

Chapter 1 - 0:51

Introduction

John Erling: Marian Peter Opala was born January 20th, 1921 in Lodz, Poland. He had just enrolled in law school when Germany invaded his homeland in 1939. Fluent in English, he was drafted into the Polish underground and worked with the British Army on translation projects. He immigrated to the United States at the end of the war and was appointed to the Oklahoma State Supreme Court in 1978 where he served until his death on October 11th, 2010. The only foreign-born member of the Court, he remained a strong advocate of our First Amendment rights. The interview you are about to hear was recorded just four days before his death. It is presented in part by the Grace & Franklin Bernsen Foundation on VoicesofOklahoma.com.

Chapter 2 - 6:36

Opala Family

John Erling: My name is John Erling. Today's date is October 6, 2010.

Marian Opala: I am Marian Peter Opala. I was born January 20th, 1921. My present age is 89. Next January 20th I will be 90 years old.

JE: Marian, whom were you named after?

MO: I was named after a granduncle. Marian in Polish spelled M-A-R-I-A-N is the male equivalent of Maria. Maria is the female name, Marian is the masculine form of Maria.

JE: Did you have difficulty with that name here in the United States?

MO: (Laughter) Yes! I get letters addressed to Miss Marian Opala. Now when I write letters to people I don't know, I put in parentheses in front of my name "Mr." so they will know they are receiving a letter from a male. An immigration officer asked me, when I was applying for naturalization, "Don't you want to change that to Marion?" I didn't want to change

that, but I changed my middle name. My middle name is the Polish name for Peter and it's spelled P-I-O-T-R. I didn't think anybody would be able to pronounce it, so I changed my middle name from Piotr to Peter. So my name now is Marian Peter Opala.

JE: Where are we recording this interview?

MO: We are in the conference room of the Supreme Court in the State Capitol in Oklahoma City.

JE: Tell us where you were born.

MO: I was born in a city called in English Lodz, L-O-D-Z, Poland. It was at that time and still is today the second-largest city in Poland after Warsaw.

JE: What sort of a city was Lodz?

MO: It was an industrial city dominated by the textile industry. At that time it was called the Polish Manchester, because it was the second-largest textile center in Europe, second only to the English city of Manchester.

JE: So what was the population?

MO: At that time the population was 800,000. It is now upward of one million.

JE: Your mother's name and where she was born and where she grew up?

MO: My mother was Antonina, she was born in Lodz and she was the daughter of a textile manufacturer. And my father was Antony "Anthony". He was born in north central Poland. He comes from a land-owning family. He was a stranger to the city in which I was born until he married my mother.

JE: So both of your parents were Polish?

MO: Yes, both of my parents were Polish.

JE: What was your mother like? Can you describe her and tell us what kind of person she was?

MO: My mother was a product of a girls' school. At that time in her generation, girls in Poland were not sent to universities, they were sent to refinement schools where they learned social and business manners, learned how to entertain and learned some literature. My mother was a product of a girls' school, a pre-World War I girls' school.

JE: Tell us about your father.

MO: My father received very good education, but formally very little beyond a Polish gymnasium. Gymnasium was a European term that I believe they still use. It equals 12 years of high school, plus about 2-3 years of college. After completing the gymnasium education, you have to have a maturity exam and a maturity certificate to be anybody. That was the system all across Europe and still is, as modified, since World War II. If you blow the maturity exam, you are an uneducated European and that is true across France, Italy, Germany and Poland. Remember Poland, until it was gobbled up by the Soviets, belonged to Western Europe and always looked westward. So I was part of that educational system. I am a product of pre-World War II educational system and I got my maturity certificate the year war broke out.

JE: You called it maturity, that meaning it was an academic certificate?

MO: Yes. Actually, it was the entrance ticket to a university education.

JE: Your father was a banker?

MO: My father was a banker.

JE: Did you have brothers or sisters?

MO: I have one sister who died in the 1980s. She lived in Poland, communist Poland.

Chapter 3 - 4:46

Education

John Erling: Leading up to your elementary school, what was life like for you living in Lodz, Poland?

Marian Opala: Quite comfortable. Because my father was a banker I was in what the Poles call upper-middle class. Some might have included us in the upper class, but I don't think we belonged in the elite or upper classes. We were comfortable upper-middle class. It was quite nice, I was sent to a private high school.

JE: Elementary, was that private too?

MO: Yes. I'm a product of private Polish education from grade one. I'm very lucky because the educational level was extremely high and the quality of education was unbelievably good.

JE: So your elementary years were pleasant for you. You were a student who enjoyed learning?

MO: Very much. The children were divided by sex. I went to an all-male school and my sister went to an all-female school. Private education, which my sister and I were beneficiaries of, was not coeducational in Pre-World War II Poland.

JE: So you left elementary and you went on to junior high and high school and they were all segregated too, male and female?

MO: Right. Yes. (They were separate) all through the time you took the maturity exam. Universities were coeducational, but everything below university was segregated by sex.

JE: In high school, were you active socially? Tell us about your high school experience.

MO: My high school experience was very good. I was a good student and I was an intellectual I might say. Propensity toward intellectuality in pre-World War II Polish education would develop oh, I would say in the sixth grade. I was very much inclined toward intellectual learning and I enjoyed it.

JE: So you had good grades?

MO: Yes. I enjoyed extremely good grades, either A's or B+'s.

JE: You left high school in what year?

MO: I got my maturity certificate in June 1939, the year that World War II broke out.

JE: You entered college right out of high school?

MO: Yes, right after high school I entered college and I completed two semesters of law before the Germans closed the university.

JE: So you went from high school into college and you were already studying law, your studies began immediately?

MO: Right. I could do that because there was no undergraduate system. You went straight from passing your maturity exam into university education.

JE: What made you choose law?

MO: A very pragmatic consideration. My father owned a fairly small banking house. He had to pay lawyers exorbitant fees of which he complained constantly for needed legal advice. And I made a deal with him that I would study law and become his lawyer and I would also participate in banking. I would be part of his banking business and also provide him with free legal advice. (Laughter)

JE: This has to do with your height. You're short in stature. How tall are you?

MO: I am 5'4". When I was younger I tried to lie and say that I was 5'4 and .", but I am not. (Laughter)

JE: Were your parents of the same height?

MO: My mother was slightly shorter than I, but my father was at least 2 inches taller, probably 3 inches taller.

JE: Because of your height, that was not an issue when you were in school or high school or anything? Nobody talked about it?

MO: No, the population of Poland was not as tall as Americans are and definitely not as tall as Oklahomans are.

Chapter 4 - 6:49

Invasion of Poland

John Erling: So while you were a student in college in 1939, Germany invaded Poland and you were 18 years old.

Marian Opala: Correct. I was 18.

