

## LITIGATION AGAINST THE GITXSAN TREATY SOCIETY

UPDATE – January 10, 2012

The court case to stop negotiations of the Gitksan Alternative Governance Model (GAGM) moves forward!

On January 9, 2012, the Plaintiffs attended court to argue against GTS's motion to have the Court let it out of our legal action. We are seeking to close GTS on the grounds of oppression. Judge McEwan heard this motion in Smithers on January 9, 2012. Many Chiefs and community members were present in the courtroom. In their motion, GTS argued that the Spookw plaintiffs have no right to bring their claim that GTS has oppressed them because they are not members or stakeholders in GTS (called "standing") and they have no status to come before the court with an oppression claim. GTS argued that the plaintiffs have no interest in GTS and that their relationship to GTS is like "a member of the Salvation Army, on the one hand, and the people who line up at a "Sally Ann" soup kitchen, on the other." They argued that "the plaintiffs are the object of the Society's charitable or philanthropic goals; they are not stakeholders" and so they have no standing to complain.

As part of their argument GTS also admitted that their own Board of Directors was invalid, because all members are appointed under an invalid GTS bylaw which gave the power to appoint Board members to the Clans. In other words, GTS admitted to the Court that it has no valid board, and never has had one.

**Before GTS was finished making their arguments, Judge McEwan stopped them and told GTS that they had admitted that their Board was illegal, and that it was therefore functioning illegally, and it wasn't clear that an illegal board could make any decisions, including a motion in court.** He questioned how GTS could say that the plaintiffs have no standing to bring their action, when it was GTS that had no standing since their board was illegal. **He would not allow GTS to finish their arguments, saying it was a waste of time, and adjourned the motion without deciding it.**

What is clear from today's hearing is that GTS has no valid board, and all its actions have been and are illegal. This supports the plaintiffs case that GTS should be shut down.

The defendant Canada and the Province also intended to make an application to strike out the plaintiffs claims against them before the trial. These motions were supposed to go ahead on January 10th, however may now be delayed as a result of what happened in court.

Judge McEwan has asked that all the parties come back to Court on Wednesday morning to report to him on what they intend to do and whether the Crowns wish to go ahead with their motion. The trial of the Spookw court case is scheduled to go ahead in Smithers March 19, 2012 – May 2012. Judge McEwan will be the trial judge.

We encourage all Gitksan people to continue to be involved because of the serious impact it may have on you, including the loss of your Indian status. GTS refuses to be open, transparent and accountable and continues to negotiate their GAGM despite all opposition. We encourage you to stand up and let your voices be heard! Together we can stop the GTS from negotiating away our rights.