrible, and managerial dysfunction and staff disorganization are rarely sufficient on their own to provoke serious disorder unless prisoners come to collectively view these conditions as intolerable.¹¹ Discursive and physical spaces to talk and make connections, the realization of shared interests and the articulation of shared critiques, and the formulation of shared demands are turning points in emergent prisoner resistance.¹²

The routines and structures that governed daily life at prisons like Kingston Penitentiary, especially the cell block and forced work in large shops, were sites of group interaction that allowed informal networks to circulate grievances and coordinate actions and provided a resource – labour – that prisoners could withhold.¹³ Prisoners referred to customary traditions within and without the prison in making appeals to group cohesion, through sticking

9. Mary Bosworth and Eamonn Carrabine, "Reassessing Resistance: Race, Gender, and Sexuality in Prison," *Punishment and Society* 3, 4 (2001): 506. Ashley T. Rubin differentiates daily incidents of "friction" in the prison from "resistance," which she defines as "consciously disruptive." Rubin, "Resistance or Friction: Understanding the Significance of Prisoners' Secondary Adjustments," *Theoretical Criminology* 19, 1 (2015): 24.

10. Ethan Blue, *Doing Time in the Great Depression: Everyday Life in Texas and California Prisons* (New York: New York University Press, 2012), 15.

11. Jeff Bleich, "The Politics of Prison Crowding," *California Law Review* 77, 5 (1989): 1125–1180. For theories of prison riots focused on administrative failures as their primary causes, see Frederick Desroches, "Anomie: Two Theories of Prison Riots," *Canadian Journal of Criminology* 25, 2 (1983): 173–190; Mark Colvin, *The Penitentiary in Crisis: From Accommodation to Riot in New Mexico* (Albany: State University of New York Press, 1992); Arjen Boin and William A. R. Rattray, "Understanding Prison Riots: Towards a Threshold Theory," *Punishment & Society* 6 (2004): 47–65. Craig Haney, in criticizing Bleich, notes that while overcrowding may not cause unrest in prisons, it nonetheless causes physical and psychological harm. Haney, "The Wages of Prison Overcrowding: Harmful Psychological Consequences and Dysfunctional Correctional Reactions," *Washington University Journal of Law and Policy* 22 (2006): 265–293.

12. Lisa Guenther, "Beyond Guilt and Innocence: The Creaturely Politics of Prison Resistance Movements," in Andrew Dilts and Perry Zum, eds., *Active Intolerance: Michel Foucault, the Prisons Information Group, and the Future of Abolition* (New York: Palgrave Macmillan, 2016), 225–240.

13. Jack A. Goldstone and Bert Useem, "Prison Riots as Microrevolutions: An Extension of State-Centered Theories of Revolution," *American Journal of Sociology* 104, 4 (1999): 997–998.

together, the male-gendered fictive kinship of brotherhood, comradery, and solidarity.¹⁴ Solidarity between prisoners, however elusive, was a powerful defence against the “disrupted” and arbitrary regime of the prison, as Thomas Mathieson observed.¹⁵ In formulating demands, prisoners often selectively adopted and repurposed the criticisms of penal reformers, prison staff, and the media, pointing to criticisms made by these groups to bolster their own claims. This generation of shared grievances and demands often occurred during, or because of, less visible, often non-violent protests like hunger strikes, work refusals, protests, and petitioning by smaller groups of prisoners, and prisoner struggles often continue long after the dust has settled and public attention has moved on from a large-scale riot.¹⁶

The 1932 riot has generally been understood through its long-term political and administrative impact, and explanations for the riot offered at the time continue to define historical understandings. Press coverage of the strike and riots presented a sometimes confusing picture, with narratives of a peaceful planned demonstration alongside descriptions of a “howling mob” of convicts wreaking bloodshed and violence. Interviews with former prisoners provided sometimes accurate descriptions of prisoner grievances mixed with sensational tales of destruction and attempted murder.¹⁷ The events in Kingston Penitentiary were preceded by highly publicized riots in American prisons

14. Alyson Brown, “Legitimacy in the Evolution of the Prison: The Chatham Convict Prison Outbreak 1861,” *Criminal Justice History* 18 (2003): 107–120; Eamonn Carrabine, “Prison Riots, Social Order, and the Problem of Legitimacy,” *British Journal of Criminology* 45 (2005): 904–906. For 19th-century Canadian examples, see William A. Calder, “Convict Life in Canadian Federal Penitentiaries, 1867–1900,” in L. A. Knafla, ed., *Crime and Criminal Justice in Europe and Canada* (Waterloo: Wilfred Laurier University Press, 1981), 297–318; Ted McCoy, *Hard Time: Reforming the Penitentiary in Nineteenth Century Canada* (Edmonton: Athabasca University Press, 2012), 153–172; McCoy, *Four Unruly Women* (Vancouver: UBC Press, 2019), 18–19.

15. Thomas Mathieson, *The Defences of the Weak: A Sociological Study of a Norwegian Correctional Institution* (London: Tavistock, 1965), 133–134.

16. Lloyd E. Ohlin, *Sociology and the Field of Corrections* (New York: Russell Sage Foundation, 1956), 22–25; Albert Cohen, “Prison Violence: A Sociological Perspective,” in Albert Cohen, George Cole and Robert Bailey, eds., *Prison Violence* (Lexington, Massachusetts: D. C. Heath, 1976), 3–22; Bert Useem and Peter Kimball, *States of Siege: U.S. Prison Riots, 1971–1986* (Oxford: Oxford University Press, 1991), 201–215.

17. Roy Greenaway, “Bleeding Convict Mob Driven Out by Smoke Bombs,” *Toronto Star*, 18 October 1932; “Penitentiary Uprising Is Traced to Banning of Cigarette Papers,” *Toronto Star*, 18 October 1932; “Worst Riot That Ever Took Place in Penitentiary – Penitentiary Convicts Go On Strike,” *Kingston Whig-Standard*, 18 October 1932; “Discharged Prisoner Tells about the Riot,” *Kingston Whig-Standard*, 18 October 1932; “Paddle and ‘the Hole’ Face Convicts Who Break Rules,” *Toronto Star*, 20 October 1932. The *Ottawa Citizen* interviewed “convict 1809,” who claimed “a real riot” was coming and that the main goal had been to murder a specific guard. “Says Outbreak at Portsmouth Planned Ahead,” *Ottawa Evening Citizen*, 18 October 1932; Ray Hambleton, “Rifle Fire Meets Convict Mob as Prison Mutiny Flares Anew,” *Globe*, 21 October 1932.

and a January 1932 mutiny at England's Dartmoor convict prison. An international wave of prison unrest had arrived in Canada.¹⁸

Official explanations for the riot were not long in coming. The published report of superintendent Daniel M. Ormond blamed the riot on prisoner agitators, including Communists, but Ormond's primary concern was what he considered the poor training, incompetent management, and "state of lethargy" of the staff.¹⁹ During their court trials in Kingston between February and June 1933, the prisoner rioters' thoughtful and articulate conduct, in arguing for humane treatment and better conditions, shifted public sympathy and persuaded the presiding judges D. E. Deroche and E. H. McLean that the riot was "peaceable" if "tumultuous" and that their grievances and demands were "reasonable."²⁰ Both Superintendent Ormond's report and the 1933 trials emphasized certain inmate demands – for cigarette papers, better food, and stronger reading lights, for example – while other demands, such as for an inmate committee or abolition of corporal punishment, were minimized or ignored.²¹

The question of prison reform spread beyond the confines of the penitentiary, as clergy, bureaucrats, politicians, voters, newspaper readers, and reformers argued over the administration and direction of penitentiaries. Demands for reform and a royal commission were taken up by the press, led by Harry Anderson of the *Globe*, and bolstered by scandalous exposés by well-educated, élite ex-prisoners like Oswald Withrow and Austin Campbell; Tim Buck's accusations of an assassination attempt against him during the riot; and harsh criticism of the Conservative government in the House of Commons by penal reformers and parliamentarians including Agnes Macphail, J. S. Woodsworth,

18. Comparisons with American conditions were frequently made at the time. See Harriet Parsons, "Why Are Prisoners Rioting Everywhere?," *Saturday Night*, 26 November 1932. *Canadian Forum* considered the event "our Auburn," referring to the 1929 riots at that New York prison, and "a call to renounce our complacency." "Penitentiary Riots," *Canadian Forum* 13 (December 1932).

19. Canada, *Report of the Superintendent of Penitentiaries re Kingston Penitentiary Disturbances, 1932* (Ottawa 1933), 10, 13.

20. Major newspapers followed the trials closely. These quotes are from Judge Deroche's sentencing of Tim Buck. "Buck Guilty of Rioting, Hints at Leniency," *Toronto Star*, 7 July 1933. Sections of this judgment were included in Canada, *Report of the Royal Commission to Investigate the Penal System of Canada* (Ottawa 1938), 80–83.

21. This is particularly notable during the trial of Sam Behan, whose physical appearance and intelligence were praised in news coverage, yet his demand that Kingston Penitentiary be administered like New York's Sing Sing prison, where "inmates themselves discipline the place," was remarked upon only because Behan had compared a Canadian prison "unfavorably" to an American prison. "Riot Instigator Paroled, Charges Convict," *Toronto Globe*, 3 July 1933, 3. For a critique of even sympathetic press coverage of riots, see Phil Scranton, Joe Sim and Paula Skidmore, *Prisons under Protest* (Buckingham: Open University Press, 1991), chap. 6.

and A. E. Ross.²² After the election of William Lyon Mackenzie King in late 1935, the government called the Royal Commission to Investigate the Penal System of Canada, headed by Justice Joseph Archambault and thus also known as the Archambault Commission; its sweeping investigation and final report not only condemned a punitive orientation unguided by scientific and technocratic penological innovations such as classification, adult education, and psychiatric treatment but also chastised federal penal management “for allowing such conditions to prevail.”²³

There is a small body of work on the 1932 riot in the criminological or historical literature. Criminological accounts have considered the event very briefly and adopted a comparative focus considerably broader than the riot itself, emphasizing the decisive role of a combination of administrative breakdown, inconsistent regulations, and managerial failure erroneously blamed exclusively on Superintendent Ormond.²⁴ Several theses, also employing a comparative focus, have described the riot in more detail, drawing attention to precipitating causes, including a persistent failure to institute a rehabilitative policy in the penitentiary, and the wider social and historical context.²⁵ Popular accounts of the riot, of the history of Kingston Penitentiary, or of specific famous prisoners stress the lack of basic amenities, overcrowding, and harsh discipline, all of which combined to provoke the riot, and they provide differing and individual prisoner perspectives on the experience of incarceration.²⁶

22. Oswald Withrow's writing was serialized in the *Globe* in mid-1933 and published as a book: Withrow, *Shackling the Transgressor: An Indictment of the Canadian Penal System* (Toronto: T. Nelson & Sons, 1933). “House of Hate,” an account by Austin Campbell, a broker convicted of shorting stock, was published between 1 August and 1 December 1933 in *Maclean's*. An anonymous account of life in Kingston Penitentiary by an ex-convict, titled “Beating Back,” was also published in *Maclean's*, 15 May 1933. As Robert Gaucher notes, these writings had a “direct impact on public perceptions.” Gaucher, “Inside Looking Out: Writers in Prison,” *Journal of Prisoners on Prisons* 10, 1–2 (1999): 27. On the efforts of Macphail and Wordsworth, see Terrence Crowley, *Agnes Macphail and the Politics of Equality* (Toronto: Lorimer, 1990), 134–139; Grace MacInnis, *J. S. Woodsworth: A Man to Remember* (Toronto: Macmillan, 1953), 289–295. On the rhetoric of this campaign for penal reform, see Joel Kropf, “Pursuing Human Techniques of Progressive Justice: The Ethical Assumptions of Early-to-Mid-Twentieth Century English-Canadian Penal Reformers,” PhD thesis, Carleton University, 2014, 185–213.

23. Canada, *Report of the Royal Commission*, 73, 288–289.

24. See Fred Desroches, “Patterns in Prison Riots,” *Canadian Journal of Criminology and Corrections* 16 (1974): 332–351; Catherine Douglas, Joan Drummond and C. H. S. Jayewardene, “Administrative Contributions to Prison Disturbances,” *Canadian Journal of Criminology and Corrections* 22 (1980): 187–205; Christopher Adamson, “The Breakdown of Canadian Prison Administration: Evidence from Three Commissions of Inquiry,” *Canadian Journal of Criminology and Corrections* 25 (1983): 433–446.

25. Stan Lipinski, “Changing Nature of Riots in Kingston Penitentiary, 1835 to 1980,” PhD thesis, University of Ottawa, 1985; Chadwick A. Marr, “‘A Series of Nasty Situations’: The Causes and Effects of Riots at Kingston Penitentiary,” MA thesis, Queen's University, 1999.

26. Dennis Curtis, Andrew Graham, Lou Kelly and Anthony Patterson, *Kingston Penitentiary*:

Histories of Canadian criminal justice and biographical accounts of famous penal reformers have tended to focus on the efforts of politicians, journalists, and reformers to investigate prison conditions and the political and administrative consequences of the riot. The actions and demands of prisoners in these accounts are secondary to the efforts of powerful individuals and governments to enact penal reform. This process culminated with the 1938 Archambault Report, a document that ostensibly marked the decisive shift from a punitive to a rehabilitative model of incarceration in Canada.²⁷

While acknowledging the deliberate nature of the initial strike, all these works present prisoner resistance at Kingston Penitentiary in 1932 as something akin to a "volcano bursting," in John Kidman's description, the inevitable consequence of the severe deprivation caused by the "the modern pains of imprisonment."²⁸ By contrast, the best recent account of the 1932 riot, by Chris Clarkson and Melissa Munn, synthesizes the existing literature,

The First Hundred and Fifty Years, 1835–1985 (Ottawa: Correctional Service of Canada, 1985); Mark Miorhean, "Conspiracy or Incompetence? The 1932 Kingston Penitentiary Riot," *Historic Kingston* 38 (1990): 111–128; Peter H. Hennessy, *Canada's Big House: The Dark History of the Kingston Penitentiary* (Toronto: Dundurn, 1999); Peter McSherry, *The Big Red Fox: The Incredible Story of Norman "Red" Ryan* (Toronto: Dundurn, 1999); Ed Butts, *Running with Dillinger* (Toronto: Dundurn Press, 2008); McSherry, *What Happened to Mickey? The Life and Death of Donald "Mickey" McDonald, Public Enemy No. 1* (Toronto: Dundurn, 2013).

27. John Kidman, *The Canadian Prison: The Story of a Tragedy* (Toronto: Ryerson Press, 1948); John W. Ekstedt and Curt T. Griffiths, *Corrections in Canada: Policy and Practice*, 2nd ed. (Toronto: Butterworths, 1988); D. Owen Carrigan, *Crime and Punishment in Canada: A History* (Toronto: McClelland & Stewart, 1991). For more critical perspectives, see Robert S. Ratner, "Inside the Liberal Boot: The Criminological Enterprise in Canada," *Studies in Political Economy* 13, 1 (1984): 145–164; Kelly Hannah-Moffat and Dawn Moore, "The Liberal Veil: Revisiting Canadian Penalty," in John Pratt, David Brown, Mark Brown, Simon Hallsworth and Wayne Morrison, ed., *The New Punitiveness: Trends, Theories and Perspectives* (London: Willan, 2005), 85–100. There are several biographies of 1930s penal reformers: Crowley, *Agnes Macphail*; Tom Mitchell, "Laws Grind the Poor and Rich Men Rule the Law: Lewis St George Stubbs, the Canadian State and the Ignominy of Judicial Insurgency," *Prairie Forum* 22, 2 (1997): 277–313; J. Patrick Boyer, *A Passion for Justice: How "Vinegar Jim" McRuer Became Canada's Greatest Law Reformer* (Toronto: Dundurn, 2008); Rick Helmes-Hayes, "Coral W. Topping, Pioneer Canadian Public Sociologist: 'A Veteran Warrior for Prison Reform,'" in Ariane Hanemaayer and Christopher J. Schneider, ed., *The Public Sociology Debate: Ethics and Engagement* (Vancouver: UBC Press, 2014), 174–204.

28. Gresham M. Sykes identifies five forms of deprivation as making up the pains of imprisonment: the deprivation of liberty, of goods and services, of heterosexual relationships, of autonomy, and of security. Sykes, *The Society of Captives: A Study of the Maximum Security Prison* (Princeton: Princeton University Press, 1958), chap. 4; Kidman, *Canadian Prison*, 41. This theory of rising tension "exploding" into a riot is often called the "powder box" theory. See Vernon Fox, "Why Prisoners Riot," *Federal Probation* 35 (1971): 9–14; R. W. Wilsnack, "Explaining Collective Violence in Prisons: Problems and Possibilities," in Albert Cohen, George Cole and Robert Bailey, eds., *Prison Violence* (Lexington, Massachusetts: D. C. Heath, 1976), 61–78. For a recent critique of Sykes' influential concept of deprivation, see Kevin D. Haggerty and Sandra Bucerius, "The Proliferating Pains of Imprisonment," *Incarceration* 1, 1 (2020): 2–16.

sympathetically contextualizes prisoner protest at Kingston Penitentiary as deliberate strategy, and briefly consider aspects of prisoner organizing.²⁹ However, their account mainly serves to contextualize later prisoner reform efforts and, as with previous scholarship, relies on a small number of official reports and memoirs, which does not fully capture the complexity and breadth of 1930s inmate resistance.

The views of prison officials and reformers weigh heavily on the historical literature on the 1932 riot. As Clarkson and Munn note, there has been little critical re-examination of the published accounts of prison officials and prison reform advocates of this era.³⁰ These official documents and statements reflect the perspective of the individuals who had been responsible for administering prisons or developing penal policy. Accounts by prisoners explaining their actions or the importance of their demands are either missing, obscured, or marginalized in these documents.³¹ The materials used in this article therefore present a unique source of information, as the penitentiary authorities, as in other moments when power is challenged, produced a considerable volume of documentary material in response to prisoner unrest. There are, however, limits to using these primary sources. Prisoners were generally unwilling to speak candidly, for fear of incriminating others or themselves. Prison records also present generally fragmentary details about the lives of prisoners, and for most of the prisoners in question, incarceration represented a difficult but brief period in their lives. Often guards saw insubordination where there was none and were generally condescending and hostile to prisoners.³²

29. Chris Clarkson and Melissa Munn, *Disruptive Prisoners: Resistance, Reform and the New Deal* (Toronto: University of Toronto Press, 2021), chap. 1.