JE: The invasion of Poland was also known as the September Campaign or the 1939 Defensive War. It involved the invasion of Poland by Germany, also the Soviet Union and the small Slovak contingent that marked the start of World War II. Where were you when you realized an invasion was taking place?

MO: As it was the upper-middle class custom, I was enjoying summer vacation at the time immediately before the Germans marched into Poland. But I was lucky because railroads could not carry the loads of people returning from vacation to be at home in the face of

an immediate war. But I managed to get back to my hometown and so did my sister and mother. So when the war broke out on September 2 we were all in our home in Lodz.

JE: So you heard somehow that the invasion was about to take place?

MO: We were all in our home in Lodz.

JE: You had heard somehow that there was an invasion that was about to take place? You got an early warning?

MO: The Polish information system worked and we knew exactly on September 1 that Hitler had ordered a march into Poland, an invasion of Poland.

JE: So when the invasion took place on September 1st, 1939 you were at home. When did you feel the invasion itself, the German soldiers?

MO: Not until the German soldiers occupied my hometown which was either five or six days following the invasion.

JE: Did you see them coming down your street? Describe that for us.

MO: Yes. I saw them taking a hold in strategic places. I could see them from the window of our apartment.

JE: Talk to us about the fear and the feelings that you and your family had?

MO: We felt tremendous fear. It was a tremendous shock to our nervous system. None of us believed that this could happen. As a matter of fact, a week or two before the war started I had read the official order of the Polish Military. I read a very thorough article about a Colonel who said Poland could not last more than month. Because Germany was motorized completely, they could reach about every part of Poland in not more than a month in spite of the bad road system in Poland. So I showed it to my father and he said, "I wish I had known that three or four months ago. We would have sought entry visas to Sweden or someplace and I wouldn't be here sitting like a duck."

JE: Prior to the invasion you had heard about Adolf Hitler, he'd become Chancellor in 1933. I suppose while he was rising to power and the people are following him that the speculation was strong that they would move into other countries? Or did you think, no, whatever theories he has will remain in Germany?

MO: Polish people indulged themselves in some assumptions that proved wrong but at that time were believed to be perfect. That while the Brits and the French allowed Hitler to seize Czechoslovakia and allowed Hitler to seize Austria. They would never permit Poland to be seized peacefully. That they would either threaten a war and that would be enough for Hitler to refrain from attacking Poland, or they would immediately invade Germany and seize it as a military bastion. So Poland was placing absolute faith in the Brits and the French, but especially the Brits that they would not allow that to happen. Because that means a total repudiation of the Treaty of Versailles, and Britain was one of the chief signatories of the Treaty of Versailles. It just couldn't happen, Hitler would

be stopped, and that was the state of mind of the Polish population. The educated classes had full faith in the British, not so much in the French, but in the British.

JE: So, then when September 1st comes are you thinking certainly the British are going to bail us out of this?

MO: Of course people did not think this would last very long. They will attack from the west and will do it immediately before winter comes and free us from German occupation. Those rumors were rampant throughout Poland during that period.

JE: When that did not happen a week or two into this, you realize, I guess we are here all alone. Nobody is going to come and help us.

MO: We did not start believing it until about January 1940. We were still indulging in all kinds of speculation and unrealistic assumptions.

Chapter 5 - 3:43

Jewish Population

John Erling: What percentage of Lodz were Jewish people?

Marian Opala: My hometown was truly in three parts like the ancient Gaul of Julius Caesar, it was divided into three parts. There was a sizeable Jewish population many of whom were very prosperous people engaged in the textile industry one way or another, either as processors of raw material or weavers at weaving mills or producers or sellers, mostly to Manchester, England. Great Britain was the best market of the Lodz manufactured textiles. Out of the 20 percent of the Jewish population, we considered all the Polish-speaking Jews as Polish. It's the Yiddish-speaking Jews that statistically were not included into the Polish population because they spoke a foreign language and culturally they were estranged from the Poles. And I don't know what percentage of the 20 percent were Jews, we just considered them Jewish Poles. The part that wasn't Polish speaking, we called them Orthodox Jews. That was the division the Polish population made.

JE: So when the German soldiers invaded, did you see the way they treated Polish people? And I should also ask, did the Jews live in their own community? Or where you lived in Lodz was it a mixture of Poles and Jews?

MO: There was a Jewish ghetto section, a self-inflicted ghetto section because the Polish authorities did not require Jews to live in any particular part of town. But the Orthodox Jews who spoke only Yiddish preferred to live among the people that spoke their language. So there was a kind of self-created ghetto in Lodz even before the Germans came. We never used the word ghetto. We called it the Jewish section of town.

JE: When you use the word ghetto, that has a different meaning than the word that we use here in the United States.

MO: Yes.

JE: When we say ghetto, we mean it's in a very poor run-down part of the city. So what does ghetto mean in your community?

MO: Oh, ghetto in the European sense meant the part of the city inhabited only by Jews. That is the original meaning of that word that came into the western dictionary from Italy. Ghetto is an Italian word. It was used throughout Europe. When a European before WWII said "ghetto" that meant a part of town voluntarily settled and inhabited by Jewish people, an exclusively Jewish part of town.

Chapter 6 - 6:06

Resettlement

John Erling: Were you allowed to go outside and mingle around after the occupation had taken place?

Marian Opala: Yes, for a short time yes. But then the Germans started their resettlement for Poles. They would pick up whole parts of town, put people on a train and ship them eastward toward Warsaw and dump them there. We call that the forcible resettlement of Polish people. It started early, in the fall of 1939, I would say by November the Germans were shipping the Polish population out of town into the Polish part of pre-WWII Poland. Because they divided Poland between themselves and the Soviets, that's number one. But then the Germans divided the part of pre-WWII Poland into territories incorporated into Germany and territories left for Polish habitation. They named the incorporated territories as Germany and the territories still authorized for settlement by the Poles, were called General Government. They didn't want to use the word "Poland" so they called it the General Government Territories. Dr. Frank was the general governor of the territories. He was killed after the Trials at Nuremberg for atrocities committed in Poland during his reign. Dr. Hans Frank, he was a Bavarian.

JE: Were you and your family relocated?

MO: No, we missed the initial relocation, but we knew sooner or later we would be picked up and shipped so we left. By about January all members of my family—we didn't have official permits to go into the General Government, so we had to do it unofficially—just walk there instead of ride a train because we couldn't buy a ticket since we didn't have a resettlement certificate. But by January, all of us were in the Polish section of Warsaw.

JE: When you say family, beyond your mother and father, were there uncles and aunts or—?

MO: One uncle and one aunt on my father's side went with us.

JE: But not only the Poles were shipped and relocated, so were the Jews obviously.

MO: The Jews were not.

JE: No?

