

# EP05 P1: THE HONOURABLE MARION BULLER

## AUDIO TRANSCRIPT

00:00:00 **Kerry Wright**

Welcome to QCC's podcast series, The Path of public service. I'm your host and producer, Kerry Wright. Chances are if you're already listening to this episode, you enjoy deeper conversations, staying informed and seeking out connection community inspiration.

00:00:20 **Kerry Wright**

And human stories with unique perspectives. Public service could not exist without these human channels. While none of us share the same experiences each time a guest recounts a personal story

00:00:34 **Kerry Wright**

they remind us of how we're all connected to something bigger than ourselves. Let's applaud those enduring human moments in public service as they become remarkable stories worth celebrating. All personal views expressed by guests and our hosts are their own and would rarely be agreed upon.

00:00:54 **Kerry Wright**

While, we can't offer opinion that speaks to everyone's likings or sensibilities. QCC will continue to recognize those in public service, offer a kaleidoscope of perspectives and operate in good faith to build trust with you, our QCC member and all public citizens. In the 1930s, Marion Buller's Grandfather faced an unthinkable choice.

00:01:15 **Kerry Wright**

Send his children to a residential school or give up his Indigenous heritage in First Nation status. His forced decision was deeply felt by his granddaughter.

00:01:27 **Kerry Wright**

Canada's denial of Indigenous culture, family and identity would set in motion Marian's tenacity and passionate calling to be of service. Her commitment distinguished her place in history as a powerful protector of human rights and Indigenous identity.

00:01:47 **Kerry Wright**

Sometimes old wounds can inspire our greatest.

00:01:53 **Kerry Wright**

Fast forward to Monday, June 3rd, 2019. Chief Commissioner Marion Buller is greeted with the cheers of a hopeful audience at the Canadian Museum of History. It is the sacred ceremonial closing of the national public inquiry into missing and murdered Indigenous women and girls, a defining moment. Their final 1200 page report and a federal budget of 53.8 million upholds 231 calls for justice following three years of truth gathering from over 2000 Canadians. What an extraordinary honor it is to welcome and shine the spotlight on the honorable judge, Doctor **Marion Buller**.

00:02:38 **Kerry Wright**

So you grew up with Cree heritage of Mistawasis First Nation, learning about your own culture, learning traditions.

00:02:47 **Kerry Wright**

But the key goal of the residential school of foster care and the 60 scoop was contrary to that, they wanted to eradicate Indigenous culture.

00:03:00 **Marion Buller**

Oh yes, yeah.

00:03:01 **Kerry Wright**

So at the same time that you're learning the beauty of what it means to be Indigenous, you're dealing with this and your grandfather's decision at some point.

00:03:16 **Marion Buller**

Yes, very much so. Yeah. My grandfather became enfranchised, which means he gave up his Indian

status and became a Canadian citizen, which meant my grandmother, my father, aunt and uncle, lost their status as well. That's how the Indian act work back then.

00:03:37 **Marion Buller**

And I didn't get my status back until the changes to the Indian act in, oh '86, I think it was. So I didn't grow up on reserve. I didn't grow up with status. I had to get it back. The primary reason why my grandfather gave up his Indian status was he was at the mercy of the Indian agent. And back then there was the past system he had to have a pass, in other words, permission from the Indian agent to live an/or live off reserve, and he had a job at the train station in Saskatoon, and he had a family to support. And it was, you know, the stock market crashed, The Dirty 30s. And the only way he could keep his job was to become enfranchised, in other words, to no longer be an Indian and to become a full Canadian citizen, that's the law back then.

00:04:34 **Kerry Wright**

Even though it was difficult. How does your family explain that to you when you're a child?

00:04:40 **Marion Buller**

Ohh, that's a tough question. I don't know if, if it was ever explained specifically because you know it is what it is. My grandfather gave up his status and the whole family lost their status in the late 20s, early 30s. I just don't have the exact data on the top of my head.

00:05:00 **Marion Buller**

And that was well before I was born and my father was just a child at the time.

00:05:07 **Marion Buller**

So I can remember my grandfather on more than one occasion. My grandmother too, talking about the situation they were in that they really had no choice. If they were going to put food on the table and have a roof over their head that my grandfather had to become enfranchised.

