

David Breen fonds

Compiled by Deanna Cundliffe (2021)



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Table of Contents

- **Fonds Description**
 - Title / Dates of Creation / Physical Description
 - Biographical Sketch
 - Custodial History
 - Scope and Content
 - Notes

- **Series Descriptions**
 - Plagiarism Legal Case Series
 - Trust Fund Subseries
 - Legal Correspondence Subseries
 - Evidence Subseries
 - APEC Protest Series

- **File List**

- **Catalogue entry** (UBC Library catalogue)

Fonds Description

David Breen fonds. – 1978-2002.

52 cm of textual records.

Biographical Sketch

David Breen is a professor emeritus, historian, and author, who has a focus on Western Canadian history. Breen's academic research interests revolve around western settlement, land policy, and resource development. David Breen completed his PhD. in history at the University of Alberta in 1972, writing his dissertation on the history of ranching in the Canadian prairies. In 1998, Dr. Breen won a Lifetime Achievement Award from the Petroleum History Society – a group of academics, corporate representatives, and archivists – for his work in writing the first comprehensive scholarly book on the petroleum industry in Western Canada. In the course of his career, Breen wrote and cowrote many books and articles, including: *Alberta's petroleum industry and the Conservation Board* (1993), *The Canadian Prairie West and the ranching frontier 1874-1924* (1983), *William Stewart Herron: father of the petroleum industry in Alberta* (1984) with R.C. Macleod, and *Vancouver's Fair: an administrative and political history of the Pacific National Exhibition* (1982) with K. Coates.

Custodial History

The documents were held in David Breen's possession prior to being donated to the UBC Archives.

Scope and Content

The fonds consists of records pertaining to Dr. Breen's precedent-setting suit against Hancock House Publishing and Edwin Gould for copyright infringement of his doctoral thesis. These documents include court filings, notes, and rulings related to the lawsuit. The fonds also consists of records and materials related to the Asian-Pacific Economic Cooperation (APEC) protests of 1997, including Dr Breen's involvement, with both formal and informal documentation, as well as complaints filed with the commission.

Notes

Some notes related to the Plagiarism Legal Case series are written in pencil, and should be copied when distributed to researchers.

As these items were stored in a basement, some of the materials have water damage and staining.

File list available.

Series Descriptions

Plagiarism Legal Case series. – [1978-1995].

33 cm of textual records.

David Breen found that his unpublished dissertation “Canadian Ranching Frontier 1875-1926” had been cribbed into a published work by Edwin Gould and Hancock House Publishers under the title “Ranching.” This series contains the records related to the decade long legal battle including court documentation and background discussions, which established several significant legal precedents, including what constitutes “substantial” copying, whether these have copyright value, and whether the copyright resides with the author or the university.

Trust Fund subseries. – [1978-1989].

4.5 cm of textual records.

Includes documenting the discovery of the plagiarism and correspondence between David Breen and Association of Academic Staff: University of Alberta, Faculty Association: University of British Columbia, Canadian Association of University Teachers, Canadian Historical Association, along with other friends and colleagues to gain support (financially and morally) regarding the copyright suit, as well as documents related to the establishment of his legal fund. Materials are arranged chronologically.

Legal Correspondence subseries – [1979-1995]

8.5 cm of textual records

Includes correspondence between David Breen and his legal counsel, his notes on these conversations, and correspondences between David Breen’s legal counsel and the defendants. Materials arranged chronologically.

Evidence subseries – [1978-1988]

20 cm of textual records.

Records related to the official court filings and decisions, including documents submitted for Discovery, List of Authority, and other court related documentation. Items are arranged according chronologically according to topic.

APEC Protest series. – [1997-2002].

19 cm of textual materials.

On November 24 and 25, 1997, student protests occurred on the University of British Columbia's Vancouver campus regarding the Asia-Pacific Economic Cooperation meetings, leading to a violent crackdown by police. This series contains materials related to David Breen's involvement with the protests, including complaints filed regarding excessive force by police, the documents related to the official RCMP Complaints Commission, the hearings, and final report. Also included are news articles from the *Vancouver Sun* and *Ubysey* covering the issue. Materials arranged by subject and then chronologically.

File List

BOX 1

PLAGIARISM LEGAL CASE SERIES

Trust Fund Subseries

- 1-1 Notes and evidence of plagiarism and letters between Breen and the Canadian Historical Association and Canadian Association of University Teachers. 1978.
- 1-2 Letters and petitions for assistance and support regarding the legal case, to and from the Association of Academic Staff: University of Alberta, Canadian Association of University Teachers, and Canadian Historical Association along with other friends and colleagues to gain support (financially and morally) for the lawsuit. 1979.
- 1-3 Letters and petitions for assistance and support regarding the legal case, to and from the Association of Academic Staff: University of Alberta, Canadian Association of University Teachers, and Canadian Historical Association along with other friends and colleagues to gain support (financially and morally) for the lawsuit, including congratulatory letters after Breen won his suit. 1980-1989
- 1-4 Documentation related to the creation of David Breen's legal trust, along with background documents and billing from the solicitors. 1970-1981.
- 1-5 Documentation related to the maintenance of David Breen's legal trust, along with background documents and billing from the solicitors. 1981-1986.