MO: The Jews were not being relocated. They were being moved into a ghetto. Now in this sense, the Germans used ghetto as a section of town to which the Jews would be forcibly resettled and forcibly confined. So here you have a WWII meaning of the same medieval word from Italy called ghetto.

JE: Did you hear about how the Jews were being treated by the Germans?

MO: Very badly. I knew that. I didn't see it, but it was all over the Polish section of Lodz that they were forcibly moved into the ghetto and they were prohibited from leaving the ghetto and the ghetto suffered from malnutrition. They didn't provide sufficient supplies of food even to those Jews who could afford it.

JE: Did you have Jewish friends?

MO: I had many Jewish friends. My father had Jewish customers, as well as social friends. Most of my father's customers warned us that next then would be the Poles. As they left, many of the well-to-do Jews left Lodz immediately after the Germans occupied it and went to the Polish General Government section and urged my father to also leave. He was a little more optimistic about the Germans, something that I was not. He did not expect or even imagine that the Germans would be completely uncivilized.

JE: Did you and your father have discussions and arguments about that?

MO: Well, sort of mildly. I was a dutiful son and would not argue with him, but I tried to convince him that he exaggerated Germany's intentions. Their intention was to destroy not only the Jews, but the Polish nation as well. Sooner or later he agreed with me.

Chapter 7 - 7:17

Resettlement Life

John Erling: So then you walked actually to the general government section?

Marian Opala: Yes.

JE: And how far was that?

MO: As I recall it wasn't very far from Lodz. I would say the border between General Government and the German Incorporated Poland was not more than maybe 50 miles, 40 to 50 miles.

JE: Was that the last time you saw your house, when you walked out that door?

MO: Correct.

JE: That had to be a real emotional time for you.

MO: It was very emotional. Very emotional and I was very young and I wasn't sure that it didn't have a lasting effect on my psyche. It probably did have a lasting effect on my psyche.

JE: What could you take with you?

MO: One briefcase.

JE: The only clothes were the ones on your back?

MO: Right. Since we didn't have a pass to the Polish occupied section we didn't want to appear to be moving. We feared that by having a heavy bag we would look suspicious to them and that's why I took only one briefcase.

JE: What was life like in the General Government section and how long were you there?

MO: I lived there through my conscription into the Polish Home Army, which you call the Polish Underground. I did not volunteer. I was drafted into the Polish Home Army. The Polish Military Resistance Movement was also called the Polish Home Army. English-written history says that that term did not come into being until 1942. However, I was drafted into the Polish Home Army in the forepart of 1940, so the Poles did use it even before that.

JE: So Home Army and Underground is the same thing?

MO: Correct.

JE: Back to the General Government section, how Spartan was that? What did you sleep in? The only clothes were the ones on your back. Talk to us about the life there.

MO: We were lucky because my father had a brother in Warsaw with an apartment. So we, for a short time moved in with him. He was a Warsaw resident before WWII and he had a connection and he secured a place for us to rent.

JE: I am trying to understand why the Germans wanted some of the Polish people to move over here near Warsaw out of Lodz? What was the purpose of that?

MO: As I view it today looking back, the Germans wanted to get rid of the Polish-speaking population of my hometown, but didn't have the wherewithal to pick them up and move them all at once. The railroads were not that efficient. There were too many Poles. So they resorted to limited forcible resettlement where they would pick a certain part of Poland, dispossess the Poles of their apartments or their homes put them on the train and ship them into the General Government region. But they couldn't do it regularly and all at once. So people like me, who anticipated being resettled sooner or later, did it surreptitiously. They wanted to encourage a voluntary movement that perhaps was not an unanticipated and not an un-encouraged movement of the population. Because I didn't see any great effort by the German Police or the German Military to stop the voluntary exodus of Polish people from Lodz into the General Government region.

JE: You are living in this apartment?

MO: Right.

JE: And you are in great fear?

MO: Yes.

JE: You are basically staying in that apartment I imagine or did you go out and about and visit with other people or were you allowed to?

MO: Yes, peaceful life was slowly returning but there were quite a few restrictions imposed on the civilian population. There was a lot of street police action. People would be picked up in the streets and shipped into concentration camps.

JE: Polish people?

MO: Polish people. Non-Jewish people.

JE: Because they were just out and about?

MO: It was, as I see it, part of the great terror that they wanted to inflict upon the population. They maybe felt that the uncertainty would discourage underground activity. It didn't. If anything, it fostered a spirit of resistance.

JE: It must have been tremendous. We talked about fear, but what about tremendous anger?

MO: Anger and fear both. Tremendous fear because if you left early in the morning to go to work, and there was some work for Poles, you didn't know if you would return home that evening.

JE: So then, your family and your father included, because he didn't have any banking business then-

MO: Right. He had reconnected with some of his friends in Warsaw, and was able to do something on a limited basis, very limited.

JE: Did you ever have a feeling of this is the end? This is the oldest that I am ever going to live? This is not going to go anywhere?

MO: Yes. I think that was not only my and my family's state of mind, but it was also the general state of mind. And by January of 1940, we gave up all hope. That was before the German invasion of France that came in May. In January we gave up all hope for being rescued by the western allies.

Chapter 8 - 4:34

Polish Underground

John Erling: You were drafted into the Home Army?

Marian Opala: I was drafted and that is something that was not emphasized anywhere in the books I have read that people did not join the Home Army. Many, I don't know the percentage, but I think nearly everybody that joined the Home Army beginning in January 1940 was a draftee.

JE: By that time you're 19 years old when you were drafted?

MO: Yes.

JE: When they were drafting you, how did they know where Marian Opala lives?

MO: I must tell you that to this day I have solved many problems that were unknown to me, and perplexing to me in connection to the Polish Underground, but I cannot tell you how they knew. They probably managed to seize some papers from the fleeing military department. I was subject to the draft. Had the war in Poland lasted another month and the Poles retained Lodz, I would have been drafted because I had finished the preparatory training to be an officer and I would have been entitled to the rank First Lieutenant, which, by the way I thought I would be entitled in the British Army, but they froze all promotions. (Laughter) So I was an enlisted man throughout World War II.

JE: How did you receive notice that you were being drafted? Did they come to your door?