30. Clarkson and Munn, 23.

31. In using these documents, I have chosen to use the full names of prisoners when possible – in contrast to the penitentiary's deliberately dehumanizing practice of numbering the incarcerated – but other personal details will not be shared unless particularly relevant, in recognition of the impact this information may have on their descendants. See Barry Godfrey, Tim Hitchcock and Robert Shoemaker, "The Ethics of Digital Data on Convict Lives," *Digital Panopticon*, accessed 21 October 2021, https://www.digitalpanopticon.org/The_Ethics_of_Digital_Data_on_Convict_Lives.

32. For examples of case file and biographically rooted studies of incarcerated individuals that informed this article, see Tamara Myers and Joan Sangster, "Retorts, Runaways and Riots: Patterns of Resistance in Canadian Reform Schools for Girls, 1930–60," *Journal of Social History* 34, 3 (2001): 669–697; Peter Zinoman, *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862–1940* (Berkeley: University of California Press, 2001); David A. Ward and Gene Kassebaum, *Alcatraz: The Gangster Years* (Berkeley: University of California Press, 2009); Barry Godfrey, David Cox and Stephen Farrall, *Serious Offenders: A Historical Study of Habitual Criminals* (Oxford: Oxford University Press, 2011); Blue, *Doing Time*; Joseph F. Spillane, *Coxsackie: The Life and Death of Prison Reform* (Baltimore: Johns Hopkins University Press, 2014); Barry Godfrey, Pamela Cox, Heather Shore and Zoe Alker, *Young Criminal Lives: Life Courses and Life Chances from 1850* (Oxford: Oxford University Press, 2017).

Surviving internal operational reports, punishment records, and reports from subordinate prison officers include detailed descriptions of individual and group acts of prisoner rebellion, work stoppages, protests, and petitions; almost all contain lengthy transcripts of interviews with participants. These records also contain confiscated notes, letters, manifestos, and petitions written by prisoners. As with the program that opened this article, these documents were not permitted by officials and were often intended for an audience of other prisoners.³³ The documents are particularly revealing of the attitudes and aspirations the authors thought would resonate with other prisoners. The most important of these documents was a manifesto titled *Barbarism and Civilization*, a collective document written during 1932. Men clandestinely passed *Barbarism and Civilization* throughout the prison, and new writers repeatedly made additions in their own hand and often in widely different styles of writing, sometimes repeating or adding emphasis to earlier criticisms and demands. The last line of the document contains an exhortation to spread the manifesto to "good people."

The interview transcripts created for Superintendent Ormond's investigation are especially valuable. Ormond interviewed almost every prisoner at Kingston Penitentiary, whether they had participated in the riot or not, as well as the entire staff.³⁴ During these interviews, Ormond made little effort to

33. Kingston Penitentiary – Disturbances, vols. 1–3, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC; Disturbance, 17-10-32, Departmental operational and administrative files (hereafter DOAF), CSC fonds, RG73-C, vol. 107, file 4-15-5, parts 1 and 2, LAC.

34. The records of the investigation include transcripts and correspondence and are found in Superintendent's Investigation into Disturbance, October 17/1932 (hereafter Superintendent's Investigation), SFPB, CSC fonds, RG73, acc. 1983/84/291, box 30, 4-15-10, parts 1–10, LAC. A small number of prisoners declined participation because they were being released or transferred. In total, 843 interviews were conducted, and the interviews include some biographical details about each prisoner, including sentence length, reason for conviction, previous penal experience, and sometimes ethnicity or racial designations. The transcript evidence is paginated and internally divided into two sections, for inmates and officers; inmate transcripts start with 01 and officer transcripts with 02. Hereafter the transcripts will be cited as, e.g., Superintendent's Investigation, 01-001. Ormond only neglected to interview women imprisoned in the female prison and individuals transferred to provincial asylums. There are no reports on the women incarcerated at Kingston Penitentiary in the administrative records I consulted, including ones relating to classification, recreation, education, and industry, and women do not appear to have been part of the male prisoners' organizing efforts or a source of concern to the warden and his staff. This does not mean that resistance or unrest was absent in the women's prison. See McCoy, *Four Unruly Women*, esp. chap. 4. During the 1920s and 1930s, women were neglected by penal administrators aside from anxieties about their proximity to men, which led to the construction of the Prison for Women north of Kingston Penitentiary. Women did not have access to the same industrial or educational resources as men at Kingston Penitentiary, and what did exist was highly gendered – primarily domestic work. See Kelly Hannah-Moffat, *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada* (Toronto: University of Toronto Press, 2001); Joan Sangster, "Reforming Women's Reformatories: Elizabeth Fry, Penal Reform, and the State, 1950–1970," *Canadian Historical Review* 85, 2 (2004): 1–15.

guide the testimony, asking only that prisoners provide their complaints and their understandings of the riot. Most of the interviewees spoke at length.³⁵ Ormond, newly appointed in August 1932, was pursuing his own goal of disciplining staff and reforming the penitentiary's administration, and the interviews provided material that was useful to him even if they inform little of his published report. These interviews were also a site of contestation, as prisoners accepted one identity imposed upon them – they did not challenge their status as prisoners – while, in turn, they interrogated Ormond about the purpose of incarceration and penal reform, referring repeatedly to their elected delegates and manifestos and asserting their own lived expertise as a basis for reform.³⁶

Unable to formally organize, and in the face of close supervision and little autonomy, prisoners staging strikes and protests at Kingston Penitentiary faced considerable obstacles in seeking redress of grievances or amelioration of conditions. Close attention to their organizing efforts and struggles is important in part because, as Jordan House has argued, prisoners, as marginalized workers, “experience further erasure even in their exercises of power and acts of resistance.”³⁷ Indeed, within the context of the tumultuous early years of the Great Depression in Canada, the prisoners at Kingston Penitentiary engaged in a kind of politics like other Depression-era protests of the unemployed, relief recipients, relief camp inmates, and evicted tenants. The incarceration of eight members of the Communist Party of Canada is an obvious common element, but this comparison was made by prisoners themselves. Sam Behan, one of the principal leaders of the strike, pointed during his trial to “a riot of unemployed” at Kingston's City Hall on 24 May 1933, at which protesters demanded better treatment, and connected their struggle to those of his fellow prisoners.³⁸ The prisoners' insistence on electing representatives, resistance to institutional control and hierarchy, direct and sometimes spontaneous action to force out unpopular supervisors, frustration at forced labour and unsatisfying work, anger and fear for the harms to their body and intellect caused by unsanitary conditions, bad food, and poor medical attention

35. The interview transcripts often extend over multiple pages, and the files include letters and memoranda submitted by the interviewees.

36. Karen Dubinsky, “Telling Stories about Dead People,” and Margaret Hillyard Little, “Ontario Mothers' Allowance Case Files as a Site of Contestation,” in Franca Iacovetta and Wendy Mitchinson, eds., *On the Case: Explorations in Social History* (Toronto: University of Toronto Press, 1998), 359–366, 227–241.

37. Jordan House, “Making Prison Work: Prison Labour and Resistance in Canada,” PhD thesis, York University, 2020, 55. See also Heather Ann Thompson, “Rethinking Working-Class Struggle through the Lens of the Carceral State: Toward a Labor History of Inmates and Guards,” *Labor: Studies in Working-Class History of the Americas* 8, 3 (2011): 16–45; Jordan House, “When Prisoners Had a Union: The Canadian Food and Allied Workers Union Local 240,” *Labour/Le Travail* 82 (Fall 2018): 9–39.

38. “Riot Instigator Paroled, Charges Convict,” *Toronto Globe*, 3 July 1933.

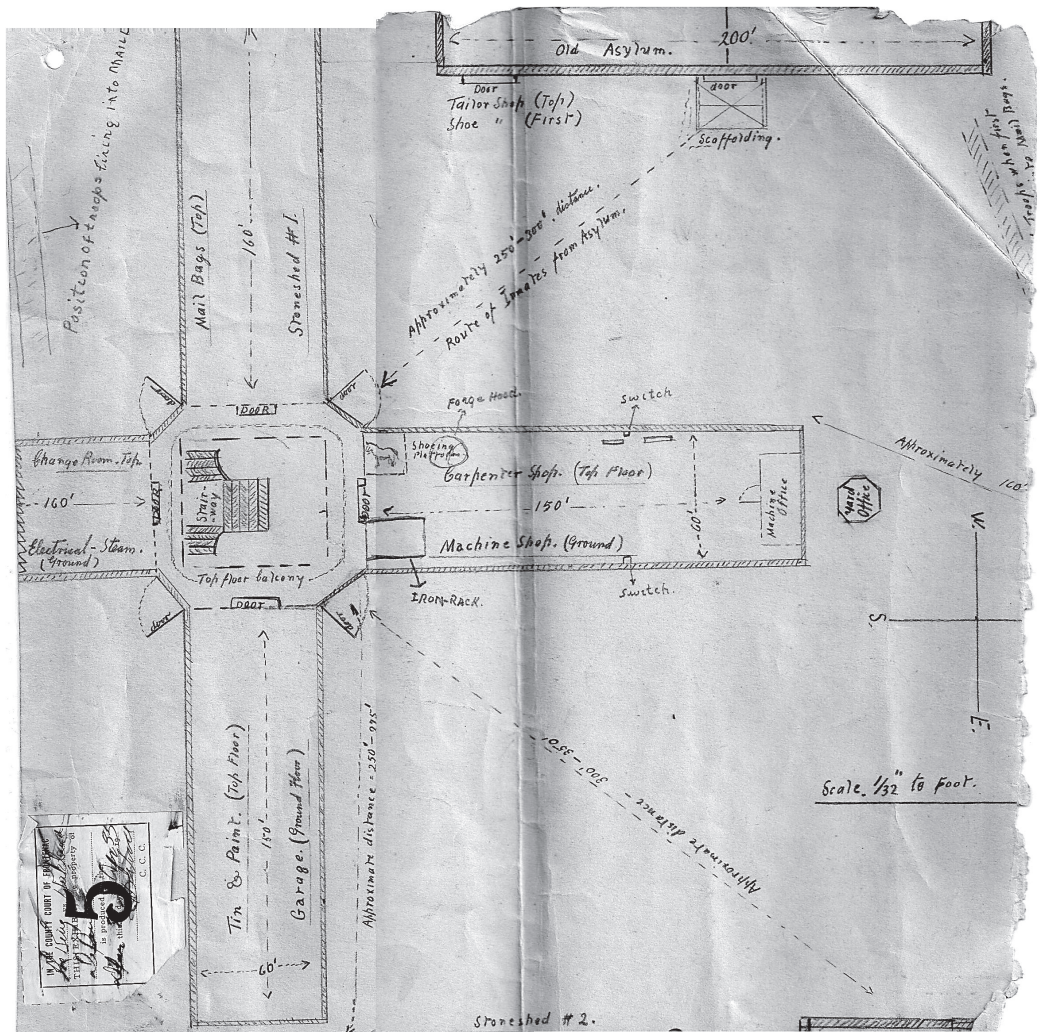
are familiar from other protests at the time – part of what David Thompson conceptualized as “revolutionary indignation” or “politics of indignation.”³⁹ Prisoners, too, were arguing for a more just society and making demands upon the government, arguing in the memorial program that opened this article that only a government “for the people, of the people, by the people” could reform the penitentiary.

“We Are Sitting on Dynamite”: Kingston Penitentiary in the Great Depression

IN 1932, KINGSTON PENITENTIARY was approaching its 100th anniversary. It was the oldest federal penitentiary in Canada, receiving men from Ontario and women from across the country sentenced to terms of two years or more. Two additional penitentiaries were being constructed by prisoner labour in the Kingston area: the Prison for Women just north of the old prison and the Collins Bay Penitentiary for “reformable” prisoners west of the city. A limestone wall and four towers manned by armed guards surrounded the penitentiary. Its principal entrance was the monumental North Gate, where the offices of the warden and his clerical staff and the armoury were also located. South of this, a massive central dome connected the cellblocks, arranged in a cruciform pattern with north, east, west, and south wings.

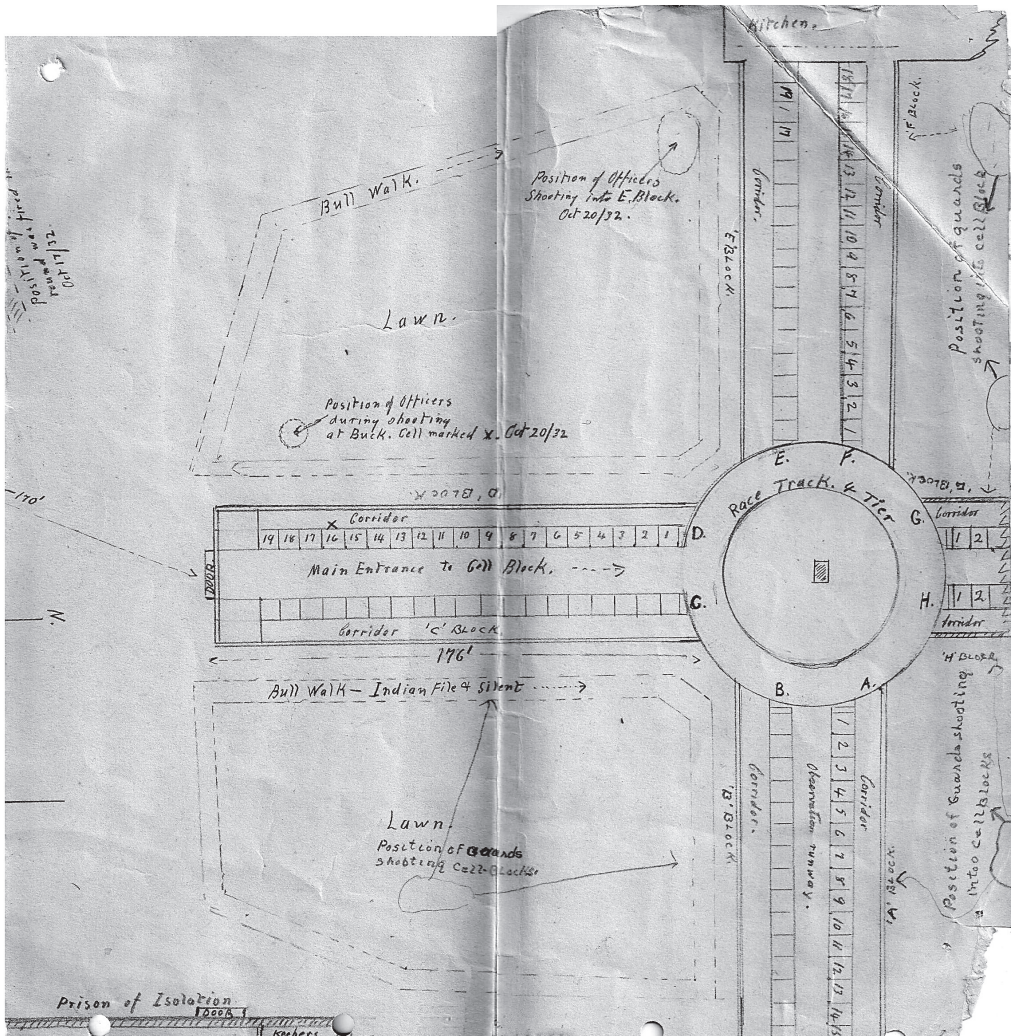
The cellular system had been completely rebuilt in the early 20th century. Every cell was roughly five feet across by ten feet, equipped with a folding desk and bed, a 10-watt light bulb, and brass sink and toilet fixtures. The cell blocks consisted of four tiers of back-to-back cells, called ranges, oriented toward the exterior walls, which allowed some light to enter from vertical windows that stretched from floor to ceiling. Running between these cells were surveillance galleries or corridors from which guards could watch prisoners through small spyholes. Flanking the cellblocks were the prison hospital to the east and the kitchen and chapels to the west. South of the cell block were workshops, also arranged in a cruciform pattern, with shops on two stories in four wings that met in a central gallery called the Shop Dome. The power plant that electrified

39. See John Manley, “‘Starve, Be Damned!’ Communists and Canada’s Urban Unemployed, 1929–39,” *Canadian Historical Review* 79, 3 (1998): 466–491; David Bright, “The State, the Unemployed, and the Communist Party in Calgary, 1930–5,” *Canadian Historical Review* 78, 4 (1997): 537–565; Victor Howard, “*We Were the Salt of the Earth*”: A Narrative of the *On-to-Ottawa Trek and the Regina Riot* (Regina: Canadian Plains Research Center, 1985); Lorne Brown, *When Freedom Was Lost: The Unemployed, the Agitator, and the State* (Montréal: Black Rose, 1987); Eric Strikwerda, *The Wages of Relief: Cities and the Unemployed in Prairie Canada, 1929–39* (Edmonton: Athabasca University Press, 2013); Todd McCallum, *Hobohemia and the Crucifixion Machine: Rival Images of a New World in 1930s Vancouver* (Edmonton: Athabasca University Press, 2014); David Thompson, “Working-Class Anguish and Revolutionary Indignation: The Making of Radical and Socialist Unemployment Movements in Canada, 1875–1928,” PhD thesis, Queen’s University, 2014; Bryan D. Palmer and Gaetan Heroux, *Toronto’s Poor: A Rebellious History* (Toronto: Between the Lines, 2016).



and heated the prison also formed part of this complex. Parallel to the eastern wall was the Prison of Isolation – the former high-security ward – consisting of six ranges on three levels of ten-foot-by-ten-foot cells. Parallel to the western wall was the former asylum building, in the process of being converted into workshops and cells before the riot. The women's prison was in a detached cellblock to the northwest. Open spaces were used for garden plots and for the “bull-ring” where prisoners paraded in a circle for exercise.⁴⁰

40. For the architectural history of Kingston Penitentiary, see C. J. Taylor, “The Kingston, Ontario Penitentiary and Moral Architecture,” *Histoire Sociale/Social History* 12, 24 (1979): 385–408; Jennifer McKendry, “The Early History of the Provincial Penitentiary, Kingston, Ontario,” *Bulletin of the Society for the Study of Architecture in Canada* 14, 4 (1989): 93–105;



A map of cell blocks (right) and workshops (left) of Kingston Penitentiary, showing the exercise yards and locations where officers fired upon the cellblock, produced in early 1933.

Superintendent's Investigation, SFPB, CSC fonds, RG73, acc no. 1983/84/291, box 30, 4-15-10, part 1, LAC.

