

In Memoriam: Margery Hunter Brown: Teacher, Scholar, and First Citizen of Montana

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IN MEMORIAM

**MARGERY HUNTER BROWN
1928 - 1998**

**MARGERY HUNTER BROWN: TEACHER, SCHOLAR, AND
FIRST CITIZEN OF MONTANA**

Charles F. Wilkinson*

The editors of the Public Land Law Review got it exactly right when they decided to dedicate this issue to Margery Hunter Brown. Marge has been the guiding light of the Review and one of Montana's, and the West's, leaders in Indian, natural resources, and public land law. And, as all who know her can attest, Marge's leadership goes far beyond paper achievements: Marge has a depth of character that has inspired and uplifted her students and colleagues alike with the result that a great many people have taken their work and lives to higher levels.

Montana runs through Marge's veins. She was born in Libby and has lived in the state nearly her whole life. Marge earned a masters in history in 1953 from the University and received the high honor of a Fulbright Scholarship, which she took in New Zealand. She has seen the diversity of Montana first-hand, having worked as a reporter for the Great Falls *Tribune*, taught history and political science at Northern Montana College and the University, served as Tribal Court Advisor for the Confederated Salish and Kootenai Tribes, and even helped found the Bigfork Summer Playhouse. She has long been involved in all manner of civic activities, including Montana's ambitious constitutional revision process that resulted in the 1972 Constitution.

In the early 1970's, Marge returned to campus to enter law school and, after graduation and her one-year stint as a tribal court advisor, teach-

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ing law in Missoula was a perfect fit. The School of Law at the University of Montana has built upon its location in the West and has committed itself to emphasizing the distinctly western bodies of law. Al Stone was long a faculty leader in this respect, and others have joined in over the years, but Marge has come to embody that commitment.

Marge has regularly taught two courses in Indian law and two in natural resources law. She is renowned as a master teacher. Over the years, at various meeting places around the West, more of Marge's students have volunteered their debt to her instruction and inspiration than is the case with any other professor I know. Earlier this year, her Indian Law Clinic students from past years convened a reunion and presented Marge with a plaque aptly inscribed "Mentor of the Century."

Marge is an innovator in legal education and her creativity has paid major dividends, not just for her students but also for citizens far beyond the classroom. She founded the Indian Law Clinic at Montana, the first of its kind in the country. Much of the Clinic's work is directed toward the tribal courts on Montana's seven Indian reservations. Such support for tribal justice systems is critical. Modern tribal courts are young, for traditional legal structures were shattered in the 19th century and tribal courts typically did not begin to carry substantial caseloads until the 1960s or later. Tribal judges also work in remote locales, and their libraries and other resources, while improving, tend to be underfunded. Marge and her legions of committed students have helped improve the quality of tribal justice and the respect in Indian country for them runs deep.

The Public Land Law Review has been another major commitment for Marge. The diversity of topics and quality of authors has consistently been first-rate. The annual conference is dynamic and well-attended by lawyers and others interested in federal public land law and related fields.

The Review and the annual conference are both student-run, and of course final responsibility rests with the scores of young lawyers who have worked so hard over the years to make these ventures successful. But it has been Marge who has helped keep the students' feet to the fire, offered ideas for topics and speakers, and provided the sense of mission and continuity that has made the Review and the conference such valuable parts of the western scene.

Marge's scholarship has made a significant contribution to an understanding of Montana's unique legal and political structure. She participated as a co-author of *We the People of Montana: The Working of a Popular Government*, a fine explanation of Montana's new Constitution and system of government. "Forging Public Rights in Montana's Waters," co-authored with Thorson and Desmond, is a much-read analysis of the extraordinarily productive work done by the 1985 Montana Legislature in the area of water law reform. *Tribal Government Today: Politics on Montana Indian*

Reservations, authored by Marge and others and published by Westview Press in 1990, is a one-of-a-kind look into Indian reservations, an accurate and perceptive treatment of the laws, institutions, and personalities across Indian country in Montana. Others of Marge's articles examine various aspects of state and tribal government in the state.

In putting together this body of writing, Marge drew, not just upon library sources, but upon more than 30 years of service to the state and the tribal governments (on the Human Rights Commission and the Fort Peck-Montana Compact Board, and during the constitutional revision process), the University (on all manner of committees), and the public sector. In a way similar to K. Ross Toole, Marge is grounded in Montana life and, having earned her spurs, has recorded the unique Montana experience from a position of both scholarly and real-life knowledge.

Yet, for all of this, everyone whose life has been touched by Marge Brown's seems to come back to intangibles - character, integrity, staying power, call it what you will. "Her word is gold." "The woman has a special grace." "She's the ultimate straight shooter." "She's a role model and a mentor both for hundreds of graduates." Or, as Judge Gordon Bennett put it once: "Isn't it amazing how much a person can accomplish if she doesn't want to take credit for it." The proof of Judge Bennett's wisdom is in the pudding: for all Marge has done for Montana and the West, she never blinked at the temptations of the deanships, university presidencies, or judgeships that would have been hers for the asking.

Margery Hunter Brown is *Lincolnesque*--one of a handful of people I can imagine applying that term to. She is from the earth--straightforward, no-nonsense, clear-eyed, and compassionate to her depths. She took those eternal qualities and blended them with the rigor of law teaching and scholarship to produce the best academia can offer: honest, electric classrooms; an open door for students in their times of need; distinguished public service; and sensible research that real people can put to real use. Quality. Quality every step of the way.

Now Marge is heading off to Flathead Lake for some reading, writing, tending to the fruit trees, and looking out across that magnificent expanse of water and land. But it will not be so simple. What she may not know, but the rest of us do, is that the phone up at the lake will ring--ring more than once. On the other end will be a dean, university president, governor, or tribal chairman: "I've got a problem and I need someone to sit down with people to try to work out a solution. There's no one but you who has the background and credibility to pull people together and work something sensible out. . . ."

The story of Margery Hunter Brown and her contributions to the people and lands of Montana: to be continued.

Editor's Note

Margery Hunter Brown died on January 9, 1998. The above tribute to Professor Brown first appeared in 1993 in Volume 14 of what was then called the Public Land Law Review. It was reprinted with the permission of the author.