MO: No, it was more complicated than that. I was in the street and a person whom I didn't know and could not have described, that's how the Polish Underground worked, slipped me a piece of paper—slipped a piece of paper into my outer coat pocket. I took it out and it was a draft card. And it told me that I would be from then on, from the date of receipt, I would be subject to orders, which I shall receive from time to time in various ways. The Polish Underground was unbelievably efficient, unbelievably conspiratorial. I still can hardly believe how efficient and how conspiratorial those people were. I marvel. I wake up at night in a sweat. If I had been seized by the Germans and beaten to death I couldn't have told them anything because I didn't know anything. I actually had no knowledge that could be betrayed to the Germans and could be of any value to them. I was in military operations with the Polish Underground with four or five people. I never knew their names. I could never have been able to describe them because they wore coverings on their faces. I couldn't tell you whether they were Poles or Russian or British because I never heard them speak to me. I didn't know whether they had Polish accents or foreign accents. I can't tell you anything. Here I am 60, 70 years almost later and I don't know a thing. Nobody ever told me. I consider the Polish Underground as the British did, to have been the most efficient resistance movement in Europe, much better than the French Resistance, much better than the Dutch Resistance and much better than any other independent, anti-German, anti-Nazi movement in Europe.

Chapter 9 - 4:20**Death Threat**

John Erling: What was your job?

Marian Opala: My job was to obey orders. From time to time I would receive an order to translate something. Those people knew what languages I spoke. Everything was secret. I couldn't tell my parents. I couldn't tell anybody. They would, more often than not, ask me to translate something into English, from Polish into English and of course I knew why, but they didn't tell me. For dispatches in the English language, they went from Poland to Great Britain and they didn't have enough people who spoke English, so they used whomever they had. They knew my knowledge of the English language but they never told me they knew it. They just gave me an order to translate. It's unbelievable, but they knew about me.

JE: Where did you learn English, in high school?

MO: I learned English in the last three years of Polish gymnasium, at the pre-university system school. It is probably incorrect to call it high school because it's high school plus probably about two to three years of college. I call it the European pre-university education, which is probably the best way to say it in American English.

JE: So you left your family, were drafted into the Polish Underground. Did you live in barracks then? You were separated from your family then?

MO: Oh no.

JE: No?

MO: No, Polish Underground lived where they always had lived, that's another beauty of it. Nobody would require them to live anywhere. You lived and pretended to be like anybody else. I couldn't tell my father and I couldn't tell my mother that I was a draftee of the Polish Home Army.

JE: But when you were gone during the day, they must have wondered, where's Marian?

MO: I don't think my mother and my father were that naïve. They probably did know. Because when I left Poland and I told them that I was leaving, they didn't ask me any questions.

JE: Maybe you were protecting your parents, that in the quietness of that apartment you could have told them, "I was drafted into the Underground" and you didn't. Was that because they then would never be able to say what you were doing? Was it for their protection or why wouldn't you have somehow told them?

MO: I will tell you openly, although it hurts me to do it. I was scared to tell them because I was told that if I violated any of the Underground directives I would be executed at night without as much as a warning that I had been sentenced to death. They didn't even warn you. And I know that people I suspected of being in the Underground were found dead in

Poland. I know of at least one execution of a Pole who was a member of the Polish Police and was betraying Jews to the Germans. I knew him and I know why he was assassinated in the streets of Warsaw in the early evening. Nobody ever found the person who assassinated him. He was doing that and I knew it, but I didn't know the Underground knew it. And he was rubbed out in plain daylight.

Chapter 10 - 4:11

Assassination

John Erling: With the Germans all around, where would you meet up with the Underground? Where would you go?

Marian Opala: My assignments as we called them, military assignments, the only two I had called for an assassination of traveling higher German Military condemned for atrocities both against Poles and Jews. I participated in two of those assassinations.

JE: To what degree did you participate?

MO: I had one of the guns that were aimed at them. We knew that the car stopped, so we were successful and all of the occupants of the cars were rubbed out, I knew that so both of them were successful. In rural Poland, apparently the Underground knew that they would be traveling from Point A to Point B and they told us to assemble. We would be doing that in sects of not more than three or four people to assassinate somebody, especially a German officer. I participated in two. All of my other assignments were peaceful and bloodless.

JE: So there were three or four of you then-

MO: Yes.

JE: And you knew the car would come to a certain stop?

MO: From what direction to what direction-and our job was to stop that car and make sure that everyone on that car was dead when we left. The getaway route was given to us and in both of my assassination assignments it proved to save my life because the Germans descended there within hours and combed large areas of the adjoining land for people who didn't belong there. In both cases I managed to escape thanks to obeying the withdrawal orders.

JE: So the German car would naturally stop there?

MO: No.

JE: And you would come up and stop the car? Why would a German stop for you?

MO: We aimed for the driver first.

JE: So you were standing on the side of the road and it was a natural stop anyway and then you would just shoot, fire away right away.

MO: Right. We would start shooting and then we would approach the car and make sure everybody was dead inside because we never knew and they never told us how many people would be in the car. They wouldn't give us the name of the person that they really intended to die, but we knew that one of those people was a high official.

JE: And they were there by themselves? No other cars or anything—they were there by themselves?

MO: Right, in both cases the high official's car was not escorted by other cars.

JE: So, you get out of there, was that a happy time that you were able to do that? I mean you were fighting the Germans. Officers in the Underground, did they compliment you? Did you get any recognition?

MO: Never. The most we got is with the next order they would refer to a successful action of such and such name. The action had a name, so and so operation.

JE: You were 19 years old.

MO: Yes.

JE: This had to be emotionally draining?

MO: Scared to death each inch of the way. Absolutely scared to death.

Chapter 11 - 7:09

Escape from Poland

John Erling: In 1941 you are 20 years old and that's when you escape Poland.

Marian Opala: Yes.

JE: Tell us how that escape took place and what it was you were intending to do, describe it.

MO: I received orders and a warning that details will come later that I was to leave Warsaw and leave the General Government territory and report to British authorities in Istanbul. The Polish name for Istanbul in Constantinople for Constantine the Great. (Laughter) The Poles never used the word Istanbul. They don't acknowledge that Constantinople is in Turkish lands. So I was told that I would have to report to British authorities in Constantinople. I still remember because as a Pole I never considered a reference to Constantinople to be strange (Laughter) because the Poles always called that city Constantinople. But nobody else in the world does it anymore.

JE: So your actual escape by vehicle and you go through Turkey—

MO: I walked. 90 days from the border of Poland was Slovakia. I escaped through Slovakia and ultimately Bulgaria and I pretended to be deaf and dumb. I was trained to (pretend to) be deaf and dumb. Because if I would have opened my mouth and said anything, I would have been instantly a suspect, so I was trained for at least weeks if not a month

to be deaf and dumb. Another thing that I owe the Polish Underground, it's unbelievable what those people did. Just as perfectly conspiratorial as they knew to be. They were perfect in preparing me for that journey. I didn't have anything. Everything was removed, labels from my clothes. I couldn't carry any pieces of paper. They knew everything. They must have had some real police experts in the Polish Underground. The Brits tell me that they had nothing to do with training the Polish Underground and I believe them because I thought they would try to claim credit for the efficiency of that organization. The attributed it all to native Polish skills. And I am still in awe of the skill they exhibited on me. They saved my life.