The prison's daily routine was dominated by several apparatuses of control, including the silent system, strict rules of conduct, and convict labour. These were foundational to the penitentiary and had been adopted when the institution opened in 1835. The initial high hopes that the penitentiary would remake the incarcerated into model citizens had dulled over the 19th century, yet prison administrators remained confident into the 20th century that regulation of criminality and the moral reform of convicts was still possible through strict discipline, isolation from society, and productive labour. Ideally, some prisoners could be taught a trade, while the disciplinary system would enforce habits of industry and obedience.⁴¹ The focus on labour and strict rules had been given new life by post-World War I penal reform focused on the standardization of regulations, greater professionalization of staff, and crackdowns on trafficking in illicit goods. The superintendent of penitentiaries from 1919 to 1932, William St. Pierre Hughes, held that strict discipline – leavened by the occasional concert, the promise of early release through good conduct, and limited privileges – would bring about the rehabilitation of prisoners.⁴²

During the Depression, “strict economy” was imposed upon the Dominion Penitentiaries: requisitions for goods and equipment were curtailed, and the hiring of staff was halted.⁴³ At Kingston Penitentiary, the senior officers were nonetheless all recent appointments. The acting warden, Inspector of Penitentiaries Gilbert Smith, had assumed his position on 20 January 1932. The deputy warden, a career officer named Matthew Walsh, and the chief

Dana Johnson, “‘The More Things Change...’: Federal Prison Design, 1833–1950,” *Journal of the Society for the Study of Architecture in Canada* 19, 4 (1994): 32–39.

41. On the origins of Kingston Penitentiary, see R. M. Zubricki, *The Establishment of Canada's Penitentiary System: Federal Government Policy, 1867–1900* (Toronto: University of Toronto Press, 1980); R. C. Smandych, “Tory Paternalism and the Politics of Penal Reform in Upper Canada, 1830–1834: A Neo-Revisionist Account of the Kingston Penitentiary,” *Criminal Justice History* 12 (1991): 57–83; Peter Oliver, “*Terror to Evil-Doers*: Prisons and Punishments in Nineteenth-Century Ontario (Toronto: University of Toronto Press, 1998); McCoy, *Hard Time*. On the rise of the penitentiary, see Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1995); Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York: Pantheon, 1978); Dario Melossi and Massimo Pavarini, *The Prison and the Factory: Origins of the Penitentiary System*, trans. Glynis Cousin (London: MacMillan, 1981); Jean-Marie Fecteau, *La Liberté du pauvre: Crime et pauvreté* (Montréal: VLB Editeur, 2004).

42. On conditions at Kingston Penitentiary in the early 20th century, see Joseph Ashley Berkovits, “Wardens and Prisoners: Aspects of Prison Culture in Ontario, 1874–1914,” in J. Phillips, R. Roy McMurtry and John T. Saywell, eds., *Essays in the History of Canadian Law*, vol. 10 (Toronto: University of Toronto Press, 2008), 67–106; Roger Neufeld, “Cabals, Quarrels, Strikes, and Impudence: Kingston Penitentiary, 1890–1914,” *Social History* 31, 61 (1998): 95–125; Cameron Willis, “‘Don’t You Know What They Did to Alex Rose?’ Crises and Criminalities at the Kingston Penitentiary during the First World War,” *Historic Kingston* 69 (2019): 26–49.

43. Circulars, 9 February 1931, 1 April 1931, and 9 May 1931, Circular letters from the Office of the Superintendent, CSC fonds, RG73-C, vol. 459, LAC.

keeper, Norman Archibald, had both been promoted in late 1931. The former warden, J. C. Ponsford, warned Smith that it "would take very little to start trouble" at the penitentiary, and Penitentiary Branch headquarters in Ottawa issued orders against "any slackening of discipline, nor any shirking of duty." Smith found considerable "uneasiness" among the officers, who were upset about wages, non-permanent appointments, and increasing numbers of prisoners.⁴⁴ The penitentiary, already overcrowded in late 1929, had grown from an average of 750 inmates that year to an average of 950 prisoners by October 1932.⁴⁵ The staff contingent, however, remained stable at 90 custodial and 35 work instructors, in addition to administrative staff. To meet this growth in prisoner numbers, beds were placed in the main-level corridors of the cell blocks, and wooden dividers split the cells within the Prison of Isolation, so that every second prisoner used a bucket instead of a toilet. Deputy Warden Walsh felt these changes "forced us back 30 years" and precipitated severe sanitary and disciplinary issues, making it increasingly difficult for staff to monitor prisoners and enforce the regulations.⁴⁶

Then as now, the majority of the imprisoned at Kingston Penitentiary in the 1930s were poor and unskilled, and many were jobless at the time of arrest and conviction. Almost half had previously been incarcerated, at either a penitentiary or a reformatory, and these men experienced constant suspicion from police and employers before their conviction. Many of these individuals could not afford legal representation at trial and, often having been caught in the act of theft or burglary, said little in court while magistrates disposed of their cases.⁴⁷ Those men who did speak in their defence offered a wide range

44. Superintendent Daniel M. Ormond to Minister of Justice Hugh Guthrie, "Narrative Report on Riot," 6 December 1932, Superintendent's Investigation, SFPB, CSC fonds, RG73, acc. 1983/84/291, box 30, 4-15-10, part 2, p. 6, LAC.

45. These numbers, and the vital statistics cited in the next paragraph, come from several sources. The first is Canada, *Annual Report of the Superintendent of Penitentiaries*, 1928-33; the second is the duty rosters of Kingston Penitentiary, which tracked staff and prisoner numbers: Duty Rosters, Kingston Penitentiary, RG73, acc. 87-88/04, reel T-2016, LAC. The third is a report that provides a full list of inmates and their crimes and sentences: Megloughlin to Ormond, "Report on Convict Population," 26 October 1932, Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 1, LAC.

46. Superintendent's Investigation, 02-789. The history of the Prison of Isolation is described in Michael Jackson, *Prisoners of Isolation: Solitary Confinement in Canada* (Toronto: University of Toronto Press, 1983), chap. 2; McCoy, *Hard Time*, 246-251.

47. Canada, *Annual Report of the Superintendent of Penitentiaries* (Ottawa 1933), 49, notes that 70 per cent of prisoners were "unskilled." For studies of the social worlds and origins of the incarcerated in the early 20th century, see André Cellard, "Le petit Chicago: La 'criminalité' à Hull depuis le début du xx^e siècle," *Revue d'histoire de l'Amérique française* 45, 4 (1992): 519-543; Karen Dubinsky, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago: University of Chicago Press, 1993); John C. Weaver, *Crimes, Constables, and Courts: Order and Transgression in a Canadian City, 1816-1970* (Montréal & Kingston: McGill-Queen's University Press, 1995); Helen Boritch, "The Criminal Class Revisited:

of explanations for their criminality that connected their individual circumstances to their observations of systemic social injustices. Ami Lamontagne, convicted of robbery, told a judge, "I was picked up on suspicion when the restaurant I worked at was robbed. My employer found I had a record and I was fired." Others, like Francis Sheehan, convicted for an armed robbery, were veterans whose meagre pensions and war injuries had made supporting their families difficult without resorting to desperate means.⁴⁸ Disgraced police officer and bank robber Ernest Bennett and his partner in crime, Joseph Malcovitch, told the presiding judge during their trial that they had turned to robbery because they were sick of "hunger and begging" in "this country [which] makes no provision for its unemployed."⁴⁹ Some, like Alfred Garceau, a prominent inmate leader in 1932, struggled with addiction and opposed their lengthy sentences and mistreatment at the hands of police and courts, pointing out "that [stock] brokers and others injure the public, whereas he only injured himself."⁵⁰ Six hundred and thirty-six of the male prisoners sentenced to Kingston Penitentiary in the year prior to October 1932 had been convicted of various forms of larceny, mostly armed robbery, car theft, break and enter, theft, and false pretenses, and the majority of sentences ranged from two to fifteen years. Escape from custody or prison, assault, crimes of sexual violence, murder, manslaughter, and possession of narcotics represented another 221 prisoners.⁵¹ There was also an intensifying retrenchment against parole, and far fewer prisoners were paroled in 1932 than in 1929.⁵² Prisoners felt that "parole had been cancelled" owing to mass unemployment, and some

Recidivism and Punishment in Ontario, 1871–1920," *Social Science History* 29, 1 (2005): 137–170; Michael S. Boudreau, *City of Order: Crime and Society in Halifax* (Vancouver: UBC Press, 2012); Carmela Patrias, "Foreigners, Felonies, and Misdemeanours on Niagara's Industrial Frontier, 1900–30," *Canadian Historical Review* 101, 3 (2020): 424–449.

48. "Gets 10 Years and Lashes," *Border Cities Star*, 27 August 1931; "Doctors Will Watch Partner in Hold-Up," *Toronto Star*, 1 October 1931.

49. "Two Aurora Bank Robbers Get Ten-Year Terms and Fifteen Lashes," *Aurora Banner*, 25 December 1931. Bennett was unwilling to join the protest on 17 October 1932, thinking it "damn foolishness" though he supported their demands, but Malcovitch was identified by guards as an agitator in the machine shop, eager to support what he called "our strike." Superintendent's Investigation, 01-038, 01-384.

50. "Long-Winded 'Spiel' Fails to Aid Drug Store Bandit," *Toronto Star*, 20 November 1930.

51. Megloughlin to Ormond, "Report on convict population."

52. Canada, *Annual Report of the Superintendent of Penitentiaries* (Ottawa 1929), 5, reports 82 releases by parole from Kingston Penitentiary; in 1932–33, 39 prisoners were released by parole. Paroles from Collins Bay totalled another 27 prisoners – a substantial decrease, especially given the increase in prisoners. See "History of Parole in Canada," Parole Board of Canada, accessed 20 October 2021, <https://www.canada.ca/en/parole-board/corporate/history-of-parole-in-canada.html>. For a critical examination of the contemporary parole system, see Sarah Turnbull, *Parole in Canada: Gender and Diversity in the Federal System* (Vancouver: UBC Press, 2016).

accepted that it would be "easier on the people outside" for them to stay in prison. Nonetheless, the reality that a few, wealthy individuals were released early convinced many inmates the system was rigged: "It is possible that with money and influences you get out. The poor people have no chance."⁵³

The incarcerated were subjected to a series of "ceremonies of social exclusion" that marked them as convicts.⁵⁴ Their heads were shaved, and they were dressed in the standardized uniform adopted in 1920: baggy brown pants and formless brown jackets, each item marked prominently with a stencilled identification number. Prisoners were limited to writing one two-page letter a month to a single family member, on penitentiary letterhead, and were limited to a family visit in a partitioned room, called a "cage" by prisoners, with a guard present, once every three months. Letters to and from family were censored or withheld if they violated rules about content. Magazines were heavily censored, and newspapers forbidden, but the library had a substantial collection of older books, and for educational purposes individuals could acquire new books. A few guards and inmates had the "monopoly" on smuggling these items into the institution, a testament to the demand for outside information but a risky, secretive practice that was expensive and exhausting for many prisoners.⁵⁵ Although there were periodic concerts and entertainments around major holidays, the Depression largely ended the practice; the first concert prisoners had enjoyed in a year occurred in early October 1932.⁵⁶ A tobacco ration was given to all prisoners who smoked, but for reasons unclear to prisoners and even to Superintendent Ormond no cigarette papers were issued, forcing prisoners to use toilet paper, scraps of letterhead, or pages ripped from books to roll cigarettes.

The silent system imposed on prisoners made it a violation to speak or otherwise communicate with one another, and even carrying on a conversation with an officer required permission. Although intended to prevent communication of any kind, limiting the opportunities for escape, disturbance, and inmate sociability, the silent system was easy enough to work around. A complex array of techniques – hand gestures, voice throwing, the passing or "fishing" of written notes or "kites," the use of code and parley, and the connivance of trusted inmates – allowed inmates to communicate quickly across the prison. It was also by these means that messages and inmate manifestos, most notably *Barbarism and Civilization*, were disseminated and debated. The silent system was inconsistently enforced, and this selective enforcement by officers was just as frustrating as the inability to talk, as one inmate noted: "I

53. Superintendent's Investigation, 01-584, 01-718, 01-360.

54. Stanley Cohen, *Visions of Social Control: Crime, Punishment and Classification* (London: Polity, 1985), 57–59.

55. Superintendent's Investigation, 01-468, 01-186, 01-234.

56. Acting Warden Gilbert Smith to Superintendent Ormond, 11 October 1932, Recreation and Exercise, RG73, Kingston Penitentiary, vol. 65, no. 21-17, part 1, LAC.

have been written up four times for talking. I called the Deputy up once and he saw the injustice and cancelled it. He claims he does not object to a man speaking yet I have been punished.”⁵⁷

Equally unfair, opaque, and inconsistent to prisoners was the labour system of the penitentiary. According to Austin Campbell, “The motto is ‘work and more work, and then more work.’”⁵⁸ Prison labour was compulsory and provided the paramount system for organizing the prison. The entire social world of the prison was segregated by what prison staff and inmates referred to as work gangs, who ate, bathed, and dressed together. Much like life in any other factory, the workers’ concerns and actions tended to involve the men they knew and worked beside day after day, providing a sense of community, shared interests, and even friendships.⁵⁹ Barred since the 1880s from competing with the capitalist market, prisoners worked on government mailbags, boots and shoes for police and military, and equipment for other federal government departments. The remainder of prisoners worked at maintaining the prison and its denizens through quarrying and stone cutting, cooking, uniform production, and laundry. Some inmates assigned to clerking, bookkeeping, and running messages occupied the cells at the start of ranges. In the lead-up to the October 1932 strike, inmates holding these positions had ample opportunity to pass messages and enforce collective decisions on the range.

Work assignments were made by Deputy Warden Walsh, whose duties included the discipline of convicts, security, and industrial management of the penitentiary. The deputy warden, aided by the chief keeper, assigned work based on previous labour and carceral experience, but the need for bodies in specific gangs generally trumped other factors. Prisoners resented the lack of control they had over the labour system. George Skelly protested bitterly: “I got a job here alright – the Stone Shed – and was put there when I had no knowledge of the work.” Many inmates had injuries or illnesses, such as respiratory diseases, missing fingers, war injuries, and back injuries, that were often ignored, and such men were often placed at jobs unsuited to or painful for them. Requirements for placements or transfers seemed capricious and hypocritical. Prisoners were told they could get not get a transfer because of bad conduct, but improving conduct did not lead to transfers to more desired positions. Mathieu Bedard, who was serving a life sentence and worked as machinist in the canvas shop, summed up this frustration: “I have worked at mail bag machines for years. What did I get? Nothing.”⁶⁰

57. Superintendent’s Investigation, 01-547.

58. Austin Campbell, “House of Hate,” *Maclean’s*, 15 August 1933.

59. For a contemporary example, see Martha Morey and Ben Crewe, “Work, Intimacy and Prisoner Masculinities,” in Matthew Maycock and Kate Hunt, eds., *New Perspectives on Prison Masculinities* (London: Palgrave Macmillan, 2018), 17–42.

60. Superintendent’s Investigation, 01-611, 01-30.

The context of the Great Depression altered the conditions of work for convicts but not uniformly across the institution. Kitchen and laundry workers complained that they worked twelve hours a day with only Sundays off.⁶¹ Workers on the farm or the skilled masons and carpenters labouring on construction sites expressed more satisfaction with their work. Prisoners in the industrial workshops inside the penitentiary, however, experienced unemployment and make-work projects, and the increase in prisoner numbers exacerbated the collapse of government contracts during the Depression. To accommodate this increase, two men were assigned to do one man's tasks in some workshops, while others worked only a morning or evening shift, and some workers were transferred to paint walls or break rocks. Both penal administrators and reformers were concerned about the idleness evident in prison workshops, believing, as Withrow did, that work, "steady, soul-satisfying labour, is the salvation of any man."⁶² Few prisoners complained about idleness in these terms, however, and the men often used the lack of work to their advantage to smuggle notes and read manifestos. The greater concern was the boredom, the lack of alternatives to work, and the tendency of guards to report even prisoners who, like Alex Mustard, would "sit on a chair, not bother anybody and mind my business" when done their tasks.⁶³ Younger prisoners often expected that they would learn a trade while incarcerated, a view fostered by judges and social workers, but the experience of prison work often left them disillusioned, as John Farr fumed: "I was sent up here by a Judge to learn a trade [but] they have taught me nothing."⁶⁴

Prisoners saw no use in taking their complaints to the instructors, guards, and the deputy warden. Robert Smith described his experience in June 1932 of attempting to secure a change of work: "he [the deputy warden] took me and put me on the roof. I said I did not want to go on the roof. They threw me in a punishment cell ... I do not think I got a fair break."⁶⁵ To protest, prisoners would deliberately work slowly or poorly, a behaviour in common with relief workers doing forced labour.⁶⁶ In the months before the 1932 protests, this practice became well organized: for instance, Murray Kirkland convinced his fellow workers in the canvas shop to "spoil" Superintendent Ormond's first

61. As Eugenie Annfrieff told Ormond, "I am not complaining about the work, but we start early in the morning and work all day and never get a break or any air." Superintendent's Investigation, 01-011.

62. Withrow, *Shackling the Transgressor*, 64–65; see also Canada, *Report of the Royal Commission*, 128; Canada, *Annual Report of the Superintendent of Penitentiaries* (Ottawa 1933), 48.

63. Superintendent's Investigation, 01-441.

64. Superintendent's Investigation, 01-194.

65. Superintendent's Investigation, 01-617.

66. Strikwerda, *Wages of Relief*, 151–155; Scott, *Weapons of the Weak*, 137.

inspection in September 1932 and embarrass their supervisors by deliberately making mistakes.⁶⁷ Prisoners would also “beef” to get their case taken directly to the warden, who was viewed as being a “fair man” and more sympathetic to prisoner requests. Prisoners broke tools, yelled at instructors, feigned illness, and stuck to their refusal through long days in solitary confinement. These individual challenges rarely succeeded, however, and guards tended to see these individual acts of resistance as the actions of “liars and cheats.”⁶⁸ The strikes and riots that took place in 1932 and later should be understood in the context of mass organized “beefing,” of escalating activity to demand change. In the prisoners’ estimation, a large enough strike would guarantee the warden’s presence and allow the inmates to make their point directly.

