

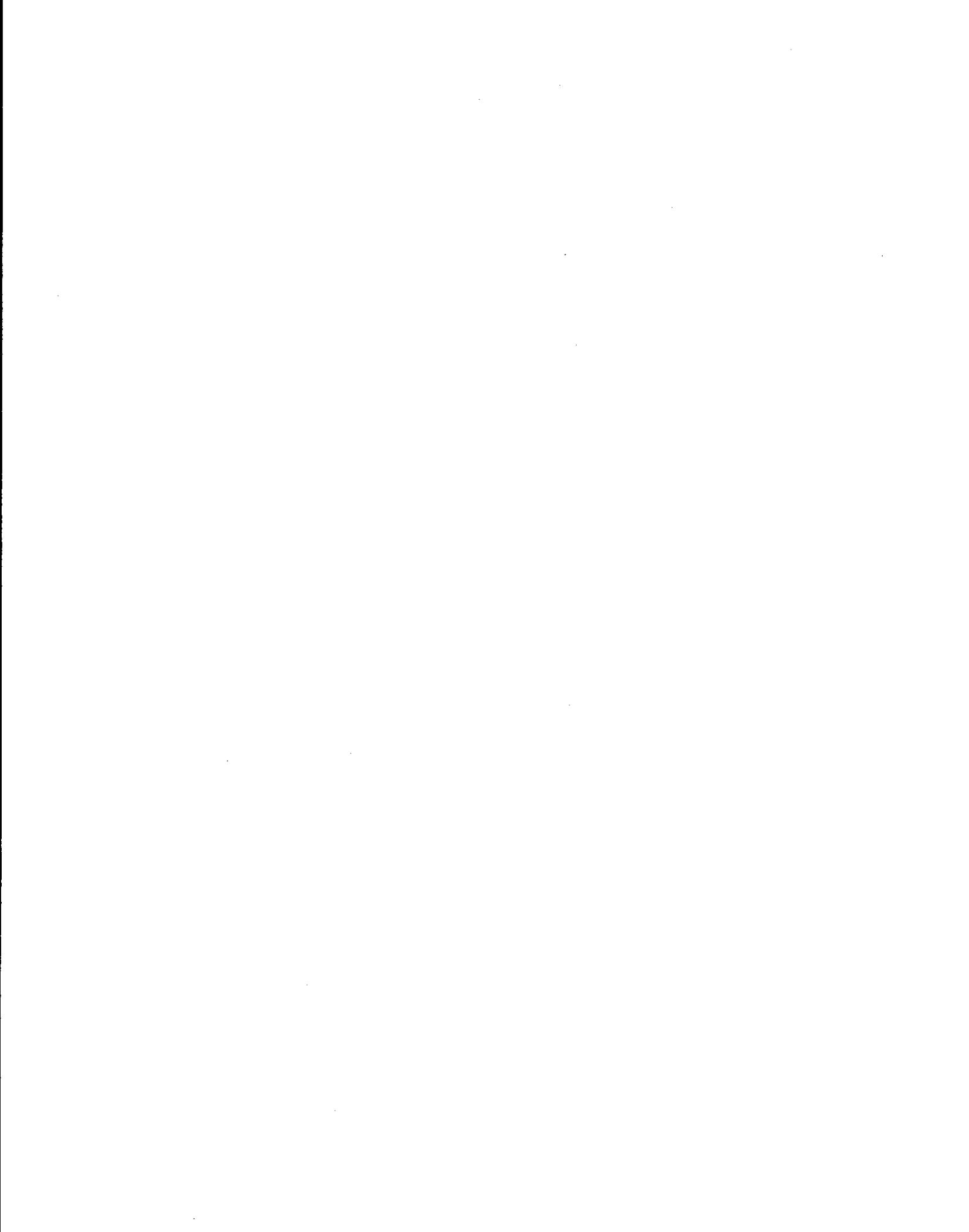
# Montana State Legislature

**Exhibit Number:** 9

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Indian Peoples Action (hereinafter referred to as the "Tribal Amici") — respectfully submit this Amicus Curiae brief for the Court's consideration. MIEA and the other Tribal entities deeply appreciate the Court's order allowing the filing of this brief. Should the Court wish additional briefing and/or argument at the conclusion of the trial, MIEA and the Tribal Amici stand ready to submit any additional information and/or argument for the Court's consideration.

### Introduction

The importance of this lawsuit to those who are involved and concerned with Indian education in Montana cannot be overstated. There have been thousands of words spoken and written, long distances traveled, and far too many hearings attended, in the thirty year effort to breathe life into the Constitutional provision adopted by the framers in 1972, commonly known as the Indian Education Article. It is the position of Tribal Amici that the plainly elegant language found in Article X, Section 1, Subsection 2, has not been implemented. The Indian Education Article provides:

The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

The provision is unique: no other state constitution in the Nation contains such a commitment in its educational goals to preserve tribal cultural integrity. This language, brimming with promise, has been stripped of practical meaning and application by over three decades of neglect, and in some instances, outright hostility by the State's legislative and executive branches. The State's failure to implement and enforce this Constitutional mandate has resulted in diminished educational sensitivity and understanding by generations of Montana's students. As a result, lowered expectations for the educational achievements of Indian students attending both on reservation and off-reservation schools, has become institutional.

This Court has the opportunity, for the first time, to fulfill the original purpose of the framers, to choose a different course—the Constitutionally mandated course—which seeks to build a bridge of understanding between Indian and non-Indian cultures. Not only will all