00:05:27 **Marion Buller**

And as an adult, looking back on it and conversations with him, it was a hard, hard decision for him to make. But it was the only choice. You know, the classic example of between a rock and a hard place. Yeah. And so in the course of applying to be enfranchised, in other words, to no longer be an Indian and to become a full Canadian citizen, he had to agree to give up his Indian ways. It's in the paperwork for enfranchisement, and so it was very difficult for him and for my grandmother as well/

00:06:03 **Marion Buller**

So Cree became a language that was spoken in back rooms in a whispered tone, for example. We weren't, and my dad and aunt weren't specifically taught to speak Cree because of the deal my grandfather had made with the government and he was very, very much a man of his word. And so when it became possible for him, he was really old, to be reinstated under the Indian Act, I said to him, you know, "I'll help you with the paperwork, or I'll do the paperwork for you."

00:06:38 **Marion Buller**

He said, "Thank you very much." I, you know, he's very kind. He said, "But no, thank you. I made my deal with the government many years ago and I stand by that."

00:06:49 **Marion Buller**

So it was a difficult conversation for both of us to have because he knew that shame and grief and hiding in the back room, speaking Cree, that could be wiped out, that his suffering no longer his sacrifices, maybe no longer mattered, and the same with my grandma. She spoke my Michif, Cree English like French.

00:07:15 **Marion Buller**

And she had to give up a lot of her traditional ways, too, because of the decision to become enfranchised. And so it was, it was a difficult conversation to have, and I didn't realize that at the time that if he became enfranchised all of those sacrifices personally, that he made and the personal sacrifices that my grandma would have been of no consequence.

00:07:41 **Kerry Wright**

When you're absorbing the feeling of that, because obviously you know it's very complex for a young child, but are you, are you getting a sense that your grandfather and your family were doing something principled, even though it was difficult, or did you sense that this was survival. Do you remember what you were thinking?

00:08:05 **Marion Buller**

I'm trying to remember what I was told and it was really a combination of the two that he had no choice, that this was survival, but it was also principled in the sense that he knew what he had to do to look after his family, and it was to give up his identities.

00:08:26 **Kerry Wright**

Now, of course, we're always the sum of our experiences. What do you think that experience taught you, such that you carried that through your life?

00:08:39 **Marion Buller**

Well, it first and foremost, it taught me that the law is horribly unfair, discriminatory, oppressive and genocidal. That that's really what it taught me. With hindsight, what it also taught me was this whole experience taught me is that as much as the government tried and continues to try, you can't deny a person's blood.

00:09:11 **Marion Buller**

And that the government policies over the years to kill the Indian in the child quite blatantly has led to so much grief and so much suffering, so much trauma for Indigenous people across Canada that no wonder we're where we are because so many people haven't been able to be their true selves for generations.

00:09:36 **Kerry Wright**

Were you a child who had a natural fire in her belly? You know, something like that. You knew you were gonna act upon one day when you grew up? Or did it evolve because, you know, there's

a lot of people that experience trauma, although not to such a degree.

00:09:57 **Kerry Wright**

And sometimes people react in different ways, but you're a person that not only uses words, you act upon those words, which I really admire.

00:10:11 **Kerry Wright**

So I sense that if you say you're going to do something,

00:10:16 **Kerry Wright**

you're going to do it, and you'll probably finish it unless there's some extraordinary reason why you can't.

00:10:23 **Kerry Wright**

So that's not something you can teach someone in school. Of course. I mean, your education is another factor altogether. And obviously you have the background in the skills to create a noble life and a meaningful life. But that fire in your belly? Is it tangible? Is it something that you can describe? Is it something - that desire to right wrongs, to do justice, to make a difference, to be that one person?

00:11:01 **Marion Buller**

I can't say there was a turning point. I think it was incremental, overtime.

00:11:09 **Marion Buller**

Because growing up, you know, the more mature you become and the more you learn, the more your perspective changes and that was very much the case with me because my brother and I grew up in a neighborhood in Toronto

that was very what we call back, then multicultural. Not only were there, you know, our family, but we had two Japanese families, a German family. There was a Mohawk family not too far away. We had immigrants from the United Kingdom. We had people from the Caribbean.

00:11:48 **Marion Buller**

And so it was really a multicultural neighborhood and for a long time growing up as a kid, you're just one of the kids, right. You don't think of yourself as being any different. And unfortunately as you learn about racism and you're taught racism and and you see it in sexism, homophobia, transphobia, then your perspective changes.

00:12:08 **Marion Buller**

You learn all these isms or phobias. And so my perspective changed and you know it's just really subtle, subtle things over time. Like the expectation that you will fail, or you won't do well. I ran into that head-on in school a couple of times. I can remember two teachers in high school telling me to my face that I wasn't university material, you know, boy were they wrong. And I think inside I knew that at the time, and so I just set out to prove them wrong.