Prisoner work gangs were organized hierarchically by prison staff and instructors. Experienced prisoners, often recidivists, who had worked in prison workshops before were placed in key and important positions in shops.⁶⁹ These lead hands exerted more day-to-day influence over the shop than the officers. Apart from experience and training, they were expected to exert control and maintain discipline among the younger or more troublesome prisoners. Often they received illicit gifts and extra food and tobacco rations from staff and could be very loyal: Fred Moore, an unofficial instructor in the shoe shop since his conviction in 1925, rallied prisoners against a strike in 1927 and tried to do the same during the strike of 1932.⁷⁰ Individuals in these positions were called “favourites” by other prisoners, who resented their privileged treatment. In the canvas shop, according to Murray Kirkland, “there were a lot of fellows who were favourites of [the instructor, George Sullivan] ... They get the easy jobs sitting back doing nothing, he chooses me to do the heavy jobs.” To challenge the order was to risk severe punishment, as Kirkland discovered in early 1932: “I objected to [the favouritism] and went up to Mr. Smith; I was thrown in the hole again until I would consent to this system.” Ultimately, Kingston Penitentiary, in William Murrell’s words, operated by “intrigue between men and officers. You couldn’t single out one individual officer. It is the custom and the method of this institution.”⁷¹

67. Ormond to Guthrie, “Narrative Report on Riot,” 9; Superintendent’s Investigation, 01-327.

68. Superintendent’s Investigation, 02-659.

69. No official document outlines this labour system at Kingston Penitentiary; however, it was in use at other federal penitentiaries. Warden P. A. Piuze to Superintendent Ormond, 14 October 1933, Classification and Segregation – St. Vincent de Paul Penitentiary, DOAF, CSC fonds, RG73-C, vol. 102, file 3-21-2, part 1, LAC; Warden R. M. Allan to Ormond, 6 October 1933, Classification and Segregation – Collin’s Bay Penitentiary, DOAF, CSC fonds, RG73-C, vol. 115, file 5-21-12, part 1, LAC. The labour system at Kingston Penitentiary was also very similar to those of other prison systems, where “con bosses” ruled over workshops and job assignment. See Blue, *Doing Time*, chap. 4.

70. Superintendent’s Investigation, 01-408.

71. Superintendent’s Investigation, 01-222, 01-447. Sykes considered the collusion between

Another system of control in the prison included the much hated "rats," or prison informers. Many prisoners felt that rats were simply men lacking in moral fibre or courage, but they were in fact organized and supported at the highest level. Denied the hiring of new officers, Deputy Warden Walsh and Chief Keeper Archibald expanded the existing "rat system" with the inducements of extra tobacco and food rations, maintaining a fund within the administration budget for such purposes. Inmates who had been victims, real or imagined, of rats complained bitterly of the system: "[a rat] will tell Deputy Walsh or Chief Archibald and BINGO into the hole the fellow goes – just on the word of one guy – a rat." This situation ensured that fear and paranoia ruled the day-to-day in the prison. The anonymous accusations were widely resented, and unsurprisingly prisoners who had ratted, or were thought to have ratted, were terrified by the possibility and reality of a revolt.⁷² Prisoners had no accurate means of gauging who was a rat, and before and after the riot, prisoners who voiced a lack of enthusiasm for protest were denounced as spies. In the case of Moses Aziz, a Syrian immigrant, his religion and "foreign" background was enough to make him afraid he would be targeted as an informant.⁷³

The prisoner community of Kingston Penitentiary was riven by factions and animosity between prisoners. Sometimes these divisions took the form of conflicts between former friends or associates, or feuds driven by real and imagined slights. Hostility against certain prisoners was intertwined with collective understandings of class, race, and masculinity. Rich, well-connected men, convicted of white-collar crimes like embezzlement, were treated with hostility by most prisoners, and even those former and current prisoners like the doctors Oswald Withrow and Lyman Rymal who were well regarded by other prisoners and assumed to be "on our side" were still thought to be shielded from mistreatment and punishment by their connections, which could make it "too hot" for the administration if they complained publicly.⁷⁴ Indigenous prisoners from communities remote from southern Ontario were often ignored by other prisoners, and several testified that "no one had spoken"

favoured inmates and staff as a major source of conflict in precipitating rioting by prisoners. See Sykes, *Society of Captives*, chap. 6.

72. Superintendent's Investigation, 01-724, 02-697, 02-741. "Ratting" was the normal and common nomenclature used by both guards and prisoners in the documentary record. Both Walsh and Archibald, and most of the guards, were interrogated about the rat system at length. Superintendent Ormond included a condemnation of the rat system in a confidential memorandum on inmate demands. Ormond to Guthrie, "Convict Complaints," 2 December 1932, Superintendent's Investigation, SFPB, CSC fonds, RG73, acc. 1983/84/291, box 30, 4-15-10, part 2, p. 20, LAC.

73. Moses Aziz to Ormond, 22 October 1932, Superintendent's Investigation, SFPB, CSC fonds, RG73, acc. 1983/84/291, box 30, 4-15-10, part 1, LAC.

74. Superintendent's Investigation, 01-007, 01-186, 01-381, 01-487; 01-694.

to them about protesting.⁷⁵ Black prisoners like John Evans, who took a prominent leadership role during the strike, claimed he had been accused of theft and even assaulted by another prisoner because of his race.⁷⁶

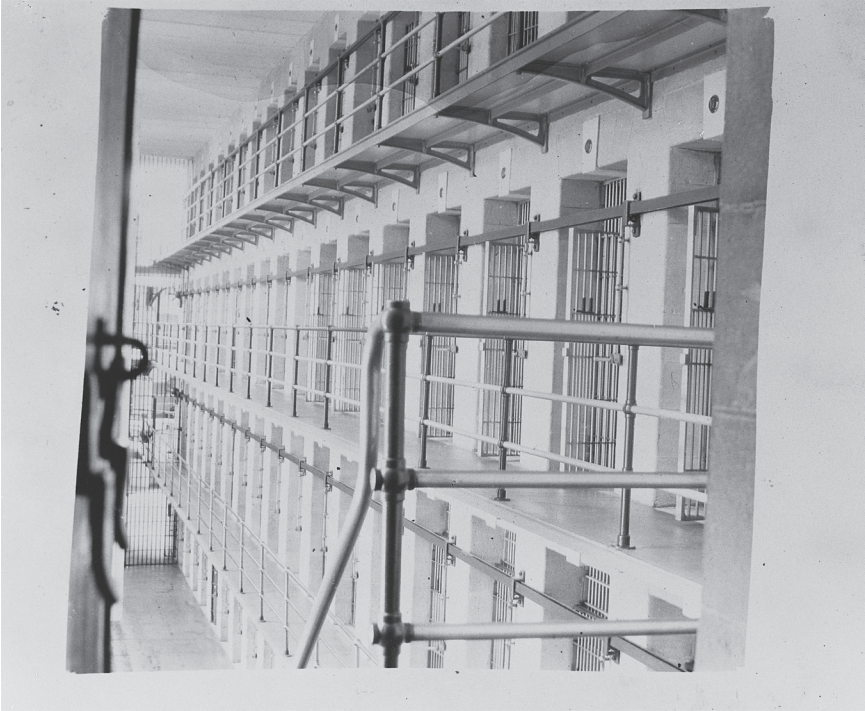
The criminal careers of the incarcerated also generated a shared ethic between individuals, however fragile or prone to disruption the resulting connections might be. “Rounders” or “in and out men” like Louis Gallow, Ardwell Perrin, and Philip Roberts, men who had frequently been on multiple “trips” in and out of prison and knew well the unwritten customs and survival strategies of the penitentiary, were well respected, and prisoners convicted of robbery, burglary, car theft, escape, or resisting arrest were frequently the leaders of prisoner organizing in this period. They often embodied a specific set of masculine values such as having self-control, being assertive and physically brave, fostering camaraderie, telling “a man to his face,” maintaining self-respect and personal dignity, resisting authority, and helping others who resisted authorities.⁷⁷ Knowledge of the law or society and experience of the world, or at least other prison systems, were also highly valued. Conversely, prisoners who failed to conform to these values, who were considered servile, obsequious, or cowardly, or had committed crimes that were considered abhorrent by other prisoners, especially sexual assault against children, were ostracized and shunned.

These divisions and common values influenced participation in collective action. Supporting protest provided a powerful, collective ethic and fostered feelings of community and solidarity, but prisoners had many reasons for refusing that support. Some considered it foolish or dangerous to oppose the prison authorities and the government. Prisoners who disliked certain

75. Superintendent’s Investigation, 01-392, 01-452. On settler colonialism in Canada and incarceration, see Madelaine Jacobs, “Assimilation through Incarceration: The Geographic Imposition of Canadian Law over Indigenous Peoples,” PhD thesis, Queen’s University, 2012; Seth Adema, “More Than Stone and Iron: Indigenous History and Incarceration in Canada, 1834–1996,” PhD thesis, Wilfred Laurier University, 2016.

76. Superintendent’s Investigation, 01-186. On the treatment of Black prisoners at Kingston Penitentiary in the 19th century, see McCoy, *Hard Time*, 121–124, 251–256. See also Barrington Walker, *Race on Trial: Black Defendants in Ontario’s Criminal Courts, 1858–1958* (Toronto: University of Toronto Press, 2010), chap. 2.

77. Superintendent’s Investigation, 01-379. The qualities prisoners viewed as desirable are similar to those identified by Donald Clemmer, in “Leadership Phenomena in a Prison Community,” *Journal of Criminal Law and Criminology* 28, 6 (1938): 861–872, and the convict code studied by John Irwin, in *Prisons in Turmoil* (Boston: Little, Brown, 1980), 8–21. For a critique of the apparent stability of these ethics, see Regina Kunzel, *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality* (Chicago: University of Chicago Press, 2008), 164–169. Prisoner masculinity in the 1930s was not particularly distinct from other working-class masculinities. See Craig Heron, “Boys Will Be Boys: Working-Class Masculinities in the Age of Mass Production,” *International Labor and Working-Class History*, no. 69 (Spring 2006): 6–34; Lara Campbell, *Respectable Citizens: Gender, Family and Unemployment in Ontario’s Great Depression* (Toronto: University of Toronto Press, 2009), 66–70.



A cell block inside Kingston Penitentiary, typical of the early 1930s.

Globe and Mail fonds, fonds 1266, item 31552, City of Toronto Archives.

delegates refused to support the 17 October strike because of this animosity, and William Kunz considered he had “a difference of principle to these agitators.”⁷⁸ Prisoners who refused to support the strike were threatened or were bullied, harassed, and in several cases assaulted in the months after 20 October 1932. Roberts, for instance, led several other prisoners in an assault on a suspected “rat” in July 1933.⁷⁹

For most prisoners, however, the guards were the most serious problem. John Evans was clear in his testimony that the guards were the ones “down on all the colored folk here,” and Jewish prisoners like Sam Stein and Jacob Miller thought “we Jews are not treated fairly here by the guards.” The incarcerated Communist Sam Cohen concluded, “it is the general impression that the

78. Superintendent’s Investigation, 01-006, 01-455, 01-318.

79. Defaulter sheet for #2668 Bosenberry, 8 January 1933, Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 2, LAC; Megloughlin to Ormond, “Assault on convict #1630 Powell,” 24 July 1933, Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

bosses are not so bad as the foreman.”⁸⁰ The guards’ daily conduct was intensely frustrating to prisoners, most of whom had, at least once, been the target of seemingly random harassment by certain officers. To keep control and enforce discipline, officers regularly asserted their power and authority, looking out especially for signs of disobedience or defiance. Inmates in their testimony frequently referred to the “petty persecution” of guards and complained of being “bulldozed,” “ridden,” “nagged,” and “picked on.”⁸¹ Some guards were praised by prisoners for being fair, strict without being cruel, or sympathetic to their plight, but the majority of guards were considered cowards and bullies in equal measure. Prisoners especially complained that guards, in the words of Indigenous prisoner Arthur Currie, would “not talk like human beings at all [but] as if you were a dog.”⁸² In some cases, guards so distracted and bothered inmates at their labours that accidents, failure to meet targets, or injury occurred. Prisoners found themselves pushed past the limits of their patience by the constant harassment, as Louis Gallow found in August 1932: “I threatened [Guard Martin] with a pair of scissors and told [him] that if he did not lay off me, I would finish him. For that, I was shackled to my bars instead of working.” In assailing the mean-spirited enforcers of the rules, *Barbarism and Civilization* concluded that “if inmates are treated like beasts it is expecting a little too much to hope they will become good citizens.”⁸³

It was not just the foul language and bullying that prisoners found difficult to bear. Officers ruled through an empire of papers. Written reports, called “dockets” by prisoners, were used as evidence in the daily warden’s court and had serious consequences. A bad report could lead to weeks in solitary confinement, shackling to the cell bar, corporal punishment, the denial of parole, and, most frequently, loss of remission. Remission, or earned time off a sentence, accumulated at a rate of one day off for every month of good conduct and industry, so losing a week of remission translated to months of good behaviour wasted. The process of reporting and the warden’s disciplinary court were utterly opaque and stacked against inmates. One prisoner summarized these suspicions well, noting that regardless of “whether you are guilty or not, you cannot explain this to Warden. The officer’s word is always taken.”⁸⁴ To the officers, this was the natural state of affairs and their word “should have

80. Superintendent’s Investigation, 01-187, 01-401, 01-643, 01-112.

81. Superintendent’s Investigation, 01-277, 01-651, 01-284.

82. Superintendent’s Investigation, 01-379, 01-140. The officers were fairly direct in their own post-riot testimony about their harassment; as one officer noted, “I would sooner come before you being well hated than being called a good fellow by those inmates.” Superintendent’s Investigation, 02-280.

83. Superintendent’s Investigation, 01-213; 01-516. Copies of *Barbarism and Civilization* were not kept in the main investigation files but preserved in Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

84. Superintendent’s Investigation, 01-724, 01-206.

been enough," according to guard Ralph Jenkins.⁸⁵ Officers did not have to be present when their reports were read or presented to the inmate, essentially putting officers on the same moral plane as the secretive rat in the eyes of the confined.

"There Are a Few Small Things That Would Do a Lot of Good for Me and the Others": Prisoner Demands and Reform Plans

THROUGHOUT THE MASS UPRISING that marked 1932 and after, prisoners formulated and circulated reform plans and demands for change. Some of these demands were programmatic and collective, as found in *Barbarism and Civilization*, while others were highly individual and conveyed to Superintendent Ormond during his investigation. Some demands, such as for prisoner after-care, industrial training, wages, and recreation, anticipated later reforms and recommendations made by the Archambault Report. Others, like inmate committees and the abolition of corporal punishment, went far beyond what reformers envisioned. Some royal commission recommendations, such as calls for classification and segregation, psychiatric care, adult education, and religious instruction, are never mentioned in the interviews.⁸⁶ In general, prisoners rarely referenced contemporary politicians, reform groups, or service organizations in their manifestos and testimony, even if some of their complaints and demands echoed those of penal reformers. For instance, Woodsworth's observation in Parliament that there was "one law for 'big criminals' and another for 'little criminals'" is reflected in prisoner complaints about unfair job assignments and parole, and some sections of organized labour had proposed abolition of corporal punishment.⁸⁷ Prisoners relied on their own experiences and identities to lend authority to their demands and collective action. Veterans demanded better treatment because of their war service and resultant shell shock and wounds, as Noel Charron argued: "Does not a returned soldier deserve a little consideration?"⁸⁸ Some pointed to their status as British subjects, arguing, as Everett Waring did, that "fair play" and "justice" were owed even to convicts.⁸⁹ Most consistently,

85. Superintendent's Investigation, 02-555.

86. For a succinct summary of the major royal commission recommendations, see C. W. Topping, *Canadian Penal Institutions* (Toronto: Ryerson Press, 1942), 95–105.

87. "Woodsworth Asks for Commission on Crime Problem," *Ottawa Journal*, 28 July 1931; "Condemns Use of Lash as Deterrent of Crime," *Kingston Whig-Standard*, 26 May 1931. For a study of penal reform ideas in the 1930s, especially the criticism of class discrepancies in sentencing, see Kropf, "Pursuing Human Techniques," 153–184.

88. Superintendent's Investigation, 01-103. On veteran protest and disability, see David Thompson, "Convalescent Comrades: The 1935 Siege of Winnipeg's Deer Lodge Hospital," *Histoire sociale/Social History* 54, 110 (2021): 69–98.

89. "Investigation Transcripts," 01-706, 01-358, 01-006.

prisoners asserted that, as working-class men and as human beings, they were entitled to humane treatment and personal respect, no matter their behaviour before and during their incarceration.

Another persistent element of prisoners' critiques of the penitentiary was a demand for fairness or equality, what they often dubbed a "fair deal" or "square deal." As Mathieson observed of Norwegian prisoners, demands for equality or fairness not only emerge from unequal treatment and distribution of resources within the prison but are part of "the 'raw material' brought in from the outside" – that is, the norms and values of their pre-incarceration communities.⁹⁰ Prisoners at Kingston Penitentiary expected to be treated honourably by both fellow prisoners and the officers, in a manner that connected manhood with honesty, keeping one's word, and impartiality. Attacks on "favouritism" reflected a desire for every prisoner to receive the same standard of disciplinary treatment, similar privileges or punishments, and equal distribution of goods. "Every man should have the same opportunities here," summarized John Maurice.⁹¹ Prisoners demanded that work placements, transfers, and paroles be based on need, merit, ability, and length of sentence, as regulated by transparent and consistently followed rules. In this respect, prisoners at Kingston Penitentiary shared much in common with prisoners in other periods but also with relief recipients and workers demanding fairness of treatment and distribution of work and resources.⁹² Prisoners like Austin Campbell, a former stockbroker and writer, and a beneficiary of favouritism, were unsurprisingly hostile to these demands, and Campbell celebrated that the penitentiary system, especially the more relaxed, reform-oriented low-security prison camp at Collins Bay Penitentiary, allowed "biologically inherent" social "grades" to flourish.⁹³

This desire for fairness is a notable feature in inmate plans to fix the work system. Removing favourites was the most popular step. A prisoner in the canvas shop, Ronald Jeskey, suggested, "I would kick on the four or five men that have the Instructor's ear so I have a chance here."⁹⁴ Hiring qualified instructors was another potential improvement that inmates supported, and actually implementing vocational training and installing modern equipment was a third. Ultimately, prisoners demanded the autonomy to choose

90. Mathieson, *Defences of the Weak*, 154–156, 134.

91. Superintendent's Investigation, 01-389.

92. Strikwerda, *Wages of Relief*, 156–160; Palmer and Heroux, *Toronto's Poor*, 196–198.

93. Austin Campbell, "House of Hate," *Maclean's*, 1 September 1933. Campbell worked as a prisoner librarian, giving him the authority to report other prisoners for failing to return books.