JE: You walked for 90 days and slept along the way?

MO: Yes.

JE: On the side of the road or what have you, and how did you always know your direction for getting out?

MO: Now let me reveal to you what still has not been officially revealed. The Brits had agents all over that part of the world. And I knew where to find those agents. I had no notes telling me how to find them. I had to memorize all addresses and methods of reaching those British agents. I couldn't talk to them. I doubt that they could speak any of the languages I spoke. But they knew what to do with me, how to help me, how to feed me and how to give me food. And they knew how to identify me, which is unbelievable.

JE: Would you make contact with an agent every day or were you on your own a lot?

MO: I would say every three or four days depending on where I was.

JE: So you would go without food many days?

MO: Yes, but I had food with me when I started and I was replenished. My supply was replenished, so really I cannot lie to you and say that I was ever hungry, real hungry or starved.

JE: So when you met up with a British agent, did you play the deaf dumb role all the way through? Or did you speak to those agents?

MO: No, they wouldn't let me.

JE: So for 90 days you did not speak to anybody?

MO: I didn't communicate.

JE: And they knew you were playing deaf and dumb?

MO: Oh yeah, they did. They did.

JE: You didn't have a compass, you are just walking and following roads then I suppose so you could find your way through?

MO: Right. You'll be shocked to know how many times before departing I heard in perfect English, "Good luck." That's all they ever spoke to me before we parted they would say, "Good luck." And I wouldn't answer. I just waved for a thank you.

JE: What was your mission then? You were to meet up with the British Army, but why were you chosen to walk 90 days?

MO: (Laughter) And how many people that they sent on a mission like mine.

JE: What was your mission and why were you chosen? Well, I think we know why you were chosen. You obviously were a language expert so that's why they chose you.

MO: You figured it out, it took me years to figure it out because the Brits never told me, and the Polish Commanding Officer never told me. Nobody told me why I was told to get out, but I figured it out the way you did. Because when I joined the Polish forces I knew there was a critical deficiency in the number of English-speaking Polish military personnel. And I attributed it to what you so intelligently and immediately guessed. They needed Polish military personnel, either officers or enlisted men who could speak to the Brits and I learned English as all Polish people did before WWII British English. I could understand and I still understand British English.

Chapter 12 - 4:24

Meet the British

John Erling: So in these 90 days, were you ever confronted by a Polish Army or by anybody along the way?

Marian Opala: No.

JE: Never ever were you confronted and questioned as to what you are doing out here and why?

MO: No, I was so fortunate. I was not stopped by anybody in authority between the border of Poland and Slovakia in the time it took me to arrive in Constantinople.

JE: Well that's amazing isn't it?

MO: Amazing.

JE: I mean you just plodded along and you made it to the British Army?

MO: I made it to the Turkish Bulgarian border because a British agent picked me up on the Bulgarian side. How he found me, I still don't know. But he commanded me in English to follow him in Istanbul. That was the first time that I learned that people call it Istanbul, because to me it was still Constantinople. Then he guided me across the border and took me to the Polish Embassy, British agents all the way. I could never have made it without them. The Polish Consul said, "We have been expecting you but you have to report immediately to the British Embassy."

JE: Then did they interrogate you? They wanted to know what's going on in Poland?

MO: Later, the military did that. Everything connected with debriefing me as they called it.

Debriefing me occurred by the military. They wanted to know exactly what you asked me. What kind of actions I participated in and how I left Poland and what kind of actions I knew the Polish Resistance Movement engaged in. I told them that I stood in awe of these people because their secrecy was unusually tight and almost unbelievable. They agreed with me, so I knew from that it didn't come from any debriefing they received from the British authority. Somebody in Poland must have created that. It's unbelievable.

JE: Was it a sense of relief that you could actually start talking to people?

MO: Yes, because I was unable to talk for a long time and I wasn't quite sure that with the end of the war I could talk. Because I was suspicious and I thought maybe the Polish Underground against the Soviets was using the same tactics so I was reluctant to tell.

JE: So you were debriefed, then did the British Army give you an assignment? What did you do?

MO: They just gave me various assignments, mostly assignments calling for utilization of my Polish language skills in the Middle East with Polish Jews in Palestine. There was no Israel at that time. There were Polish-speaking Jews in Palestine and they wanted to recruit as many of them into the British Army or the Palestine Military units in the British Army as they could and they used Polish-speaking people. They preferred Polish-speaking people who were Jewish, but they felt that Polish-speaking people who were not Jewish could also be effective and I was pretty effective. I secured some voluntary commitments of Polish-speaking Jews in Palestine.

Chapter 13 - 5:29

Only Survivor

John Erling: So all of this time, did you hear about the atrocities against the Jews at all?

Marian Opala: I knew about it when I left Poland. I was debriefed extensively by the British authorities—more so than the Polish military. The Polish military knew it but the British military did not believe the Polish people. That is now historically confirmed. That Jan Karski was a Polish diplomat and escaped ahead of me. He warned the Western allies that Jewish people were being killed en masse and that Jews were slated for genocide. Today, it is an historical fact that Polish escapees from wartime Poland were not believed about the atrocities against the Poles as well as the atrocities against the Jewish Poles.

JE: Your work with the British Army then was in language and translation and you completed that mission and then you served with Polish troops in Italy?

MO: I served in Italy. I also served in Ethiopia with the British after they took Ethiopia from the Italians, and I also served in Egypt. All of these were for a short time. Then I was

shipped to England, to Italy and then I was dropped in Poland after the Polish Uprising on August 1, 1944.

JE: You parachuted back into Poland?

MO: Yes, with three other Polish soldiers like myself.

JE: This was for the purpose of joining the Polish Underground?

MO: As I interpret it now, the British knew that the Russians would not cooperate. That the Russians actually willed the German defeat over the Polish Uprising and that the Uprising was doomed, they knew it, but the Poles were hoping. They sent for people for a token demonstration that England was with them, nothing more. Because every military expert when we were sent would have known that the Soviets would not permit British planes to land in Soviet-occupied Poland. They knew that the Soviets would not advance on Warsaw to rescue the Polish Uprising. They knew exactly what would happen, that the Russians would stop at the Vistula River, allow the Germans to annihilate all Poles who resisted and that's what happened. And my three companions must have been executed, because there was no trace of them. I was the only survivor of the four-person team that was dropped. I am sure they were dropped, they just could not be found. I couldn't find them and after WWII, I checked with the British sources and Polish sources and nobody could find a trace of those people.

JE: So you parachuted back into Poland. Tell us about the landing and whom did you make contact with and did somebody come up to you? What happened then? Because you just said that the three others weren't around.