00:12:51 **Marion Buller**

And I think it's maybe not what you want to hear, but really what has kept me going and what drives me is I'm just plain stubborn and I think and I think-

00:13:03 **Kerry Wright**

Well, you know you.

00:13:06 **Kerry Wright**

You'll hear those interviews with celebrities, where they always said, you know, they told me I couldn't act. I'm gonna prove them wrong and. And. Yeah, of course you want. You want to do that because you know what you're made of.

00:13:19 **Marion Buller**

Exactly. And so it was incremental things like that. And then at one point, there were several little things and and I don't want to go into the minutia of of them all, but over time, I thought I was just like any of the other kids on the street and then over time I learned I wasn't. And then, you know, going off to university again, learning that I wasn't the same as all the other kids and then going on to law school and and learning a lot about the law and how it's it's, you know, worked against Indigenous people in so many different ways that you know it's an incremental process. I can't say that there was just one thing. It's an incremental process. Yeah.

00:14:05 **Kerry Wright**

No, no.

00:14:07 **Kerry Wright**

But I would assume that you know you were living in a cross cultural environment and you were playing with children of different races. You know, everyone had differences and.

00:14:21 **Kerry Wright**

Although you mentioned at some point that you were aware of those differences over time, I would imagine maybe more

so from the adults than from the children.

00:14:31 **Kerry Wright**

Did it also give you a better understanding did that experience make you more aware of how people are the same than different?

00:14:41 **Marion Buller**

I think it was a good beginning to understand how we're all the same. We, you know, we all our blood is all red and you know we all we all want to have a roof over our heads and food on the table. Yeah it certainly taught me that that there's a common humanity. And it's a shame that we lose that.

00:15:03 **Kerry Wright**

It is actually. It almost feels sometimes like we're conditioned.

00:15:10 **Kerry Wright**

But before we were conditioned, we were rather perfect.

00:15:15 **Marion Buller**

No, it's true, it's true. And now I I watch my grandkids growing up and they don't see race. They don't see hate, they they love everybody at the playground.

00:15:31 **Marion Buller**

And everybody loves them.

00:15:32 **Marion Buller**

At the playground, you know? Yeah.

00:15:37 **Kerry Wright**

I I think they did some study maybe 30 years ago where they were having

children play together. One group was Israeli and and some were Palestinian and they didn't know what identity of the other was. So they play together very well.

00:15:59 **Marion Buller**

Yeah. Yes, that study has been replicated many times over to show that racism, various other types of hate are learned or or taught behavior, not something innate within us.

00:16:15 **Kerry Wright**

And of course, it's not surprising, then, that you gravitated toward anthropology.

00:16:23 **Kerry Wright**

It almost seems really fitting because you know, especially when we have this crystal ball, we know where it was headed. And certainly if you're studying humanity and human behavior and in society, it's going to lend itself better to, not just the judicial system, but also preventative justice, because you're able to pull off those layers and understand why people act the way they do. What were your thoughts about your experience when studying anthropology?

00:17:04 **Marion Buller**

Well, I started off in anthropology primarily because my brother did. My older brother did and.

00:17:10 **Kerry Wright**

Were the two of you alike?

00:17:12 **Marion Buller**

In some ways, we're very much alike and in other ways we're polar opposites.

00:17:18 **Marion Buller**

And if he and if he ever watches this, my apologies. But he's probably nodding his head right now.

00:17:18 **Marion Buller**

OK, I get that.

00:17:33 **Kerry Wright**

No, but I can say the same of my own brother. So I got. I really do get that. Yeah.

00:17:37 **Marion Buller**

Yeah, I I can remember. He would bring home some of his textbooks and we would have conversations. And I think, wow, this is really interesting stuff. And I think, you know, you're you always look up to your older sibling or siblings as as role models as I did. And I still do with my brother.

00:17:55 **Marion Buller**

And I thought this is really fascinating stuff. And back then, and this is the 70s. Early 70s. The only way that you could learn about even your own Indigenous heritage was to study anthropology, which speaks volumes in of itself.

00:18:14 **Kerry Wright**

Ohh I didn't know that.

00:18:16 **Marion Buller**

Yes, because back then in the 70s we were not taught about residential schools, it just wasn't even part of the-

00:18:24 **Kerry Wright**

No, no.

00:18:25 **Marion Buller**

-curriculum, what we were taught about was the very Eurocentric history of Canada about the explorers coming over and discovering North America. And of course I can remember, just as in the side I can remember going home and talking to my grandfather and about Europeans discovering Canada and we were taught about the Indians in the noble savage, either noble savage, or the savage savage.