94. Superintendent's Investigation, 01-291. Jeskey named four specific men as favourites; three of these individuals acknowledged in their own testimony that they helped the instructor keep order in the workshop, while the fourth stated, contrary to Jeskey, that he also supported removing favourites and had joined the strike.

their own job placement or trade and to request and receive transfers. Kitchen workers on strike in December 1932 put this demand succinctly in their petition: "the medieval system of the rights of a seigneur shall not hold sway in this institution any longer."⁹⁵ Many inmates suggested a pay system, not just as an incentive to good behaviour but as an aid to prisoners after release; as one inmate noted, "the \$10 we get now is only enough to buy another gun."⁹⁶ *Barbarism and Civilization* repeatedly suggested an eight-hour day, "just like outside," and a pay system "like in all the US stirs" – a reform that would abolish the work-based "slavery" that "Canada makes a medium for 'normal' rehabilitation."⁹⁷ For prisoners, pay promised the possibility of choice and autonomy within the prison; as *Barbarism and Civilization* and individual prisoners proposed, they could use the money they earned to pay for magazines and books, extra amenities, and outside medical help, to fundraise for entertainment, and to support their families.⁹⁸

The most elaborate proposal for reforming prison labour came from Alfred Garceau, one of the delegates elected during the riot. His plan, *For the Reform of the Penal System of Canada*, was widely distributed throughout the prison in the summer of 1932 and proposed reshaping the penitentiary around vocational and educational training. Central to Garceau's plan was "the substitution of incentives for repressive rules." Every inmate would receive personal and industrial assessments on arrival and, after a month of good-conduct probation, would be fitted to a desired trade at a wage close to the market rate. At all times the prisoner would apply himself to "productive work, being subjected to regular strict examinations for general proficiency." Garceau suggested that self-governance and the passing of examinations and tests – not conformity with "rules, empty of morality" – would finally qualify the inmate for parole. Finally, industrial and agricultural colonies of paroled convicts should be set up to re-establish prisoners and provide every parolee with a job until their sentence was complete. Garceau ended with a reminder that no rehabilitation was possible "except for that which comes from within."⁹⁹

95. Petition to Warden from Kitchen Inmates, 8 December 1932, Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

96. Superintendent's Investigation, 01-400.

97. *Barbarism and Civilization*, 3, 2. "Stir" is slang for prison in this context. A pay system had been championed by Agnes Macphail, who proposed the institution of wages for prisoners in 1926, and Superintendent Hughes made some study of this, though it does not seem like prisoners knew this at Kingston Penitentiary in 1932. See House, "Making Prison Work," 40–41; Deidre Foucauld, "Prison Labour – Punishment or Reform? The Canadian Penitentiary Service, 1867–1960," MA thesis, University of Ottawa, 1982, 127–130.

98. This linking of a wage, however small, with freedom of choice connected with similar demands for cash relief and the promise of personal autonomy and choice it brought to the unemployed and transients in early 1930s Vancouver and elsewhere. See McCallum, *Hobohemia*, 159–170.

99. Garceau's four-page manifesto is not kept in the main investigation files but stored

A persistent complaint of prisoners was the lack of anything else to vary the tedium of prisoner labour and silence. According to Sam Behan, "it is just a case of cell to work – work to cell, day after day, year after year, without a moment's recreation – nothing to divert the mind excepting reading – one cannot read all the time."¹⁰⁰ Duncan MacGillvery, a convicted stockbroker, concluded that "you will say the men are suffering from excitement, but really, it is the lack of excitement."¹⁰¹ Dan MacDonald, a thief and hobo who also claimed to be a former Industrial Worker of the World, felt that "mental depression and irritation are the cause of this outbreak. It is the monotony that wears us down."¹⁰² Summarizing the feelings of many prisoners, *Barbarism and Civilization's* writers questioned why prisoners were so repressed of every "natural" impulse – toward sociability, rest, recreation, and knowledge – when "even the rulers of ancient Rome recognized the need and gave the slaves circuses. Yet in this the fourth decade of the twentieth century a thousand human beings are herded [*sic*] in this institution under conditions which amount to complete denial of the fact!"¹⁰³

Against this regime, *Barbarism and Civilization* made a basic assertion: "Even if society's [*sic*] incarcerates thousands of its members in prison it has no right to wreck and ruin them physically and mentally in the process."¹⁰⁴ Prisoners attacked the penitentiary for making them physically worse – for not providing exercise after having them sit at machines all day, for harming their bodies through labour, and for not sanitizing the prison properly. *Barbarism and Civilization* asserted that "recreation was a biological and animal necessity."¹⁰⁵ Prisoners found it "demoralizing" to learn they took treatments and procedures for segregation of venereal disease more seriously than the guards.¹⁰⁶ Others, like William Holfner, a war veteran serving a

alongside *Barbarism and Civilization* in Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC. He presented a version of it during his trial for rioting in mid-1933. See "Prison Reform Plan Proposed by Convict Garceau," *Toronto Star*, 6 June 1933.

100. Superintendent's Investigation, 01-032.

101. Superintendent's Investigation, 01-430.

102. Superintendent's Investigation, 01-459.

103. *Barbarism and Civilization*, 2, 4.

104. *Barbarism and Civilization*, 4.

105. *Barbarism and Civilization*, 3. On the value of recreation and sport during the Great Depression, see Susan Markham, "Recreation and Sport as an Antidote to Economic Woes," paper presented at North American Society for Sport History annual conference, St. Mary's University, Halifax, 2013, <http://www.acadiau.ca/~markham/publish&present/NASSH1995manuscript.htm>; Bruce Kidd, *The Struggle for Canadian Sport* (Toronto: University of Toronto Press, 2002).

106. Superintendent's Investigation, 01-282, 01-659. For histories of venereal disease in Canada, see Jay Cassel, *The Secret Plague: Venereal Disease in Canada, 1838–1939* (Toronto:

three-year sentence for possession of narcotics, demanded that the penitentiary's policy of forcing individuals struggling with substance abuse to go "cold turkey" should be replaced with "what they call the 'taper off' approach."¹⁰⁷ Even those prisoners otherwise unable or unwilling to articulate other kinds of grievances expressed profound fear of the prison doctor and of dying or being crippled as a result of his perceived neglect or incompetence and the overall environment of the prison. Withrow, who had worked in the Kingston Penitentiary hospital in the late 1920s, put these fears succinctly: "men are done to death by the system."¹⁰⁸

In attempting to combat this bodily breakdown of the individual, prisoners demanded the end of all practices that they viewed as humiliating, denigrating, and limiting of their self-respect. Prisoners insisted that their demands for cigarette papers, newspapers, smoke breaks during working hours, an increase in letters and family visits, the cancelling of prison haircuts, the abolition of the silent system, and the end of guard mistreatment would stop the degradation and humiliation they felt. Prisoners desired organized social activities such as baseball, inmate bands, and radio shows, and not just because they would break up the daily routine. They would also allow new forms of self-expression and self-governance previously forbidden in the penitentiary and provide them with personal freedom and autonomy, which, some argued, existed already in Ontario reformatories like Guelph and Mimico and in American prisons.¹⁰⁹ This insistence on social activity outside guard control represents a form of what Charles Bright called "winning distance" – the incarcerated person's need to be away from staff control – while also echoing the then-contemporary progressive critique that the prison needed not to isolate prisoners from the community but to model itself after the community.¹¹⁰

University of Toronto Press, 1987); D. Ann Herring, ed., *Damage Control: The Untold Story of Venereal Disease in Hamilton, 1900–1950* (Hamilton: McMaster University, 2014), <https://macsphere.mcmaster.ca/bitstream/11375/14368/2/fulltext.pdf>; Catherine Carstairs, Bethany Philpott and Sara Wilmshurst, *Be Wise! Be Healthy! Morality and Citizenship in Canadian Public Health Campaigns* (Vancouver: UBC Press, 2018), chap. 1.

107. Superintendent's Investigation, 01-264, 01-533. For the broader context of drug use and criminalization in mid-20th-century Canada, see Catherine Carstairs, *Jailed for Possession: Illegal Drug Use, Regulation, and Power in Canada, 1920–1961* (Toronto: University of Toronto Press, 2006).

108. Withrow, *Shackling the Transgressor*, 139.

109. *Barbarism and Civilization*, 2; Superintendent's Investigation, 01-626, 01-468, 01-042, 01-156.

110. Charles Bright, *The Powers that Punish: Prison and Politics in the Era of the "Big House," 1920–1955* (Ann Arbor: University of Michigan Press, 1996), 24–26. Bright adapted his ideas from Alf Ludkte, "Organizational Order or Eigensinn: Workers' Privacy and Workers' Politics in Germany," in Sean Wilentz, ed., *Rites of Power: Symbolism, Ritual, Politics* (Philadelphia: University of Pennsylvania Press, 1985), 303–345; David J. Rothman, *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*, rev. ed. (New York:

More dangerous, at least to the penal authorities, were the repeated critiques of punishment made by prisoners in the penitentiary. The inmates assailed both the punishments – whether solitary confinement, shackling to the cell bars, or corporal punishment with the paddle or lash – and how they were administered.¹¹¹ A persistent demand made by prisoners was to limit or modify the guards' ability to report a prisoner, including implementing a court system "in which a man has a chance to defend himself."¹¹² Even more persistently, prisoners demanded the removal of the warden's autocratic and unaccountable power to order corporal punishment and segregation. Some prisoners suggested the warden's powers should be replaced by a disciplinary board, including civilian and inmate representation. Another frequent suggestion was to send all corporal punishment charges outside to a judge or magistrate, or to have civilians visit the penitentiary to supervise punishments.¹¹³ The abolition of the lash and the prison paddle was the most popular demand, made in *Barbarism and Civilization* and in the testimony both by individuals who had suffered it and by those prisoners, especially younger men, who had only witnessed or heard of the resulting injuries.¹¹⁴ Regardless of the specific form, any of these changes, if implemented, would shift the balance of power within the penitentiary and rob the officers of their most potent tools for controlling disobedience.

Perhaps the single most potentially destabilizing demand that inmates put forward was to have an active role in the management of the penitentiary. *Barbarism and Civilization* repeatedly references a desire for an inmate committee or welfare league "to protect our interests." Several prisoners who had been confined at Auburn or Sing Sing and had served in the Mutual Welfare League offered their services to formalize a system of inmate representation.¹¹⁵ Norman Teetzel, one of the spokesmen for the prisoners during the

Aldine de Gruyter, 2002), 118–119.

111. Both staff and inmates considered the practice of paddling to be the most severe punishment possible to inflict on a disobedient prisoner. It involved manacling an individual by his feet to a table, bending him over, stretching out his hands by leather thong, blindfolding him, and then delivering sharp blows to the buttocks with a wood-backed leather paddle, over three feet in length. The "strapping bench" used at Kingston Penitentiary during the 20th century is on display at Canada's Penitentiary Museum in Kingston, Ontario. For the broader discourse on corporal punishment in prisons, see Carolyn Strange, "The Undercurrents of Penal Culture: Punishment of the Body in Mid-Twentieth-Century Canada," *Law and History Review* 19, 2 (2001): 343–385. On the development and deployment of this state violence and other punishments in the 19th-century penitentiary, see McCoy, *Hard Time*, 240–244.

112. *Barbarism and Civilization*, 5.

113. Superintendent's Investigation, 01-439.

114. Superintendent's Investigation, 01-391, 01-482, 01-718, 01-183.

115. *Barbarism and Civilization*, 3. The Mutual Welfare Leagues were established as a form of prisoner government in New York prisons in 1913–14 by penal reformer Thomas Mott Osborne. At their height during World War I, they made collective decisions about prison

October 1932 riot, felt such representation "should be continued, so that the inmates would get fair play."¹¹⁶ Other inmates suggested "three inmates per shop ... to help run the works ... would make us like lambs." Harvard Murray, a Stone Shed worker, thought a "prisoner welfare league" could organize sports like boxing, run a canteen, take care of sick or elderly inmates, and ensure "an institution that allows a man to start off with a new leaf."¹¹⁷ The belief that popular democracy was necessary to protect against arbitrary power and ensure compliance with demands was not an isolated concern of prisoners during the Great Depression, as is evidenced by similar efforts at relief camps.¹¹⁸ Superintendent Ormond's response to all of this was blunt: "If we give them that, what will they want next?"¹¹⁹

The collective critique made by prisoners is especially revealing of their attitudes toward rehabilitation and the purpose of incarceration. Describing their understanding of the purpose of incarceration, the writers of *Barbarism and Civilization* argued that the penitentiary system was supposed to "reform him (or her) and set him free in a given period with a new and better outlook on life and a keener appreciation of his duty and behaviour to his fellow man." This laudable aim, however, was "smothered by a tangle of persecution, hard routine, distrust." During the post-riot investigation, prisoners demanded to know from Superintendent Ormond what he thought prison was for, and they criticized the numerous ways it caused harm instead of helped. As one young prisoner stated, with some understatement, "If they have in mind a certain reconstruction of man here, there could be a lot of improvements." That these critiques were so frequently made, especially to challenge abuses, indicates that the reformatory image of the 1930s penitentiary was taken seriously, even if the reality consistently failed to match the rhetoric. As a teenage first-time prisoner put it, "my complaint is against the prison, as a whole. It has failed in every way imaginable."¹²⁰

"I Am Not Fighting on My Own Behalf, but for All the Boys Here": Organizing Prisoners

SUPERINTENDENT ORMOND'S official report after the October 1932 riot pointed to a pattern of strikes and disturbances, starting in 1921, that he

finances, discipline, and regulations. See Howard Davidson, "An Alternative View of the Past: Re-visiting the Mutual Welfare League (1913–1923)," *Journal of Correctional Education* 4 (1995): 169–174; McLennan, *Crisis of Imprisonment*, 338–374.

116. *Barbarism and Civilization*, 3; Superintendent's Investigation, 01-663,01-355.

117. Superintendent's Investigation, 01-573.

118. Brown, *When Freedom Was Lost*, 84–85.

119. Superintendent's Investigation, 02-263

120. *Barbarism and Civilization*, 2; Superintendent's Investigation, 01-683.

thought showed an escalation of prisoners learning to become “well organized and work [in] unity ... to attain their desired objects.” Historians have echoed these conclusions, pointing to earlier acts of collective resistance going back to 1920.¹²¹ Ormond’s chief evidence for this argument is that some prisoners active in leading earlier strikes were present at Kingston Penitentiary in 1932, because they were either recidivists or serving long sentences. Certainly a prisoner like Louis Gallow, a participant in the October 1920 “mutiny,” was part of this living tradition, even if the demand of the mutineers – to reinstate guards who had been dismissed for smuggling contraband – bore little resemblance to later protests.¹²²

It is difficult, however, to gauge how much influence the memory or experience of earlier strikes had on later events. Ormond, for instance, considered the 22 January 1927 strike to be a major precursor of the 1932 events. Intended by the strike leaders to improve the quality of food, the earlier strike failed to gather support from most prisoners, many of whom booed and resisted the small number of strikers in the mailbag, tailor, and masonry workshops. The staff response was swift and brutal, with striking prisoners given corporal punishment and months in solitary confinement. Many of the ringleaders were transferred in November 1929 to Saskatchewan Penitentiary and thus were not at Kingston Penitentiary in 1932. Some participants, like Ernest Snell, refused to talk about their experience of the 1927 strike, whereas others, like Denton Garfield, who had been one of the strike leaders, bitterly resented having been a part of it. Garfield told Ormond, “It did me no good.” He refused to join the strike on 17 October 1932, feeling it would jeopardize his chances for parole.¹²³

Several major incidents at Kingston Penitentiary in the year and a half before October 1932 point to a changing attitude amongst the inmate population toward their treatment and growing organization, evident in the circulation of propaganda and expanding protests. An August 1931 escape attempt appears to have been much more influential on later prisoner organizing than the 1927 strike. A group of six prisoners, including Kirkland and Garceau, manufactured weapons in the blacksmith shop and attempted to incite an insurrection or disturbance to support their escape. Garceau claimed he had

121. Canada, *Report of the Superintendent*, 5; Lipinski, “Changing Nature of Riots,” 68–71; Clarkson and Munn, *Disruptive Prisoners*, 17–19.

122. At the time of the 1920 protest, Gallow was eighteen years old and serving his first penitentiary term. Kingston Penitentiary, Inmate History Description Ledger, CSC fonds, RG73-C-6, vol. 561, p. 164, LAC; Warden J. C. Ponsford to Superintendent W. S. Hughes, “Mutiny,” 18 October 1920, Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC. For the context of this strike, see Willis, “Don’t You Know.”

123. Warden J. C. Ponsford to Superintendent W. S. Hughes, 27 January 1927, Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC; Ormond to Guthrie, “Narrative Report on Riot,” 7.

hoped to return to the penitentiary, armed with a machine gun, to liberate other inmates. However, some of their confederates got cold feet, and the plan was "ratted out" by several long-term prisoners.¹²⁴

The potential escapees were all punished with several months in solitary confinement and, driven to contemplation, experienced something akin to what Robyn Spencer has described as "mind change," where personal transformation breeds political inspiration. Kirkland felt the escape attempt had been "a foolish mistake," and Garceau learned that "you have to get everyone involved [in planning] or nothing gets done."¹²⁵ Other prisoners noticed that these men were different once returned to their workshops. Joseph Insenga, a polyglot prisoner who would translate notes, letters, and texts like *Barbarism and Civilization* into German, Spanish, French, and Russian for other inmates, believed they had "accepted [the penitentiary] is to be [their] home – and you must improve your home if it is falling apart."¹²⁶ One of the members of the escape plot, John O'Brien, was kept in solitary confinement for a year, and his treatment became a point of contention among the prisoners until 1933. The 1931 escape attempt also convinced the staff, as keeper James Donaghue put it, "that any trouble would be a smokescreen for escape," and the staff, from front-line guards to senior officers, had actually underestimated the scale of inmate resentment.¹²⁷

The group of inmates involved in the escape attempt were returned to their regular cells and work shortly before the arrival of eight members of the Communist Party of Canada to Kingston Penitentiary in early 1932.¹²⁸ Warden Smith gave the Communists "a stern talking to" and dispersed them into different workshops, ostensibly to make it easier to supervise and isolate each man.¹²⁹ Thomas James, a kitchen worker, felt that "[trouble] first started

124. An account of the escape attempt and the official investigation into it is found in Kingston Penitentiary, *Escapes*, vol. 1, 1912–42, DOAF, CSC fonds, RG73-C, vol. 101, 4-15-4, part 1, LAC. The attempted escape was also reported in the newspapers, for example, "General Hughes Silent on Mutiny Report," *Globe*, 3 September 1931.

125. Robyn Spencer, *The Revolution Has Come: Black Power, Gender, and the Black Panther Party in Oakland* (Durham, North Carolina: Duke University Press, 2016) 51; Superintendent's Investigation, 01-326, 01-220.

126. Superintendent's Investigation, 01-278.

127. Superintendent Ormond, after the riot, emphasized only the security risk this event had posed. Canada, *Report of the Superintendent*, 7; Superintendent's Investigation, 02-365.