MO: I am sure that the others probably fell into German-occupied territory because I barely fell into Polish-occupied territory. I was right on the borderline. It took me a little time to find the Polish fighters and when I told them the code word, they took me to their headquarters and they established me as a bona fide possessor of the right code word. They knew who I was. But I was lucky since the others didn't make it. They were probably dropped in the wrong place and somebody killed them, no doubt Germans before they examined them. And they no doubt like me wore British uniforms so they were not to be treated as guerillas. I was treated as a POW but it took some time before they classified me as a POW instead of a Polish guerilla.

Chapter 14 - 7:15

Hay Stacks

John Erling: But in that same year 1944 and you were 23, you were captured by the German forces in the Polish Uprising, how did that come about?

Marian Opala: I was with a group of the AK. AK means Home Army people, AK fighters, and

we had German prisoners. That probably saved our lives. Because they did not kill us, they did not shoot us, they took us to their headquarters and kept us as persons in a POW status. It took me two weeks to secure POW status. But by the end of the Uprising, all Home Army personnel by order of the army, were treated as POWs and not as guerillas. We still don't know what prompted the Germans and why Hitler did not resist, because we expected Hitler and the SS to resist that and treat us as rebels, as guerillas. So everybody captured in a uniform or wearing insignias of military status, as all of the Polish fighters did were treated as POWs.

JE: You were held in Flossenbürg?

MO: Yes I was held in Flossenbürg pending my confirmation of my status.

JE: That was a concentration camp?

MO: That was a plain murder camp.

JE: Murder camp.

MO: Genocide, yes lots of people died there. It was kind of between a penal concentration camp and true genocide. They worked you to death. They didn't put you into gas chambers, they had no gas chambers, but they worked you to death.

JE: That was both Jews and Poles?

MO: Jews were a small segment. Most people were non-Jewish prisoners from all over Europe, French, Czech and Dutch—all kinds of people. So I was extremely fortunate to get out of there.

JE: Because if they knew who you really were—

MO: (Laughter)

JE: Here you were posing as a British soldier, but your accent? I don't know if you picked up an English accent or what you did.

MO: I did not emphasize my Polishness, that's all I concealed. And they spoke to me in English.

JE: So when you spoke English you had an accent but it didn't dawn on them to think that you were Polish?

MO: Exactly.

JE: You lived that way in that concentration camp for the better part of 1944, then you were liberated by the U.S. Army in 1945?

MO: Correct.

JE: Tell us about that liberation.

MO: It's a most interesting story. The Germans knew the Russians were coming. They did not want to fall into the hands of the Russian Army. So they started marching all of us westward. They didn't want to be caught guarding us because that might be associated with some cruelties and maybe trials. They abandoned us at night. This happened in Sudetenland. We woke up and there was no one guarding us. It took us quite a while to

determine that the guards were gone. And at that point at least the Poles and the Brits were together. Our commanding officer was a British Colonel who was smart. He said, "Hide in haystacks." He spotted some haystacks and he hid all of us in haystacks. And the first time we heard American English spoken the decision had to be made whether and at what time we should identify ourselves and come out. The British Colonel orchestrated that. So he waited until those voices could be heard nearby and answered them in British English that here we have Polish and British POWs and we came out.

JE: Wow. I've got to say at this point you are emotional now as you tell us that. I can only imagine the emotion that you had when you came out and the Allied forces were there.

MO: We came out with our hands up because we didn't know what they would do. The Germans were tricky. At times they would pose as Allied soldiers. The British Colonel warned us. He said, "Come out with your arms up." And I had to translate that into Polish.

JE: You told others the same?

MO: Right because he was afraid that some of us would not have our arms up and that they might shoot. And he did it so adroitly. He was afraid that the others wouldn't understand him so we made sure we came out with our hands up. He didn't want to sacrifice a single life. And he was concerned which is good military training.

JE: Little did he know that he was preserving a Supreme Court Justice in Oklahoma.

MO: (Laughter) Yes.

JE: Just an amazing story, and your arms were up and their arms went down.

MO: Right.

JE: And it was a celebration.

MO: We couldn't eat. None of us could eat. We had diarrhea. We had been practically starved. A person who has been deprived of normal nutrition and begins eating normal food suffers from instant diarrhea. It took me four weeks before I could eat normally and have normal bowel movements.

Chapter 15 - 7:07

Visa

John Erling: You were liberated at that point. From those haystacks, you then were taken where?

Marian Opala: Well, they kept us for at least two weeks because the Brits didn't have enough people to take us north to Braunschweig which was a province of Germany occupied by the British Army. The English word for Braunschweig is Brunswick. So they took us to Brunswick by sending trucks to where we were in Sudetenland. About two weeks later I wound up in a British hospital in Brunswick.

JE: Why were you in the hospital?

MO: They had to subject us to medical examinations and help us with the diarrhea. They knew all of us suffered from diarrhea. And they wanted to observe us for detection of maybe diseases, infectious diseases. So they kept us under observation, we were isolated from others because they were afraid we might have some infectious diseases.

JE: You were 24 years old at this time and then you became a friend of Gene Warr who was a Captain in the 45th Infantry Division out of Oklahoma City.

MO: Right.

JE: Did you meet him in the hospital?

MO: I met him before I was in the hospital. He was a military police officer whose job was to guard us until the British arrived. He was a military police captain.

JE: And somehow the two of you hit it off?

MO: Yes, he befriended me and we became lifelong friends.

JE: So you told him there was no way, you could return to Poland after the communist takeover.

MO: Correct.

JE: What did he do to help you?

MO: He didn't do anything at first until I wrote him a letter. I told him that I was attracted by the British resettlement opportunities of Canada, New Zealand and Australia and I was thinking in terms of immigrating to Canada. Then he wired me and said, "I cannot sponsor you to the United States because I have no net worth, but my father does and he said that he would be happy to sponsor you for a visa to the U.S. if that's what you want." I wired him immediately that I would love to come to the U.S. and within 72 hours I received a visa. The American Consulate called me and said there was a visa waiting. I became suspicious. How does a man in Oklahoma obtain in Washington, D.C. a visa for little me in 72 hours? That secret did not unveil its answer to me until probably after 10 years after I arrived in Oklahoma. C.B. Warr, Gene Warr's father was a close friend of Mike Monroney.

JE: The Senator from Oklahoma.

