

# HOUSE OF COMMONS

Friday, May 28, 1971

The House met at 11 a.m.

## MESSAGES FROM THE SENATE

**Mr. Speaker:** I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate have passed Bill C-180, an act respecting the packaging, labelling, sale, importation and advertising of prepackaged and certain other products, with amendments, to which the concurrence of this House is desired.

Also, a message has been received informing this House that the Senate have passed Bill S-21, an act respecting the Canadian Pacific Railway Company, to which the concurrence of this House is desired.

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## PRIVILEGE

MR. HOWARD (SKEENA)—STATEMENT BY SOLICITOR GENERAL RESPECTING PLACING OF CERTAIN INMATES IN COLLINS BAY DISSOCIATION CELLS

**Mr. Frank Howard (Skeena):** Mr. Speaker, I rise on a question of privilege. My question of privilege relates to a statement which the Solicitor General made in the House a few days ago and the effects of that statement upon the lives of a certain number of individuals.

On May 21 I posed the following question to the Solicitor General:

With respect to the seven inmates who were transferred from Millhaven on the night of May 12, I believe, to Collins Bay Penitentiary where they are now being held in isolation, or, in other words, in the hole or in the dungeon, does the minister not consider that to be a form of punishment?

The minister, in his response, made some reference to the disturbance at Kingston and then added:

The choice was not ours, but that of the inmates. Up till now, no disciplinary action has been taken against the inmates and, recently, considering that further disturbances were expected—

Then he sat down without saying anything further. My question of privilege relates to the declaration by the Solicitor General that the seven men themselves chose to be placed in the dissociation cells at Collins Bay. The carelessness of that statement on the part of the Solicitor General should in itself have been sufficient to prevent his becoming Solicitor General in the first place, because it was irresponsible and destructive. The effect of that sort of looseness with the truth, if it is nothing else, has been reflected in the fear which exists in the minds of probably 30 to 35 inmates at Collins Bay, Kingston penitentiary and Millhaven who are in dissociation cells. I have two or three letters from inmates in support of this statement. Perhaps I could quote one of them to indicate the degree of fear which exists and the damage which has been done by this carelessness on the part of the Solicitor General. One letter says:

It has come to my attention that Mr. Goyer has made a frightening statement. He said that we have asked to be

locked up for protection. If taken seriously by other inmates we may genuinely need that protection.

Another says:

• (11:10 a.m.)

Now we hear that Mr. Goyer says we "asked" to be locked up for our own protection. This is an outright lie and in so stating he has placed the lives of 33 men in dire danger. He has in effect called us "stool pigeons".

Anyone who is the least bit familiar with these matters, as obviously the Solicitor General is not, anyone who knows what goes on in a penitentiary will realize that this sort of accusation is the worst sort that can be made and does actually place the lives of these men in dire danger. Another letter says—

**Mr. Speaker:** Order, please. The hon. member indicated he would quote from one letter and now he is about to read from the third. I suggest that he indicate what his question of privilege is.

**Mr. Howard (Skeena):** Mr. Speaker, I was trying to point out that this was not an isolated instance and the view of one individual alone but the view of a number of people. On the basis of that view, if you find that there is a prima facie case of privilege in that the Solicitor General, to be generous, was careless and irresponsible in making a statement to the House that was not in accordance with the truth, I should like to move, seconded by the hon. member for Timiskaming (Mr. Peters):

That this House express its dissatisfaction of the manner in which the Solicitor General has dealt with the disturbance at Kingston penitentiary and developments subsequent thereto.

**Mr. Speaker:** Order, please. The hon. member for Skeena gave the Chair the required notice of his intention to bring the matter to which he has alluded, and which he would like the House to consider, before the House by way of a question of privilege. I should like to refer the hon. member to citation 133 of Beauchesne's Fourth Edition which clearly states that circumstances such as those now before the House cannot be debated by way of breach of parliamentary privilege. Substantially, the matter involves a dispute as to facts, and that cannot be the basis or foundation of a question of privilege.

I might add that the motion proposed by the hon. member is a substantive motion. On the basis of well accepted precedents, that kind of motion, as the hon. member knows, can only be moved by way of a clear condemnation of the minister involving a substantive privilege motion. There is, of course, a procedure well established if the hon. member wishes to pursue the matter on that basis. However, on the basis of what is before the Chair at the present time I have to rule that there is no prima facie case of privilege and the motion therefore cannot be put to the House for debate at this time.