128. On the arrest, trials, and conviction of the Communist Party members, and the campaign for their release, see the following recent works: Dennis G. Molinaro, *An Exceptional Law: Section 98 and the Emergency State, 1919–1936* (Toronto: University of Toronto Press, 2017); C. Scott Eaton, "A Sharp Offensive in All Directions: The Canadian Labour Defense League and the Fight against Section 98, 1931–1936," *Labour/Le Travail* 82 (Fall 2018): 41–79.

129. Acting Warden Gilbert Smith to Acting Superintendent W. Fatt, 29 February 1932, Kingston Penitentiary, Convicts committed under Section 98 criminal code, Kingston, DOAF, CSC fonds, RG73-C, vol. 104, 4-1-8, LAC.

when these men – Communists – were sent in this place. Throughout the institution – lay bills were written in the magazine and it went throughout the institution – anyone can read them.”¹³⁰ Harold Eden, while noting that “this was brewing in 1928 and 1929,” felt that “it took the Reds to kick the nest up.” There is some evidence of mutual political education involving Communists. Several inmate letters were intercepted in the summer of 1932 that contained invitations to join a reading group led by Tim Buck in the blacksmith shop, and several prisoners said they were members of “The Organization,” a larger circle of prisoners interested in reading economics and political articles found in *Harper's* and *Collier's*.¹³¹ *Barbarism and Civilization*, although a group document written by many hands, begins with many favourable references to historical materialism and support for Soviet prisons, and Buck in his memoirs claimed he started a five-point petition of “conservative” demands that got the prison “pulsating.”¹³²

It is somewhat difficult to gauge the impact of the Communists inside the penitentiary. Buck relates in his memoir that prisoners asked him to provide information about communism, though some viewed it as “racket.” Individual acts of disobedience before and after the riot included inmates like Philip Roberts or John Farr persuading their fellows to sing “The Red Flag” at work, or small groups shouting “Bolshevistic” slogans – behaviour that was seemingly aimed at antagonizing guards. Whether they agreed with Marxism-Leninism or not, prisoners who demanded reform considered the Communists, especially Buck, Sam Cohen, and Malcom Bruce, to be “good men” who listened and “got along with the boys.”¹³³ As in relief camps and unemployed organizations, the most significant Communist contribution was undoubtedly the creation and dissemination of literature combined with the articulation of a project of

130. Superintendent's Investigation, 01-284. James means lists of demands hidden in library magazines. Chief Keeper Archibald noted that “Communistic” literature had been passed around the penitentiary as early as May 1932, and several copies of *Barbarism and Civilization* had been confiscated, but despite “several searches” of only Tim Buck's cell, no source was found – likely because the Communists were no longer in control of the document's spread. Superintendent's Investigation, 02-291.

131. The letters, written in mid-1932, were handed to prison officers in spring 1933 by one of the writers, Chester Hynes, who had grown disillusioned with the perceived failings of the delegates. Letters re: Organization, 1932, Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC. The second set of letters was found in Kingston Penitentiary, Trafficking and Contraband, part 2, DOAF, CSC fonds, RG73-C, vol. 109, 4-20-23, LAC.

132. Tim Buck, *Yours in the Struggle: Reminiscences of Tim Buck*, ed. William Beeching and Phyllis Clarke (Toronto: NC Press, 1977), 205–209.

133. Defaulter sheet for #2430 Philip Roberts and #2519 John Farr, Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 2, LAC; Superintendent's Investigation, 01-357, 01-376.

demands.¹³⁴ This circulation of propaganda had an appreciable effect, as well, with several officers noting a change in inmate attitudes. Guard H. Robinson commented that during the spring and summer of 1932 the inmates "did not seem to be under any discipline." Surviving defaulter sheets, which summarize inmate offences, show an increase in reports and punishments in the summer and fall of 1932 for "insolence" and "refusing to obey orders."¹³⁵ Summarizing this new attitude, Buck claimed that prisoners had decided collectively they had "no chance of getting away from here by escape or parole, so we might as well see that we can live like human beings when we are in here."¹³⁶

Between 13 and 15 August 1932, the 200 inmates in the Prison of Isolation staged a hunger strike over maggots in the porridge. This was the only most obvious and immediately revolting of the conditions in the Prison of Isolation. The wooden partitions, bucket toilets, and lack of running water were a constant source of irritation and misery. Food, if it did not arrive spoiled, was frequently cold when served, and inmate servers, with the connivance of staff, were accused of stealing from food trays. The Prison of Isolation also maintained a reputation as a punishment detail for "incurable" prisoners, a reputation reinforced by the unsanitary conditions. The hunger strike prompted intervention by senior officers, who personally took the time to interview the participants and promise change. To the imprisoned men, this demonstrated the effectiveness of the protest. Inmates were also aware that the Prison of Isolation was looked upon unfavourably by staff, adding legitimacy to their protest. In the wake of the riot, prisoners kept in the Prison of Isolation, like Willard Milich, successfully pressed Ormond to abolish the ramshackle cells, having learned that "[our treatment there] is a sore one with you as well."¹³⁷

In August and September 1932, prisoners attempted several times to make collective demands through delegates. Spokesmen are not unusual in prisoner protest, but these efforts to choose consistent representatives from across the

134. Gordon Hak, "The Communists and the Unemployed in the Prince George District, 1930–1935," *BC Studies*, no. 68 (Winter 1985–86): 45–61; McCallum, *Hobohemia*, 31–61; Palmer and Heroux, *Toronto's Poor*, 160–161, 201–208.

135. Superintendent's Investigation, 02-271. Several dozen defaulter sheets of various lengths compiled in February 1933 survive in Kingston Penitentiary, Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 2, LAC. Also consulted were surviving Offence Report digests from summer 1930 to fall 1933, which are held at Canada's Penitentiary Museum (hereafter CPM): Kingston Penitentiary, Weekly Offence Reports, 4-21-28, vol. 1, P-93-21-28 (001), CPM.

136. Superintendent's Investigation, 01-079.

137. Superintendent's Investigation, 01-381. There appears to be no extant report about this incident in the operational records but a number of staff and inmates mention it as a precipitating event – for instance, guard R. Lake stated "that it was the first sign of trouble here." Superintendent's Investigation, 02-291.

penitentiary was novel, and possibly the result of Communist influence.¹³⁸ The first instance, at the end of August 1932, involved an attempt to exonerate a young prisoner from corporal punishment. This prisoner had been punished during mandatory church service, a practice reviled by most inmates. The Protestant chapel was cramped, noisy, and unventilated. Attendees hated the Protestant chaplain, Reverend Smith, because "his attitude is always antagonistic ... he seems to delight in preaching against thieves."¹³⁹ This intense loathing turned into sporadic heckling and booing. During the last Sunday service of August, as Behan told it, one inmate "gave voice to our thoughts: 'B.S.' Some officer picked out a man of the 400 men there and reported him. He went before the Warden, Mr. Smith, and received for punishment, although he pleaded not guilty, 10 strokes of the paddle, and 7 days bread and water. 7 days after, he was still marked black and blue."¹⁴⁰ In response, a deputation of ten men, including Behan, Garceau, Perrin, and Buck, chosen from different parts of the prison to represent each workshop, went before the warden as a group and pleaded for clemency, arguing that the young man was innocent. Though the deputation did not succeed, a similar effort was made on 7 September 1932, when another group, made up of eight men including Buck, Behan, Garceau, Cohen, Sydney Lass, and two men whose sentences expired before the riot, Kenneth Treapleten and Russel McKenzie, met Superintendent Ormond during his inspection visit and demanded, unsuccessfully, the release of John O'Brien from solitary confinement.¹⁴¹

Several noisy demonstrations, usually isolated to a single range or workshop, occurred throughout September and October. Two short-lived strikes took place in the #1 and #2 Stone Sheds during that period. Staff noted that the Stone Sheds were particularly difficult shops to manage: workers had been reported before for deliberately spoiling work and reading copies of manifestos openly at their work areas.¹⁴² Finally, a strike in Stone Shed #1 on 13 October 1932 brought matters to a head. A 25-year-old officer, guard William Boucher, was placed in charge of that gang. Inmates widely disliked Boucher. As inmate Edward Cada claimed, Boucher would "bother the boys when they were at their work. The men rose up over that."¹⁴³ The strike was organized by two men, Jean Dionne and John Saunders, who took the lead in passing

138. Spokesmen were chosen during the 1927 strike, although only after the strike had already started. Frank Tannenbaum, a member of the IWW, was chosen as a spokesman during a strike at the Blackwell Island Penitentiary. "A Strike in Prison," *The Masses*, July 1915. On elected leaders during organizing in relief camps, see McCallum, *Hobohemia*, 222–232.

139. Superintendent's Investigation, 01-327.

140. Superintendent's Investigation, 01-039, 01-073.

141. Ormond to Guthrie, "Narrative Report on Riot," 20.

142. Superintendent's Investigation, 01-447, 02-566.

143. Superintendent's Investigation, 01-084.



Trucks blockaded the street fronting Kingston Penitentiary, 17 October 1932.

Courtesy of Jennifer McKendry.

around the plan and signalling its start by stopping work at a pre-arranged time and remaining silent and otherwise well behaved. The only demand of the 35 strikers was to speak to the deputy warden. Three inmates were democratically chosen as spokesmen and explained the situation to Deputy Warden Walsh when he arrived. Walsh responded by removing Boucher from the shop at noon, but Walsh returned later that afternoon and had the three spokesmen taken to solitary confinement. This step incensed the other prisoners in the shop, who felt that the punished men had not done anything to merit such treatment. Warden Smith wrote to Superintendent Ormond that day, reporting on the "spirit of unrest" in the penitentiary, and Ormond replied in frustration that allowing prisoners to force out a guard was a dangerous precedent.¹⁴⁴

"I Know the Newspapers Call It a Riot, but It Was a Demonstration": From Strike to Riot, 12 October to 17 October 1932

THE 13 OCTOBER STRIKE became a *cause célèbre* in the prison. During the investigation, inmates mentioned Boucher and the punished spokesmen even

144. Acting Warden Smith to Sup't Ormond, 14 October 1932, Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 1, LAC; Canada, *Report of the Superintendent*, 11-12. Similar efforts were not uncommon at relief camps; see Brown, *When Freedom Was Lost*, 65.

if they had never met them. The 13 October strike appears to have accelerated organizing already underway for a larger strike, as Deputy Warden Walsh reported that he had known about the possibility of a protest as early as 1 October.¹⁴⁵ Over the next few nights, inmates clandestinely organized a prison-wide strike, tapping out messages through water pipes and passing notes in Morse code. The prisoners set the date and time: 17 October at 3:00 p.m. At that time all workers would down tools and muster in the Shop Dome. On the morning of 17 October, several inmates warned individual officers that something was afoot. The prison administration made no organized response, however, and officers responsible for shop management were not briefed. At three o'clock, prisoners in every shop ceased work, gathered in groups to talk, and then left their workplaces. Several shops were locked up by their officers, despite inmate efforts to rush the doors, and these men escaped out the windows or waited to be released by other strikers. Some inmates ran from their workplaces to rally other shops to the strike, and key locations were secured, partly against the guards and partly to prevent younger "hotheads" from smashing up equipment and infrastructure like the power plant. Some armed themselves with their tools, hammers, wrenches, pieces of stone, bits of pipe, or scrap wood made into clubs, though these improvised weapons went unused during the strike.

The entire penitentiary became a struggle between supporters of the strike and the guards and prisoners unwilling or unable for whatever reason to join the strike. As the alarm bell rang, extramural labourers returned to the penitentiary. These outside workers refused to comply with orders to return to their cells until seeing other prisoners do so, and some men ran off to join the gathering in the Shop Dome.¹⁴⁶ A group of inmates attempted to reach the Prison of Isolation but were driven back by rifle fire, and it is likely that this threat of violence made others hesitate and limited the spread of the strike. Willard Milich, working in the kitchen, armed himself with a butcher knife and convinced ten men to join "our little revolution." He "cursed and swore and practically went wild and called [those who would not join him] yellow this and that" but was unable to force his way out, and a standoff ensued for the rest of the day.¹⁴⁷ These same arguments played out in the cell blocks as well. As men were returned to their cells, the prisoners kept in the corridors interfered with the locking up. Using wooden planks negligently left in the surveillance galleries, they forced open the locking mechanisms and warded off a half-dozen unarmed officers. Inmates congregated and debated outside their cells for most of the afternoon and evening.¹⁴⁸

145. Superintendent's Investigation, 02-739.

146. Superintendent's Investigation, 02-256, 02-572.

147. Superintendent's Investigation, 02-483, 02-324, 01-565.

148. Superintendent's Investigation, 01-381, 02-632, 02-783, 02-254, 02-854.

In the Shop Dome, Warden Smith and Deputy Warden Walsh met with the hundreds of assembled prisoners. According to Superintendent Ormond's official report, this gathering was a "mob" that passed the time "milling" about and making "a few speeches."¹⁴⁹ Staff and inmates, however, were unanimous in their testimony that the inmates were in control, did not threaten or harm any officers, and were remarkably organized. Several guards and inmates described how the inmates "called order" and, notably, began to elect delegates from the floor. More than three dozen men were put forward, expanding earlier efforts at representation. Some of these individuals had been delegates before, like Behan, Buck, and Garceau, whereas others, including Norman Teetzel, John Evans, and Mickey McDonald, were newly chosen as representatives. The crowd shouted and debated their demands, having agreed upon them in principle thanks to the circulation of *Barbarism and Civilization*. Some delegates like Behan and Teetzel pushed for immediate fulfillment of all demands, while Garceau and Evans argued for getting a few demands, namely cigarette papers and recreation, granted first. Many of the delegates, Behan especially, told the assembled strikers that they had "to stick together" and asserted that they stood for "one for all, all for one." Prisoners were remarkably committed to democracy and collective leadership. Participant Johnathan Parke felt that "this thing you could not pin on one or two men. There were no real leaders. There were 5 or 6 men from each shop as representatives." Another young prisoner wanted it on record, during his interview, that "the boys who got up to tell the complaints were just trying to tell you what is going on in here. They should not be called ringleaders or agitators."¹⁵⁰

Also notable is the treatment of the staff trapped in the Shop Dome. The prisoners had barricaded the main doors to the industrial shops once the senior officers were inside and were adamant that no one leave the building. Although the word "hostage" was used at the time and in later analysis to describe the two dozen officers kept in the dome, they were not harmed, threatened, or even restrained. Deputy Warden Walsh, for instance, spoke to officers outside the shops through an open window, and Warden Smith got word to his clerk to phone for the militia. The intention, as in relief office occupations and other Depression-era protests, appears to have been to force the authority figures to negotiate by wearing them down.¹⁵¹ The delegates spent

149. Canada, *Report of the Superintendent*, 16–17; Ormond to Guthrie, "Narrative Report on Riot," 35.

150. Superintendent's Investigation, 01-257, 01-345, 01-734, 01-663, 01-439; Ormond to Guthrie, "Narrative Report on Riot," 32–34.

151. For instance, Fred Desroches expressed puzzlement that there was "no effort to take them [the officers] as hostages," whereas Peter Hennessy calls the officers hostages. Desroches, "Patterns in Prison Riots," 332; Hennessy, *Canada's Big House*, 93. Compare these efforts with the descriptions of relief strikes and unemployed struggles in, for instance, Carmela Patrias, *Relief Strike: Immigrant Workers and the Great Depression in Crowland, Ontario, 1930–1935* (Toronto: New Hogtown Press, 1990); L. Campbell, *Respectable Citizen*, 156–159; Palmer and

considerable time arguing with Warden Smith, who repeatedly claimed he could not implement their demands, other than for cigarette papers. The prisoners then demanded that Superintendent Ormond be summoned for an investigation. As they waited for help, the officers congregated in the mailbag room. They were followed by over 100 inmates and many of the delegates, who continued to press their points. It was only when the Royal Canadian Horse Artillery (RCHA) arrived that the prisoners, under Buck's guidance, began to prepare for a siege by reinforcing the doors and saving water in buckets, while some prisoners shouted their demands and peaceful intent at the soldiers.¹⁵²

Outside the shops, Warden R. M. Allan of Collins Bay Penitentiary, present to supervise the transfer of prisoners to his institution, took command. After a short parlay through the shop windows with prisoners, who reiterated their desire to see the superintendent, Allan gave the prisoners five minutes to surrender.¹⁵³ A coordinated effort by the RCHA and the guard staff then retook control of the workshops, smashing down the main door and firing above the heads of the demonstrators. The prisoners in the Shop Dome surrendered immediately, but the group of prisoners with Warden Smith threw up a barricade of mailbags and pushed the officers in front of them to use as human shields. The inmate delegates succeeded in negotiating an end to the strike, on the promise that their demands would be investigated and that "no one would be punished" until this process was complete. The other prisoners were asked for their consent before this deal was finalized, and the delegates made a public promise to take full responsibility.¹⁵⁴ In a sign that the situation had shifted decisively in the inmates' favour, the delegates were allowed freedom to move around the penitentiary and spread the word to the cell blocks that prisoners should return to their cells. The delegates met frequently with senior officers in the following days. Reflecting on the experience, Howard Price thought that the 17 October demonstration "showed it could be done, meaning we could take control of the Prison."¹⁵⁵

Over the next two days, the prison seemed to return to normal: prisoners returned tools and cleaned up the workshops, and the routine was re-established, except that the prisoners now, according to guard Lorne Kelly, had "an attitude that they had pulled off something, that they had put over a good job."¹⁵⁶ When Superintendent Ormond arrived to begin his investigation on the evening of 18 October, he found the officers "dazed" and "nervous" and the

Heroux, *Toronto's Poor*, 182–195.