00:18:55 **Kerry Wright**

Yeah, I do remember having to memorize the 1492.

00:18:59 **Marion Buller**

Yeah, and.

00:19:01 **Kerry Wright**

And all of what you just described.

00:19:02 **Marion Buller**

And it's worse. Like it gets worse. But I could just remember talking to my grandpa about it. And he said, well, we weren't lost.

00:19:13 **Marion Buller**

But anyway, going back to anthropology for a moment, we weren't taught anything in school and in terms of our own cultures, again, that was something.

00:19:25 **Marion Buller**

Sort of in the backroom that you know, I guess the best way to describe is know who you are, but be careful who you tell.

And so we had to go to school to really learn about Indigenous history in Canada about various cultures, and even then it was very Eurocentric from the viewpoint of the explorers of the people who came to North America.

00:19:46 **Marion Buller**

But that was the only way to learn, because otherwise you know the as I said, the noble savage, the wild savage, the savage savage and.

00:19:54 **Marion Buller**

You know, wild Indigenous women who were wanton and, you know, the whole Pocahontas stereotype. So we were really stuck with the Disney view of indigeneity.

00:20:07 **Kerry Wright**

Yeah. Yeah, that's really interesting because I just made an assumption that, you know, your personality type would gravitate towards that kind of work. You were interested in that.

00:20:18 **Kerry Wright**

So thank you for educating me. It didn't occur to me that that was the only way you could understand and get what perhaps they have today as Indigenous studies.

00:20:29 **Marion Buller**

And even then it was done or we were learning about settlers who studied Indigenous people as though they were lab rats.

00:20:39 **Marion Buller**

To be honest with you, to watch human behavior in in almost the laboratory setting, so it it was very no I I can't say that as.

00:20:51 **Marion Buller**

It applied to all anthropologists because some were very caring individuals, but as a profession, as a way of looking at the world, it was very much I'm removed from you so I can be objective about judging your behaviour.

00:21:09 **Kerry Wright**

You must have been an old soul because a lot of us tend to live up to what we're told we are, or we tend to believe it because that's all we know. Even on a minor scale. So for you to be able to say, "No, I don't accept that I'm angry about that." I think I would be I would be livid. It just, it just makes me. Yeah, it just angers me so much and. How did you how do you contend with that kind of anger when you're living in a world where you're managing, you're trying to balance that angst inside with the civil discourse that is so necessary in order to thrive.

00:22:03 **Marion Buller**

I think it's a- you can you can look at a glass half empty, half, half full. You know that whole whole story. I'm. I'm a glass half full person and have been for a very long time because my parents said I had the best of both worlds.

00:22:21 **Kerry Wright**

Oh, that was a beautiful thing for them to say.

00:22:22 **Marion Buller**



Yeah, and. Yeah, rather than than and I realize I just said, you know, be proud of who you are. Be careful of, of who you tell. I grew up and still am believing that I have the best of both worlds. Some people say I've I've experienced the worst of both worlds. But you know, I'm I'm more of an optimist. I'm not an optimist, but more of a, you know, let's just get on with it and get the work done. Type of person. And so I I really grew up thinking being. We, you know, being Cree made me better than people who weren't Cree.

00:23:02 **Kerry Wright**

I love it.

00:23:05 **Marion Buller**

And that I was special and that I had this special gift of being Cree. And that's what my parents and my grandparents, my paternal grandparents, my great grandparents taught me. And then through certain extent on my mom's side, the the settler family. I remember my maternal grandmother calling me a beautiful Indian Princess.

00:23:28 **Marion Buller**

On the one hand, a bit of a backhanded compliment that, yes, beautiful Indian Princess, but you're not one of us.

00:23:35 **Kerry Wright**

No, I know you often speak of no more silence. No wonder it's one of the first things you say, because why would you want to be silent when you know the truth when you know the gifts that you offer the world when you know just how special you are, when you know how unique and really divine your culture is.

00:24:00 **Marion Buller**

Yeah. And you know it, it's the little things like I can remember experiences in court when I was a judge telling Indigenous people whether they were Cree, Inuit, Metis. You know, do you realize the strength and the beauty that you have inside of you?

00:24:20 **Marion Buller**

It isn't a weakness that you're Indigenous, it's a gift, and it's a strength that you're Indigenous. It's beauty within you and time and time again.

00:24:32 **Marion Buller**

I would get this sort of blank look. Deer in headlights look because this is the first time Indigenous people have been told by anybody, especially a person in a position of authority. You're a beautiful person because of your indigeneity.