MO: Yes, the Senator from Oklahoma, at that time he was a Congressman. And he told Mike about me and requested that he secure a visa for me. And here is another secret that Mike Monroney revealed to me 10 years later. He was a very close personal friend of Harry Truman. So the day he (Truman) became President he (Monroney) received a 24-hour pass to the White House. He could come or go at any time day or night. Harry Truman was so proud of his old friends that he gave each one of them a pass. And he just went to the White House after receiving Mr. Warr's request. He got a hold of the official who was a liaison with the State Department and said only that I should be

entitled to a preferential visa because I was in an Allied army during WWII. That was all that they released to him, my name and where I was in the army. That reached me immediately. And that forced me to think. I had \$843 to my name, that's all of the money that I had. And I wasn't sure that the British government would pay for my passage. I knew that there was resettlement legislation in parliament but I had no idea to what extent they would aide my resettlement. So I again go to my Commanding Officer, a British Lieutenant Colonel and I say, "Colonel, I don't know if I am entitled to passage, and if I am not, then I will have to use my money." And he said, "Well, I will find out." In two days he found out that I was entitled to free passage on any British ship whether it was privately owned or owned by the military, or whatever. So he helped me find a ship leaving Plymouth, in southern England in six or seven days. They agreed to take me and looked to the government for payment. It was a private ship under British registry. That was how I came. It docked in New Orleans, but in New Orleans the traveler's aide offered to pay for my train trip directly to Oklahoma City. They still had passenger connection in those days. So I came without spending a dime out of my \$843.

Chapter 16 - 5:35

Phone Call

John Erling: You came to Oklahoma City in what year?

Marian Opala: 1947.

JE: And you were 26 years old by that point?

MO: Right.

JE: Wow. I don't know what your faith is.

MO: I was a lifelong Catholic and only about five years ago or maybe three years ago I changed from a Roman Catholic to an English Catholic. I am now and Episcopalian, which, don't believe what they say, it means English Roman Catholic.

JE: But how your life was spared through all of that time, just to 1947 is truly an amazing story.

MO: It is. Thank you for saying that.

JE: Did you ever see your parents again?

MO: No. I called them from Amsterdam right after the end of WWII and they were reluctant to speak to me. They were behind the Iron Curtain. But I very directly asked my mother if they would immigrate to the U.S. My mother said, "No" and her reasons were sincere and very European. She said, "I cannot live in a country whose language I don't understand." That was a very European reaction. But I understood. I never spoke to my father. He was in bad health at that time. He died about three or four years after the end of the war.

I spoke to my sister who didn't want to leave Poland for the same reasons. But they were so guarded that I really could not speak freely with them. Holland was the only place in Europe from which you could call long distance into Poland and I was lucky that I somehow knew that. So I flew from OKC to Amsterdam and used a Dutch phone to call my parents' home. They were back in Lodz when I spoke to them.

JE: When was this?

MO: It was in 1947.

JE: Okay, so this is after the War then? After the War you weren't able to go back over and see them again?

MO: No, because I knew I would be killed. I was in the right-wing, anti-communist Polish armed forces. I was connected with the people who didn't return from England to Poland right after the end when the Soviet-Polish government called on us to return. The numbers are a bit hazy. The Brits say that at the end of WWII there were 200,000 Polish people in the British military. Well, I think that number is much too low. I think it was really about 650,000. Whatever the total number, only a very small part of those who were there were willing to return and the remainder were resettled by the British. Those who married British women or British men were allowed to stay in England. Those that were in the Air Force were allowed to stay in England, but everybody else had to be resettled. They opened Canada, New Zealand and Australia to the Poles.

JE: So you come to Oklahoma City, then you continued your schooling and you graduated from Oklahoma City University?

MO: Yes sir.

JE: And later you received a Master's from New York University Law School.

MO: Right.

JE: In 1953 at 32 years old you became a U.S. citizen. So from 1947 to 1953 was all of that time taken up with your schooling?

MO: Yes, from 1947 to 1953 it was all schooling.

JE: And then you became a U.S. citizen then and that had to be a moment that you remember to this very day.

MO: I was very lucky. Although, I didn't need to be a citizen when I was admitted to the Oklahoma Bar. I didn't realize that. I wanted to have my citizenship before my admission to the Bar thinking maybe I needed to be a citizen. It turned out that Oklahoma was the only state in the Union that did not require one to be a United States citizen to be part of the Bar. But I was. I got my citizenship about two months before I became a lawyer.

JE: You served as the Administrative Director of the Oklahoma State Court System for about nine years?

MO: Nine years, yes sir.

JE: And then in 1977 when you were 56 you became a Judge in what is now Oklahoma Workers Compensation Court.

MO: Yes.

Chapter 17 - 5:34

First Amendment

John Erling: And then we bring you to 1978, you were appointed to the Oklahoma Supreme Court's District 3 seat by Governor David Boren. And then the rest became history as far as your serving on our state Supreme Court.

MO: Right.

JE: You served as the Court's Chief Justice in 1991 and 1992 and have been retained by the voters through 2006, and your current term ends in 2012.

MO: Right.

JE: What about next selection?

MO: (Laughter) I am 89. If I should retain my good physical and mental health and stay for the next two years as an active Justice which I would love to do, I don't think, between us that I would want to extend that by seeking retention at 92. (Laughter) I would be 92.

JE: Well, because of the story you've been telling us, you've been a strong advocate for First Amendment rights.

MO: Yes.

JE: Let me just take it out. I have it out here, (removing paperwork) the First Amendment to the United States Constitution. The Amendment prohibits the making of any law respecting an establishment of religion impeding the free exercise of religion. So I am going to stop there. Let's talk about that and from your experience, tell us why this is so important.

MO: That is very important to me and I enjoyed it in my native land. All of Poland had absolute freedom of religion. I learned that in my native Poland. Luckily for me, I never distinguished between Roman Catholics and Protestants. That was not a known distinction in Poland. You were Christian. And because Catholics in Poland were in such a vast majority among Christians, they never restricted governmentally or the people privately, the right of anyone to worship as they wanted to. That was implanted into my mind when I was a kid. Poland was different because during the reformation and all of the years following reformation, the Catholics were always in the majority and they were always treated equally. Nobody feared Protestants because they were like any other Christians, the first Protestant seminary in Europe was sanctioned by the King of Poland

in the 15th century. In the 15th century the Baptists established their first seminary in Europe, in Poland.

JE: So with the invasion and the Germans there, your right to free exercise of religion was taken away.

MO: Right.

JE: The First Amendment goes on infringing on the freedom of speech, talk about that.

MO: That was also alive but not as well in pre-World War II Poland as it is in the U.S. There frequently would be morning papers delivered to my father's house with huge blanks in it and those were articles seized by the Polish censor and removed from that morning's issue. And I never liked that. I thought that government censorship of newspapers should not be allowed. So I was dedicated to complete freedom of speech all of my life.

JE: And freedom of the press so that's the next-

MO: And freedom of the press because the freedom of the press does not belong to the press. It is the freedom they exercise for the public. It doesn't belong to them. They exercise that and are entitled to exercise that for the benefit of the public to know.

JE: It was a right that was given to them that they exercised.

MO: So they hold that right in trust for the public.