Legal Correspondence Subseries

- 1-6 Correspondence between David Breen and Lance Turlock of Barrigar and Oyen, as well as the drafted Statement of Claim and Statement of Defense from Hancock House Publishers Ltd. Includes discussion of legal strategy 1979.

- 1-7 Correspondence between David Breen and Lance Turlock of Barrigar and Oyen, as well as correspondence with Edwin Gould's lawyer, Barbara Yates. Includes discussion of legal strategy. 1979-1980.
- 1-8 Correspondence between David Breen and Lance Turlock of Barrigar and Oyen, Ram N. Hira the lawyer for Hancock House Publishing, as well as correspondence with Edwin Gould's lawyer, Barbara Yates. Includes discussion of legal strategy mostly related to the discovery period, and handwritten notes from phone calls. 1981.
- 1-9 Correspondence between David Breen and Lance Turlock of Barrigar and Oyen, Ram N. Hira the lawyer for Hancock House Publishing, as well as correspondence with Edwin Gould's lawyer, Barbara Yates. Includes discussion of legal strategy mostly related to the discovery period, handwritten notes from phone calls, and a letter from Ed Gould's wife, Dolores Gould. 1981.
- 1-10 Correspondence between David Breen and Lance Turlock of Barrigar and Oyen, Ram N. Hira the lawyer for Hancock House Publishing, as well as correspondence with Edwin Gould's lawyer, Barbara Yates. Includes discussion of legal strategy mostly related to the discovery period, handwritten notes from phone calls. 1982-1983.
- 1-11 Correspondence between David Breen and Lance Turlock, who moved to MacKay, Dwor and Turlock, as well as correspondence with Edwin Gould's lawyer, Barbara Yates. Includes discussion of legal strategy related to the resolution of the suit and handwritten notes from phone calls. 1984-1985.
- 1-12 Correspondence between David Breen and Lance Turlock, who moved to MacKay, Dwor and Turlock, and William Kaplan, who was writing an article on the case. Includes discussion of legal strategy related to the resolution of the suit and handwritten notes from phone calls. 1986-1995.
- 1-13 Correspondence between David Breen and Lance Turlock, who moved to MacKay, Dwor and Turlock, related to the final judgement from the court and receiving the copies of Ed Gould's book, "Ranching in Western Canada." 1985-1986.

BOX 2

Evidence subseries

- 2-1 Coil bound and unbound Statement of Claim with seals of the Federal Court of Canada. 1980-1985.
- 2-2 Examination documentation of David Allen Hancock. 1980-1982.
- 2-3 Examination documentation of Ed Gould. 1980-1981.
- 2-4 Examination documentation of David Breen. 1981-1982.
- 2-5 Examination documentation of Ed Gould. 1980-1981.
- 2-6 Unbound list of authorities. 1985.
- 2-7 Coil bound list of authorities. 1985.
- 2-8 Judgement, Statement of Claim, Statement of Defense, and Certificate of Taxation all with seal of the Federal Court of Canada. 1985-1988.

BOX 3

- 3-1 Bound copy of "Ranching in Western Canada" by Ed Gould with sections marked where copying took place, with photocopy of corresponding page numbers. 1978
- 3-2 Bound copy of "The Canadian Prairie West and the Ranching Frontier 1874-1924" by David Breen. 1983.
- 3-3 Further evidence of Gould's plagiarism in "All Hell for a Basement" and includes a copy of "Early History of Medicine Hat Country" by J.W. Morrow and letters from Danny White, curator of the Medicine Hat Museum. 1982.
- 3-4 Newspaper articles on copyright infringement and the court ruling in favor of David Breen in his case. 1985-1986.

APEC PROTESTS SERIES

- 3-5 Correspondence indicating initial plan for student walkout, Breen's experience with the protests, and issuing a complaint with the RCMP Public Complaints Commission. 1997.
- 3-6 Correspondence for Breen issuing a complaint with the RCMP Public Complaints Commission and complaint documents. 1998.
- 3-7 Trial division documents related to the complaint with application for division review. 1998-1999.
- 3-8 Notice of application, correspondences between law firm and Breen, and hearing information. 1998-1999.

BOX 4

- 4-1 Documents related to the Commission Counsel Office including schedule of witnesses. 1999-2000.
- 4-2 Coil bound motion record of the RCMP Public Complaints Commission in support of application for intervention. 1998.
- 4-3 Coil bound Interim Report for the Commission for Public Complaints against the RCMP. 2001.
- 4-4 Coil bound Commission for Public Complaints against the RCMP Chair's final report following a public hearing with letter. 2002.
- 4-5 Variety of news stories, political cartoons, and op eds regarding the APEC protests and the subsequent fall out from Ubysey, Vancouver Sun. 1997-2002.