00:24:49 **Kerry Wright**

Wow, they're lucky to have you as a judge because honestly, you know. Most people want to point a finger and wag it, but I feel, you know, that even if they considered themselves flawed, you are probably the person that could speak with them and allow them to understand how they could even turn that into their advantage to make it work for them and turn it and and turn that into a strength they can use to go forward.

00:25:19 **Marion Buller**

Oh yes, I used to say when I was a judge in First Nations court in Vancouver, it was the court that I started in. I used to say I wish I could take a photograph of a client as we called them

and still call them on the first day in First Nations Court and then on their last day in First Nations Court because the transformation was amazing. It was even a physical transformation rather than walking, you know, on the first day walking in scared and you know they're gonna beat me up type of attitude, and walking out proud and feeling as though they were a person of value.

00:25:59 **Kerry Wright**

Yes, and you know, going back to anthropology, that was reinforced what you already knew.

00:26:05 **Marion Buller**

Oh, very much so. And I can remember, towards the end that this would. This must have been mid-early to mid 1970s, talking with a professor at the University of Victoria where I was studying about how anthropology in and of itself was changing as a discipline.

00:26:25 **Marion Buller**

Because now I hate to say it. They were running out of other cultures to study, and now urban anthropology was becoming a new area and there was some pushback because that meant white people studying white people.

00:26:40 **Kerry Wright**

OK. OK. OK. Yeah, yeah.

00:26:45 **Marion Buller**

So as a discipline, as an area of study, it was starting to change just as I was leaving.

00:26:51 **Kerry Wright**

So, actually the timing again was good, probably no coincidence.

00:26:58 **Kerry Wright**

Now you mentioned at some point I believe that your interest in law happens with your first visit to a courtroom.

00:27:06 **Marion Buller**

Well, kind of I've always been interested in law and I had friends who were lawyers or in law school.

00:27:14 **Marion Buller**

And I thought, well, I could do that. And I was looking for a change. Yes, I had gone as far as I could in my area of work without a postgraduate degree.

00:27:24 **Marion Buller**

And I had to go to court as a as a witness, and at about the same time. And I thought, "Gee, this is kind of interesting." Yeah. And so I applied to the University of Victoria Law School and got in. And I guess the rest is history.

00:27:41 **Kerry Wright**

Yes, yes. And you know, even what you just said is telling because a lot of people would say, "Oh I did well in this in this career. I've reached a stage now that I'm happy and comfortable." And you're thinking, "OK, I'm comfortable. What's next?" So it sounds like you're a person that's always striving to do more, to do better or to grow.

00:28:04 **Kerry Wright**

Perhaps it's part of learning you you consider life as a lifelong learning process.

00:28:10 **Marion Buller**

Very much. I love to learn. I think one of the best parts of being a judge was every day I learned something new, yes.

00:28:18 **Marion Buller**

And some things I didn't really want to learn.

00:28:21 **Kerry Wright**

To yes, learn yes.

00:28:24 **Marion Buller**

But I learned something new, maybe more than one thing I learned every day, and I love to learn, and it doesn't matter the area I'm curious. I love to learn new stuff and challenge myself.

00:28:39 **Kerry Wright**

Well, at some point you might have been a walking encyclopedia.

00:28:43 **Kerry Wright**

Which begs the question, what's something that you wish you'd known before your appointment as a judge.

00:28:55 **Marion Buller**

I wish-

00:28:57 **Kerry Wright**

There's our mini cliffhanger question as we invite you to rejoin us for Part 2 of this episode. Marion Buller and I will continue our conversation and you can find out what she wishes she'd known

prior to becoming a judge. Honestly, I would never have guessed.

00:29:11 **Kerry Wright**

We'll also discuss why public servants are expected to do the right thing and why that's not always easy. What is Marion's headline test and how does she balance the trade-offs of being both a prominent public official and private citizen?

00:29:24 **Kerry Wright**

We'll explore what real access to justice means and share current trends in the Canadian courtroom and around the globe. We'll talk about Marion's role as Chief Commissioner of the National Inquiry for Missing and Murdered Indigenous Women and Girls from a historical perspective and what she sees for the future of Indigenous families in Canada on the road to renewal and we will pay homage to those who help pave those pathways with brilliance.

00:29:50 **Kerry Wright**

Those extraordinary public servants that leave us in awe, thank you so much for listening. Join us again soon, and in the meantime, take very good care. I'm Kerry Wright. Bye for now.

00:30:04 **Kerry Wright**

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