152. Superintendent's Investigation, 02-687, 02-271.

153. Ormond to Guthrie, "Narrative Report on Riot," 37–39; Superintendent's Investigation, 02-704, 2-706.

154. Superintendent's Investigation, 01-381, 02-363, 01-226.

155. Superintendent's Investigation, 01-525.

156. Superintendent's Investigation, 02-259.

prisoners "restless." Already prisoners were attempting to make their demands a reality: delegates argued with shop instructors over work assignments, and during the morning of 19 October, prisoners forced their way outside for a smoke break. The delegates also demanded a conference with Ormond and Warden Smith in the Protestant chapel. This was denied, but Ormond agreed to meet a small deputation in a building called the Keeper's Hall, flanking the cell block, where the meeting would be visible to prisoners. Behan, Buck, and Garceau were present: Behan pressed for inmate-administered sports and an inmate committee, Buck reiterated that the prisoners expected "a full public investigation," preferably at the Kingston courthouse or at Queen's University, and Garceau left Ormond a copy of *For the Reform of the Penal System of Canada*. Convinced that the prisoners wanted to keep working so that they could start another strike if their demands were not met, Ormond ordered that the prisoners should be kept in their cells on the morning of 20 October.¹⁵⁷

Prisoners acquiesced in this decision, believing it was intended to facilitate the investigation. On the morning of 20 October, however, Ormond again refused to meet with the elected delegates – a common enough tactic in industrial relations, but one with predictable results. Exercise was also cancelled that morning, and rumours spread among the prisoners that a group of vengeful officers had denied breakfast to 40 of the alleged ringleaders.¹⁵⁸ These decisions destroyed the fragile peace. Inmates in the Prison of Isolation decided by voice vote on a coordinated refusal to participate in the investigation. The fifth inmate to be questioned, Paul Aiello, angrily told the superintendent: "You started taking the men up one at a time. You would not have a delegation come up the way the men wanted, then we started to make this demonstration!"¹⁵⁹ When the next group of prisoners were to be interviewed, all of them refused to go, and prisoners began to stomp their feet and rattle their bars. The noise-making in the Prison of Isolation was soon joined by noise in other ranges in the main cell block. Warden Smith ordered it put down by gunfire and tear gas. The south wing of the penitentiary, G and H blocks, was the first to be targeted by tear gas. Against the safety recommendations, officers tossed tear gas bombs directly into cells. Guard Raymond Lake recalled, "I didn't throw a bomb until I saw who was causing trouble, a negro [James Evans, one of the delegates] on A corridor had all the ink bottles belonging to the range ... as I started to bomb so did he. He spoiled my suit for me ... ink ran down my neck. To make him desist I threw a bomb at him."¹⁶⁰ In response, prisoners began to destroy their cell fixtures, improvising weapons and pulling

157. Ormond to Guthrie, "Narrative Report on Riot," 42–47.

158. Superintendent's Investigation, 01-547, 1-679. When confronted by Ormond about this, officers swore it was nothing – "just a malicious lie," according to keeper James Forsythe. Superintendent's Investigation, 02-637.

159. Superintendent's Investigation, 01-003.

160. Superintendent's Investigation, 02-305.

out bricks to throw at guards. James Wolosky, echoing the testimony of many other inmates, defended this damage as a form of necessary self-defence: "A hammer or a club, no matter what, we had to defend ourselves."¹⁶¹

Revolvers, rifles, and shotguns were quickly issued to prison officers without explicit authority or record keeping. Once shots had been fired, other officers began to join in. Prisoners, angry, panicked, and terrified, hid under their desks or threw mattresses over their bars hopefully to block shrapnel or buckshot. Some dug out of their cells using improvised tools and escaped into the surveillance corridors that ran behind their cells. Others pried their cells open using secreted pieces of wreckage left from the 17 October strike. Although most guards remained outside, firing indiscriminately into the cell blocks, some officers, acting without any central direction, moved in small groups along the ranges and surveillance corridors. All along they fired shotguns and revolvers at point-blank range. Although this was the period during which Buck was famously shot at, many other inmates were also fired upon or hit by stray bullets.¹⁶² William Lavoie even brought the spent bullets to his interrogation: "I am going to keep them for souvenirs," he quipped. Another man showed the wounds caused by "about thirty shots [of buckshot]. They hit me once on the lip ... [and] once on my eye."¹⁶³ Howard Price was left seriously wounded and bleeding in his cell for hours, and Sydney Lass claimed he was deafened by a guard firing two shots from a revolver right over his head.¹⁶⁴

The shooting and shouting ended long after dark had fallen. That day, the order and discipline of the penitentiary had functionally dissolved. The discipline of the penitentiary, and the authority and command structure of the staff, essentially collapsed. The prisoners knew this: Sam Cohen told the superintendent that "the officers ... lost their heads and did more damage than we ever could." Louis Gallow reflected a week after the riot that "we showed we had control of the prison. The prisoners had more control than the officers, to a certain extent."¹⁶⁵ In a moment of the carnivalesque, roles had reversed, and it was the inmates who had retained far more order and discipline for those few days than their keepers. As with police repression elsewhere during the Great Depression, it was the *keepers*, not the *kept*, who had rioted.

161. Superintendent's Investigation, 01-737.

162. The purported assassination attempt on Tim Buck remains one of the only publicly remembered aspects of the 1932 riot, even decades later. These events are examined in detail in Canada, *Report of the Royal Commission*, chap. 7.

163. Superintendent's Investigation, 01-359, 01-586.

164. Superintendent's Investigation, 01-431.

165. Superintendent's Investigation, 01-118, 01-219.



Kingston Penitentiary, 25 October 1933. The prisoners on the left are taking their break outside the south face of the prison hospital, while on the right an excavation team prepares to install a new oil drum.

Globe and Mail fonds, fonds 1266, item 31551, City of Toronto Archives.

"We'll Make a Modern Prison or Die in the Attempt": Struggles after the Riot

IN THE TWO-MONTH PERIOD after the riot, the penitentiary remained relatively quiet, as Ormond's investigation went on and repairs and improvements were made to the infrastructure and security of the prison. Only a small number of prisoners were allowed out of their cells to cook food. The RCHA retained a detachment at the penitentiary for several weeks. A wholesale purge of officers, including a number about whom prisoners had complained, was made and a new warden, Col. William B. Megloughlin, and new deputy warden, George Sullivan, were appointed. Fifty inmates considered by staff to be the most dangerous, including all the Communists and some of the elected delegates, were moved to the incomplete Prison for Women, which was then designated a high-security segregation department. Others were transferred to the Prison of Isolation but were allowed to work and exercise with the main population.¹⁶⁶ Changes were made to several buildings to relieve overcrowding

166. Ormond to Megloughlin, "Work and Exercise to Be Resumed," 31 December 1932, Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 1, LAC.

and transfer well-behaved prisoners to dormitories; the partitions were torn out of the Prison of Isolation by December.¹⁶⁷

Ormond completed his investigation and soon published his official report. He significantly underplayed the demands of the inmate rioters. In contrast, his confidential report to Minister of Justice Hugh Guthrie emphasized the spy system, lack of recreation, silent system, and staff behaviour toward inmates as major causes of the riot.¹⁶⁸ Spurred by a destructive and highly publicized riot at the St. Vincent de Paul Penitentiary in Laval on 4 November 1932 – during which prisoners flew red flags, demanded “justice,” and claimed to be supporting the prisoners at Kingston – Ormond circulated a stream of new regulations to penitentiaries across the country.¹⁶⁹ These regulations began to change the daily routine of the penitentiary in line with some inmate demands: the rule of silence was lifted at specific times; new, more transparent standards for reporting inmate disobedience were implemented; prisoners were allowed to call witnesses and mount defences in warden’s court; library, correspondence, and visitation were increased; provisions for physical exercise were made; and rations of gum and tobacco were increased.¹⁷⁰ Nonetheless, many of these changes were slow to be implemented and did not meet the maximal expectations set by the strikers at Kingston Penitentiary. This disconnect between what the authorities could deliver and what the inmates expected and wanted would be the dynamo feeding inmate protests for the next two years. Prisoners in this period continued to push for new concessions in line with earlier demands and to secure important successes, including fifteen-minute smoke breaks twice a day, baseball, and an inmate band, none of which was required by regulation. Prisoners feared that these gains would be only temporary and removed as soon as their vigilance waned.

Prisoners during Ormond’s investigation claimed they would wait and see what happened next, with some work gangs even collectively agreeing to wait 30 days for their demands to be met, but they did not remain completely quiescent in the months after the riot. The delay in resuming inmate labour was caused partly by the refusal of many inmates to leave their cells. As late as 1 December 1932, a third of the tailor shop was reported as “unwilling to work”

167. Megloughlin to Ormond, “Convicts Transferred to New Female Prison,” 24 October 1932, and Ormond to Guthrie, “Redistribution of Inmate Population,” 8 November 1932, both in 1932 Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 1, LAC.

168. Ormond to Guthrie, “Convict Complaints.”

169. Details on the Laval riot are drawn from Piuze to Ormond, “Report on Fire and Disturbance,” 20 December 1932, Disturbance Nov. 1932, destruction of shop buildings, St. V. de Paul, DOAF, CSC fonds, RG73-C, vol. 96, file 3-15-2, part 1, LAC.

170. The bulk of these changes were issued between 1 January 1933 and 30 April 1933. Copies are included in Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 1, LAC. These regulations were circulated to all federal penitentiaries. Circular letters from the Office of the Superintendent, CSC Fonds, RG 73-C, vol. 460, LAC.

and prisoners who had returned to work were frequently reported for talking and slowdowns.¹⁷¹ Group and individual resistance to discipline started to increase again by December and intensified throughout 1933, spreading to new arrivals who were often fervent converts, and had taken on an explicitly confrontational and political tone.¹⁷² Over the course of 1933, thanks to the public trials of the "ringleaders," smuggled newspapers, contraband copies of Ormond's report, and new arrivals, prisoners also learned that the public was sympathetic to their demands, that politicians were attacking the government over penitentiary issues, and that they were not alone, as prisoners rioted and staged protests at other penitentiaries.¹⁷³ Douglas Carson, a young first-time prisoner and National Children's Home orphan, who organized a week-long strike in the Stone Sheds in December 1933, circulated notes arguing that "we may be convicts but we have rights and privileges" and referenced newspaper criticisms of prison conditions he had read before his conviction. Another young prisoner, Leo Couture, transferred from Collins Bay Penitentiary for participating in a sympathy strike in December 1932, was caught with a note in March 1933 inciting prisoners in the Stone Sheds to revolt, because "like other poor people in this country, we have to take what is ours!"¹⁷⁴

To protect their interests, prisoners made persistent efforts to create a permanent inmate committee. During the superintendent's investigation, Sam Behan forwarded a list of delegates to the warden, including himself, Buck, Perrin, and McDonald, requesting their presence during the interviews.¹⁷⁵ Other delegates continued to act as spokesmen for their shops and ranges, confronting officers about issues in each shop. Ormond believed this activity was evidence of an ongoing "well designed conspiracy for the arrangement of delegates in each range of cells to advise or dictate to the Penitentiary officials."¹⁷⁶ In January 1933, a written constitution was circulated through the prison. It designated roles for delegates; provisions for elections; the selection

171. Superintendent's Investigation, 01-697; Actg. Deputy Warden Norman Archibald to Warden Megloughlin, "Inmate Work Report," 3 December 1932, Superintendent's Investigation, SFPB, CSC fonds, RG73, acc. 1983/84/291, box 30, 4-15-10, part 1, LAC

172. Kingston Penitentiary, Weekly Offence Reports, 4-21-28, vol. 1, P-93-21-28 (001), CPM.

173. Megloughlin to Ormond, "Prosecutions Arising out of Disturbances of October 1932," 6 April 1933, Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 1, LAC.

174. Carson's notes were presented as part of evidence against him in Warden's Court. Megloughlin to Ormond, "Evidence, #3256 Carson," 28 December 1933, Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC; Couture's undated note is preserved in Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

175. Sam Behan to Ormond, 8 November 1932, Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 2, LAC.

176. Ormond to Guthrie, 3 November 1932, Superintendent's Investigation, SFPB, CSC fonds, RG73, acc. 1983/84/291, box 30, 4-15-10, part 2, LAC.

of a shop oversight committee to supervise work assignments, hours of work, and industrial targets, made up of three men per workshop; and an appeal system against punishments. Its stated goal was "to ensure fair play and fulfill our collective goals." A few weeks later, workers in the print shop prepared a list of delegates and election ballots. Buck, Cohen, Garceau, Evans, Teetzel, Behan, and Mickey McDonald were selected as the overall leadership of the inmate committee, with several positions still to be filled.¹⁷⁷ It is nonetheless difficult to know how much influence the committee had, as the administration never acknowledged its existence. Prisoners such as Garceau, Milich, Kirkland, and Behan continued to throw their support behind inmate protests in the institution, and officers often caught them engaged in political conversations and communicating with other gangs in the prison.¹⁷⁸ The inmate committee appears to have written the memorial program that opened this article and was also involved in fundraising for the legal costs of the prisoners on trial in 1933, raising several hundred dollars out of inmate trust funds.¹⁷⁹ Some of the strikes that occurred in 1933 were also blamed on the committee.

Efforts to force prisoner demands through strikes in workshops began almost as soon as prisoners were put back to work. The kitchen inmates went on strike on 4 December 1932 to protest the removal of four of their members and submitted a signed petition. In striking, the kitchen workers wanted to ensure that "the old autocratic system of absolutism is fading into the distance to be replaced by a democratic system of mutual cooperation." Three of the transferred workers were returned.¹⁸⁰ A similar strike by prisoners in late December 1932 in the Prison of Isolation's gravel-making shed, led by Howard Price, was intended to remind the warden of the promises he had made and to force the granting of demands. Garceau, representing himself as a delegate, warned Warden Megloughlin in an interview on 29 December 1932 that "the convicts intended putting on more demonstrations, in order to force the authorities to take immediate action on their complaints."¹⁸¹ New strikes continued throughout the penitentiary during 1933, with prisoners

177. Officers discovered a copy of the constitution on 3 January 1933 and confiscated the delegate list on 21 January. Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

178. Kingston Penitentiary, Weekly Offence Reports, 4-21-28, vol. 2, P-93-21-28 (002), CPM.

179. J. H. Clark to Minister of Justice Guthrie, "Legal Advice re Convict Trust Funds & Current Trials," 9 May 1933, Disturbance, 17-10-32, DOAF, CSC fonds, RG73-C, vol. 107, file 4-15-5, part 2, LAC. Five letters from prisoners survive in this file; in them, the prisoners were sending money, in their possession when convicted and held in trust, to the lawyers of the prisoners on trial, on behalf of the Inmate Committee.

180. Petition to Warden Megloughlin from Kitchen Inmates, 8 December 1932. A follow-up letter of thanks for reinstating the transferred men was sent on 28 December.

181. Megloughlin to Ormond, "Disturbance in Prison of Isolation," 28 December 1932, Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

demonstrating again and again, as one anonymous letter put it, their desire to "make a modern prison or die in the attempt."¹⁸²

Most of these work refusals were confined to one workshop and were intended to enforce the "fair deal" prisoners believed they had won. Forcing out unpopular guards was a frequent goal, as with a strike in Stone Shed #1 against Guard McLeod's "aggravating tone" and attempts to interfere with their smoke break.¹⁸³ Other strikes, like that of the mailbag workers in February 1933, were attempts to enforce more equitable work arrangements and remove "rats" and "favourites." Even good-conduct prisoners went on strike; on 1 July 1933, the Engineers gang (prisoners responsible for maintaining the power plant and electrical infrastructure) refused to work in protest of their instructor's "spirit of revenge and repression" against past protests about dangerous conditions and work placements made without their consultation.¹⁸⁴ These strikes and petitions often led to attempted retraining of officers by the deputy warden, or a deputation meeting with Megloughlin. Other strikes that involved multiple cell blocks or workshops were intended to raise public awareness of prison conditions or to express solidarity. For instance, in May 1933 a prison-wide hunger strike was organized by Willard Milich and staged in solidarity with the riot leaders on trial in Kingston, and Milich organized a second prison-wide demonstration and work refusal in late June 1933 in protest of the results of the trials.¹⁸⁵

The prison staff sometimes blamed these strikes and rebellious attitudes on the incarcerated Communists, but the reality was somewhat different. Kept together on a range in the Prison for Women segregation unit, the eight Communists remained in communication with the main prison thanks to sympathizers like Sam Stein, whose job carting supplies allowed him to smuggle letters, newspapers, and notes. However, blamed by the administration for protests and denied transfer back to the main penitentiary, the Communists refused to participate in further protests and wrote a group letter to Justice Minister Guthrie on 1 June demanding political prisoner status. They made this request again on 1 August 1933.¹⁸⁶ This is the first

182. Anonymous letter, 12 March 1933, Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG-73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

183. Keeper James Donoghue to Megloughlin, 11 May 1933, Kingston Penitentiary – Disturbances, vol. 1, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

184. Engineers gang petition to Megloughlin, 1 July 1933, Kingston Penitentiary – Disturbances, vol. 2, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

185. Megloughlin to Ormond, "Hunger Strike," 5 May 1933, Kingston Penitentiary – Disturbances, vol. 2, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC; "Ranks of Convicts on Hunger Strike Dwindle Rapidly," *Globe*, 6 May 1933; Megloughlin to Ormond, "Unrest," 30 June 1933, Kingston Penitentiary – Disturbances, vol. 2, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

186. Malcolm Bruce et al. to Megloughlin, 1 August 1933, Kingston Penitentiary, Convicts

indication in the penitentiary records that the Communists had adopted one of the central planks of the countrywide campaign organized by the Canadian Labour Defense League, whose letters demanding political prisoner status for the Communist prisoners, their eventual release, and a full investigation of prison conditions flooded the warden's office during 1933.¹⁸⁷ Their request unheeded, the eight went on strike on 30 October 1933, and after being interrogated in the North Gate as a group, Bruce, Buck, Tomo Čačić, Cohen, Tom Ewen, and Tom Hill were sentenced to 30 days in isolation.¹⁸⁸ For persisting in their work refusal, they were subjected to several more months in isolation.¹⁸⁹ They were finally returned to work on 3 January 1934, on the condition they labour together as cleaners separate from other prisoners.¹⁹⁰

Prison bands and baseball were "the most outstanding privileges" the inmates felt they had won.¹⁹¹ Prisoners had begun playing improvised instruments and games without staff permission, so Warden Megloughlin acquiesced to these activities, as he felt that such social activity would "improve the morale of the convicts" and "was a decided influence in bringing back a degree of normalcy."¹⁹² Baseball especially proved enormously popular not just as a distraction from work and discipline but also as a form of self-governance, as the prison doctor, Garfield Platt, observed: "They planned games; they chose teams; they talked of rules; they chose umpires and took their rulings."¹⁹³ However, headquarters in Ottawa became increasingly upset by the management of sports. Baseball games were becoming increasingly disruptive, as prisoners took bets and argued over whether "one gang can defeat another gang in a game." Ormond also received complaints from "people in the vicinity of the Penitentiary [who] became alarmed" by the noise of the

committed under Section 98 criminal code, Kingston, DOAF, CSC fonds, RG73-C, vol. 104, 4-1-8, LAC.

187. On the CLDL-led campaign, see Eaton, "Sharp Offensive," 60–69.

188. Tim Buck et al., to Megloughlin, 30 October 1933, Kingston Penitentiary, Convicts committed under Section 98 criminal code, Kingston, DOAF, CSC fonds, RG73-C, vol. 104, 4-1-8, LAC.

189. "Warden's Court Proceedings," Kingston Penitentiary, Convicts committed under Section 98 criminal code, Kingston, DOAF, CSC fonds, RG73-C, vol. 104, 4-1-8, LAC.

190. Megloughlin to Ormond, 3 January 1934, Kingston Penitentiary, Convicts committed under Section 98 criminal code, Kingston, DOAF, CSC fonds, RG73-C, vol. 104, 4-1-8, LAC.

191. The quote is from a thank you letter submitted 25 October 1933 by the inmates working in the Stone Cutters: Recreation and Exercise, Kingston Penitentiary, RG73, vol. 65, no. 21-17, part 1, LAC.

192. Megloughlin to Ormond, 9 October 1933, Recreation and Exercise, RG73, Kingston Penitentiary, vol. 65, no. 21-17, part 1, LAC

193. Dr. G. A. Platt to Megloughlin, "Effects of Sport Exercise on Prison Health," 24 October 1933, Recreation and Exercise, Kingston Penitentiary, RG73, vol. 65, no. 21-17, part 1, LAC

games.¹⁹⁴ All this activity was at odds with the new scientific recreational and physical training regime under discussion in Ottawa, which focused not on social sports but on calisthenics and routine motion.¹⁹⁵ It became known in the penitentiary, thanks to leaks from prisoners working in the administration offices, that baseball was going to be cancelled. This fanned fears that more retrenchment might follow.¹⁹⁶

Behan took up the leadership of a campaign to prevent the end of baseball. Throughout March and April 1934, he was active in organizing; in one manifesto confiscated among the kitchen gang, Behan claimed that "he [the warden] didn't give us base-ball. We took it!" This note also listed other demands – newspapers, radio, recognition of inmate shop committees – and ended with a final call to action: "If we don't act soon, we will be worse off than we were before the riot. Show the public how rotten conditions are in here. *We go forward not back!* Up men, for Justice! Don't forget 1932!"¹⁹⁷ The order to cancel baseball games came down from Ottawa on 25 April 1934. A week later, on 3 May, a strike in the Prison of Isolation started, with 100 inmates refusing to work.¹⁹⁸ Marion Fauria, a new arrival and one of the organizers, claimed the strike was "to show you we won't give up without a fight." Behan was paddled, along with Fauria and twelve other men identified as the strike leadership, and died under mysterious circumstances in solitary confinement a day later. Anxious that his death would be attributed to guard brutality, Megloughlin and Platt brought several good-conduct prisoners to witness his autopsy.¹⁹⁹ This did not diffuse tensions. A much larger strike started in solidarity on 5 May – prisoners quit work and returned to their cells, shouting and

194. Ormond to Megloughlin, 5 October 1933, Historical personnel files collection, R81113-0-X-E, 1892.02.21, vol. 289, LAC.

195. Mark Norman points to a tension in prison sports, between the use of sports as a "safety valve" to release aggression and its use as a directed, rehabilitative form of social control or discipline. Norman, "Sport and Physical Recreation in Canadian Federal Prisons: An Exploratory Study of Carceral Physical Culture," PhD thesis, University of Toronto, 2015. Clarkson and Munn find a similar emphasis on "self-discipline" among both prison administrators and prisoners when sports were reintroduced to Canadian penitentiaries in the 1950s. Clarkson and Munn, *Disruptive Prisoners*, 116–120.

196. Megloughlin to Ormond, 24 April 1934, Recreation and Exercise, Kingston Penitentiary, RG73, vol. 65, no. 21-17, part 1, LAC.

197. Manifesto, 28 April 1934, and Megloughlin to Ormond, 7 May 1934, both in Recreation and Exercise, Kingston Penitentiary, RG73, vol. 65, no. 21-17, part 1, LAC; Megloughlin to Ormond, "#2505 Behan," 6 May 1934, Kingston Penitentiary – Disturbances, vol. 2, SFPB, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

198. Megloughlin to Ormond, "Disturbances in Range 2-A, East Cell Block, Thursday evening, May 3rd, 1934," 6 May 1934, Kingston Penitentiary – Disturbances – Fire of May 15, 1934, 4-15-2, E1-93-15-6, CPM.

199. Megloughlin to Ormond, "#2505 Sam Behan (deceased)," 29 May 1934, Kingston Penitentiary – Disturbances – Fire of May 15, 1934, 4-15-2, E1-93-15-6, CPM.

crying out Behan's name. During an extraordinary drumhead trial that lasted until midnight, three dozen men were sentenced to corporal punishment. In defending their strike, a newcomer named Arthur Hall told Megloughlin, "I admit a disturbance has taken place, and rightly so. You broke your word and you took away our baseball."²⁰⁰ On 13 and 14 May, groups of inmates attempted to disrupt the Protestant services in the chapel. Then, on 15 May, less than half hour after the end of the workday, fires broke out in several shops in the south wing, destroying the carpentry, laundry, and uniform stores and badly damaging the tailor shop. Investigations after the fact were never able to identify or charge an inmate, and, more worryingly to administrators, this act of incendiarism as a protest tactic was something new at Kingston.²⁰¹

The result was that Warden Megloughlin, well liked by some prisoners for bringing "the first clean and invigorating breeze which has swept through the prison corridors in a generation," was dismissed in mid-June.²⁰² Ormond had become especially worried that Megloughlin "was being influenced by the requests and desires of convicts," a practice of consultation that was as pointless as when "a person considers the request of a child in respect to his bringing-up." The warden's replacement, R. M. Allan, had no enthusiasm for a "fair deal" and agreed with Ormond's conclusion that prisoners could "not be permitted to govern themselves, and that it is necessary for the administrators to decide what is beneficial or for the good of the convict, rather than to permit convicts to choose for themselves."²⁰³ A severe disciplinarian, Allan had taken command of the disorganized staff during the 17 October 1932 strike at Kingston Penitentiary and had broken a similar strike at Collins Bay Penitentiary in December 1932. He immediately set to work establishing his authority, ushering in a reactionary administration aimed at curbing prisoner collective action. He did not personally address or interview inmates, refused to meet group deputations, and insisted that guards report infractions more stringently.

200. Megloughlin to Ormond, "Disturbances in Wing and Cell Building Evening of May 5, 1934," 6 May 1934, Kingston Penitentiary – Disturbances – Fire of May 15, 1934, 4-15-2, E1-93-15-6, CPM.

201. Megloughlin to Deputy Warden Sullivan, "Precautionary Measures to be Taken to Cover Sunday, May 13th, 1934 – Prison Protection," 12 May 1934, and Megloughlin to Ormond, "Unrest in Kingston Penitentiary," 15 May 1934, both in Kingston Penitentiary – Disturbances – Fire of May 15, 1934, 4-15-2, E1-93-15-6, CPM. Prisoners at St. Vincent de Paul had burned down their workshops in November 1932, and similar attempts had been made at Dorchester in January 1933.

202. Letter signed from inmates in E Wing to Megloughlin, 12 June 1934, Administration, Kingston Penitentiary, DOAF, CSC, RG73, 1980-81/253, 4-1-2, part 1, LAC.

203. Ormond to Megloughlin, "Exercise for Convicts," 11 May 1934, Recreation and Exercise, Kingston Penitentiary, RG73, vol. 65, no. 21-17, part 1, LAC; Ormond to Guthrie, "Warden William B. Megloughlin," 11 June 1934, Historical personnel files collection, R81113-0-X-E, 1892.02.21, vol. 289, LAC.

Superintendent Ormond was particularly concerned to learn, in the wake of Megloughlin's dismissal, that the latter had not fully implemented a segregation and classification department at Kingston Penitentiary, despite the return to the main prison of men temporarily held in the Prison for Women.²⁰⁴ Allan immediately transferred 93 inmates, based on their crimes and past conduct in the penitentiary, to the former Prison of Isolation, now the East Cell Block, used for what prison administrators called Permanent Segregation. Most of the prisoners transferred were considered agitators or had participated in the October 1932 disturbances or the 1933 and 1934 strikes.²⁰⁵ No explanation was given to these individuals, according to a secret diary kept by a prisoner: "us unfortunate ones were segregated for some reason which none of us can understand." Soon, Allan "took all our musical instruments away from us – what a world!" Prisoner efforts to negotiate with him failed: "some of the Boys were up to see the Warden but got not satisfaction." This led to a demonstration the next week: "the Boys downstairs put the band on for a while last night trying to get the Warden over so they could find out why they are here." However, no answers were forthcoming, only more punishments and segregation. As the diarist commented, "The new Warden is still going strong."²⁰⁶

In September and October 1934, Allan attempted to implement a new exercise regimen, using the expertise of physical training instructors from local schools and the Department of National Defence. During the first day of lessons, scheduled between work periods, over 80 prisoners refused to participate. They condemned these exercises as replicating the discipline and routine of the daily work and not a replacement for organized team sports. Imposing these new exercises against organized prisoner resistance took until mid-1935, and demands and petitions for baseball continued to be made for the next decade. Allan's repression was effective, however, and the decline in punishment reports across the fall and winter of 1934 likely reflects greater caution and even resignation.²⁰⁷ The successful segregation of "agitators" in mid-1934 and the release of others removed the leadership that had until this point directed or influenced the protests. There were limits to Allan's reaction; the smoke breaks and, in a reduced capacity, the inmate bands remained in place, but by early 1935 Allan's own officers, headquarters in Ottawa, and the

204. Ormond to Warden R. M. Allan, "Segregation of Convicts," 27 July 1934, Kingston Penitentiary – Classification and Segregation of Convicts, DOAF, CSC, RG73, 1980-81/253, 4-21-12, vol. 1, LAC.

205. Warden Allan to Sup't Ormond, "Classification of Convicts," 28 July 1934, Kingston Penitentiary – Classification and Segregation of Convicts, DOAF, CSC, RG73, 1980-81/253, 4-21-12, vol. 4, LAC.

206. Diary entries from 7 June, 10 June, and 15 June 1934, Kingston Penitentiary – Disturbances, vol. 2, SFPP, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

207. Warden Allan to Sup't Ormond, "Free Movement Exercises," 6 August 1934, Recreation and Exercise, Kingston Penitentiary, RG73, vol. 65, no. 21-17, part 1, LAC; Kingston Penitentiary, Weekly Offence Reports, 4-21-28, vol. 2, P-93-21-28 (002), CPM.

Ministry of Justice considered the warden to have contained the “Kingston inferno.”²⁰⁸

Conclusion

INMATE ORGANIZING AND PLANNING had always been underground, but to adapt to this new regime it became increasingly secretive and diffuse. The manifestos and circulating letters that had characterized 1932 to mid-1934 are much less evident in the record. Protests after Allan’s appointment often involved less planning, no demands, and far more destruction of property and violence than previously. The most dramatic example of this shift occurred on 21 March 1935, when 25 inmates, wearing improvised masks and with their inmate numbers ripped from their clothes, occupied several workshops, barricaded the doors, and took three officers hostage.²⁰⁹ In contrast to the 1932 strike, these captives were gagged, tied, and beaten by the leaders of the uprising. Several of the inmates set fire to the mailbags manufactured inside, destroying most of the machinery and nearly killing several men. The prison officers who stormed the building were also exceptionally brutal, beating surrendered inmates with batons.²¹⁰ During the investigation afterwards, few of the participants would explain exactly what they had hoped to gain. One individual proposed, “They don’t want exercises. They want base balls. They want human treatment instead of persecution, and everything like that.”²¹¹

Most of the leaders of this riot were young recidivists, some of whom had been through the 1932 riot or the strikes and protests in 1933 and 1934, but they had made no effort to convince the rest of the inmate population, either before or after, of their cause. However, the entire incident occurred only weeks after Agnes Macphail had visited Kingston Penitentiary and just as Parliament was debating penitentiary affairs. Warden Allan, quoting several prisoner informants, concluded that the prisoners were “using her visit to agitate the main convict population and give Miss MacPhail additional support for her argument for further prison reforms.”²¹² Ultimately, those inmates willing to

208. Editorial, *Ottawa Citizen*, 25 March 1935.

209. Allan to Ormond, “Disturbance and Fire in West Shop Block,” 21 March 1935, Disturbance of March 21, 1935, Kingston Penitentiary, 4-15-3, E1-93-15.9. (01), CPM.

210. “Inmate Testimony,” n.d., Disturbance of March 21, 1935, Kingston Penitentiary, 4-15-3, E1-93-15.9. (02), pp. 77, 80, 127, 195, 241, 298, CPM. One inmate mentioned that the uprising had been planned for the previous week, to be led by one of the delegates from the 1932 riot, but his removal from the shop “forced their hand” (p. 128).

211. Deputy Warden Sullivan to Allan, “Alleged Brutality against Convicts,” n.d., Disturbance of March 21, 1935, Kingston Penitentiary, 4-15-3, E1-93-15.9. (03), CPM.

212. Allan to Ormond, “Miss MacPhail’s Visit. Unrest in the Penitentiary,” 16 March 1935, Kingston Penitentiary – Disturbances, vol. 3, SFPP, CSC fonds, RG73-C-2, 1983-84/291, box 31, 4-15-1, LAC.

protest, strike, and riot had chosen politicians and the public as their intended audience, not the other convicts.

The 1935 riot alienated many prisoners who had supported the 17 October 1932 strike, such as Joseph Malcovitch and Louis Gallow, who complained about the "senselessness of the whole affair." Others complained that new prisoners were too content and were unaware of how bad the penitentiary had been before 1932.²¹³ By early 1935, efforts to sustain the inmate committee appear to have ceased, and demands for shop representation or abolition of corporal punishment are almost never mentioned by prisoners in inspection reports, warden's court proceedings, or the few surviving clandestine documents. The October 1935 federal election and the calling of the Archambault Commission in February 1936 shifted prisoner activity at Kingston Penitentiary toward participating with and supporting this reform project. The final report of the royal commission was eagerly adopted by prisoners, who, from late 1938 onwards, demanded immediate implementation of those recommendations – especially for sports and recreation – that vindicated earlier struggles.²¹⁴

A number of reforms in line with earlier demands were made before the royal commission finished its work. The changes to prison routine introduced in 1933, after the disruptions of the riot – such as the relaxation of the silent system, socialization, more family contact, and more transparent disciplinary proceedings – remained in place and were the base for further reforms. An allowance of five cents a day for prisoner labour, not a wage, was granted by mid-1935. An assignment board to consult prisoners on their work placements was established in mid-1938. Radios and entertainment funds were allowed at other penitentiaries, but not at Kingston Penitentiary until after World War II. Baseball and other sports, prisoner newspapers, recreation, and welfare committees became part of the "New Deal" of the 1950s in federal corrections.²¹⁵ The final abolition of corporal punishment, the creation of inmate committees, and external disciplinary boards were not fulfilled until another wave of protests and riots starting at Kingston Penitentiary in 1971.²¹⁶ In this way, the vision of a "model prison" held by prisoners at Kingston anticipated future prisoner struggles, especially the prisoner rebellion of the 1960s and 1970s.

The prisoners at Kingston Penitentiary were not alone in their challenges to the penal regime or in their demands for justice. Over the course of the 1930s, riots, strikes, and acts of insubordination and sabotage occurred across

213. "Inmate Testimony," 119, 284, 321.

214. "Interviews with Convicts," 26 May 1939, RG73, Kingston Penitentiary, vol. 58, no. 20-2, part 1, LAC.

215. On the New Deal in the 1950s, see Clarkson and Munn, *Disruptive Prisoners*, chap. 4.

216. "Prisoners Get Right to Form Committees in Penitentiaries," *Toronto Star*, 21 July 1971; Canada, *Commission of Inquiry into Certain Disturbances at Kingston Penitentiary during April 1971* (Ottawa 1972); Canada, *Report to Parliament of the Sub-committee on the Penitentiary System in Canada* (Ottawa 1977).

Canada in every federal prison, most provincial reformatories, and even local jails and industrial schools. This widespread convict revolt was inspired by the actions of the Kingston prisoners but also emerged from struggles and concerns unique to each institution. These revolts brought about a national crisis over the failures of provincial and federal penal systems, leading to a royal commission and the modern federal prison system of Canada. Yet these acts of prisoner collective action, despite their impact on 1930s penal reform, are largely unknown, unstudied, or forgotten.²¹⁷

A number of factors should be considered to explain the nature and success of prisoner struggle at Kingston Penitentiary in the early 1930s. The presence of incarcerated Communists assisted in the generation of a collective critique of the penitentiary. Prisoners disseminated a coherent set of demands and reform plans that articulated a common set of grievances and a common belief that, as men and human beings, they deserved relief from severe prison conditions. Prisoners did not just propose reforms or make demands but focused on confronting unpopular staff directly and challenging their control of the daily routine and their arbitrary power to report and punish. Prisoners developed a set of tactics, focused on mass strikes and work refusals, that used the one resource they possessed that was valued by the prison administration – their labour and their bodies – and turned the penitentiary's insistence on industrial labour against it.

These factors were crucial in organizing collective action in an environment of deliberately inculcated paranoia and custodial supervision, where prisoners responded to the stresses of incarceration with hostility, suspicion, and intense individualism as commonly as with comradeship and solidarity. Despite being fixed by law and force in a single spot, prisoners were a transient group, for whom prison was, at best, a short interlude, whose ranks were constantly shuffled by releases, transfers, segregation, and death, and who were subject to the most naked power of the state. Against this harsh regime, prisoners demanded reforms both modest and radical. Material ameliorations, they argued, would restore the masculine dignity, bodily integrity, and self-respect that incarceration had taken from them and that even convicted criminals deserved. Their carefully reasoned criticisms of prison practices – whether corporal punishment, forced labour, or the role of officers – and moral arguments about how they should be treated challenged the operational and ideological logic of Kingston Penitentiary's 100-year-old penal system. This critique emerged from the lived experiences of prisoners and their debates circulated in the prison on scrap paper or through whispers in workshops. The demands and organizing of prisoners were part of broader "struggles for justice" during the Great Depression. Instead of waiting for reforms imposed from without,

217. For an exception, see Jordan House, "The 1934 British Columbia Penitentiary Strike and Prisoners' Wages in Canada," *Active History*, 26 April 2019, <https://activehistory.ca/2019/04/the-1934-british-columbia-penitentiary-strike-and-prisoners-wages-in-canada/>.

prisoners at Kingston Penitentiary attempted, however ephemerally, to enact their own vision of a more just world. Their insistence on a boisterous and spontaneous form of democracy, a collective voice in the management of daily life, and absolute limits to the powers of the state to discipline and punish were fundamentally opposed not just to the basic nature of Canadian prisons in the first half of the 20th century but to the society that had built and maintained them.

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