JE: And the First Amendment goes on prohibiting interfering with the right to peaceably assemble. That was taken away from you as well?

MO: Exactly. It was a very important right to speak against the government peaceably, orderly and with due deference to public safety.

JE: And then it finishes by prohibiting the petitioning for governmental redress of grievances, our court system and all, and that was also removed. And here you become a Judge on a very important point of the First Amendment that you saw was taken away from your native Poland.

MO: Exactly. You're speaking for me. That is why I am so dedicated to the freedoms of the First Amendment.

Chapter 18 - 4:25

First Amendment Case

John Erling: Could you wrap that up for us? Students are going to be listening to this for many generations to come. Summarize as you would probably in a speech about what we have just gone over.

Marian Opala: I would rather give you my concurring opinion of yesterday. That I filed only yesterday. Let me tell you very briefly about the case. A young woman was admitted to

the Bar, she then was convicted in Oklahoma of a crime of bribing a witness in a criminal case, which is a felony. She lost her license to practice law upon conviction. Some years later, she was able to secure a Governor's pardon of the crime she was convicted. And following some more years, her license to practice law was restored to her. What we had under consideration was her request that all reference to her pardon and her conviction be expunged from the Bar file. The Unanimous Court said, "No, we won't do that." The Chief Justice wrote the Court's opinion. I had penned my own view agreeing with the Court. In that opinion, which was joined by one member of the Court, who, like me, joined both the Court's opinion and my opinion, I emphasized the importance of the public's right to know. I didn't even say a thing about the press, because I consider the press to be an agent of the public and still do. So if the public has the right to know, the press can speak for the public. She's a lawyer now and she wanted those entries with reference to her prior conviction expunged and I wrote separately to explain to her that those entries exist in the Bar file for the benefit of the public. Because we need a complete history of every person who is licensed to practice law to protect the public from lawyers who are unworthy of confidence. And there is no constitutional right that she can produce to support her claim for it being expunged.

JE: Would you please pick up here in paragraph 9?

MO: (Reading) "But both issues implicate the free speech clause of the First Amendment, a clause that gave birth to the constitutional public right to know. In this case, the knowledge sought to be withheld, is that of public facts dealing with a publically licensed practitioner. The law cannot and will not force the judicial service of government into any complicity to conceal public facts in its rightful possession." And then, in sum I say, "There is no constitutional right to support this petitioner's claim that her Bar record be expunged of entries that pertain to her pardoned criminal conviction. I hence concur in the court's opinion." Because the opinion did not deal with the constitutional aspects and I wanted that clearly shown, that the lawyer was without any modicum of the public right to have this expunged.

Chapter 19 - 4:23

Right or Left

John Erling: Since 1978 you have served our Oklahoma State Supreme Court. That's 32 years.

Marian Opala: Thirty-two years, yes sir. In a few weeks it will be 33 years.

JE: Can you over time talk about how the Court has changed?

MO: Yes I can. Yes sir. I came to a much more conservative court. And I myself, because I grew up in pre-World War II Poland, am basically a centrist. I despise the communist and

noncommunist left. It smells bad to me. I've always despised the communist and Marxist left. Yes, I am a human being. I want my government to help the hungry. And if I were again faced with The Great Depression, I would be glad to pay taxes to feed the hungry. That to me has nothing to do with the Marxist or non-Marxist left. It's common sense. Citizens should be fed. I am not to the right of the center because I always remember Adolf Hitler and his monstrous years of governing, cruel and monstrous. So I am seldom if ever an inch to the right. But I am a lawyer, and I am obedient to the law. So if the law is unduly to the left, or unduly to the right, for me as a person, I will obey it, but generally speaking, I will obey it like a soldier. I don't judge the law whether it is acceptably left or unacceptably left or acceptably to the right or unacceptably. I obey all law. That is that. And my Polish days that shaped my place in the political spectrum some 60 years later have really helped me because I am not given to any radical political thoughts. And I owe it to my World War II past and my pre-World War II past in Poland, I'm not given to it. So I saw the older court as a staple. Nowadays the younger people are more removed from the central thoughts of immediate post-World War II. At times, they have a tendency to be a little more than I am on the left. And other times I see a tendency, although less frequently, on the right, but not as right as I want to be. I'm always comfortable. I will not move the law either to the left or to the right. I'll stand where it is. I will obey that which is established and valid. So I never have a problem with other people's thinking. I stay with my own thoughts and that is my philosophy of law. It starts with obedience to all law that is valid and follow it, not only obey it, follow it. If change indeed is imminent or necessary, I will change it only as a method of improving the law's impact on public and private life.

Chapter 20 - 5:08

Court Decisions

John Erling: In 32 years in the Court, talk about some important decisions that came down from the Court that affected our state. Are there any that come to mind?

Marian Opala: Yes sir.

JE: What would that be?

MO: One especially—one I did not write, but a colleague of mine wrote it and I concurred, and I think it's the finest decision of the Court I sit on. A woman in the panhandle put up a sign on her property adjoining a public highway. A sign that was visible to the motorists traveling on that highway. It said: "Get us out of the UN." And I believe but the opinion doesn't include this, "Impeach Earl Warren". Certainly it was a right-wing American political sign. The Highway Commission did not like that sign and they went to Court

to make her take it down. A Judge in the panhandle whom I knew very well, she is now deceased, her son is practicing law in OKC said to the Highway Commission, "I can't do that. The woman that put up that sign has a First Amendment right to free speech and what she used is political. It's her right to political free speech which I am not allowed to curb." Our opinion by Justice Hargrave, a colleague of mine who has four weeks of seniority over me, we were appointed by the same governor said, "The local judge was right. He had no right to curb Mrs. Piles constitutional right of free political speech." And I am extremely proud of my vote for that opinion and I consider it the finest act I performed while a Justice.

JE: Wow. Yes.

MO: And I am not against the United Nations, nor against Chief Justice Earl Warren.

JE: Was there a decision handed down in the Court in all of your years, a major decision that you had disagreement with?

MO: Yes, and that was not too long ago. The Constitution of Oklahoma gives every governor the power to line item appropriations. Governor Henry line item vetoed a bill that didn't allow any money but told an agency of state government not to spend more out of its appropriation for this, that and that. The majority opinion of five said that was a constitutionally acceptable line item veto. Four of us said, "No." Another Justice and I both wrote, and my reasons for disagreeing very seriously with the Court was that the bill that the governor vetoes by line item never allowed a dime of appropriations. So I think that the majority stretched in a serious way the line item veto power of our governor. And I think courts sit to keep everybody, including themselves, strictly within the powers the Constitution gives them. I would be just as avid to curb our own power, as I would be to curb the power of other officials, including the chief executive Governor of Oklahoma. That's our job and that is the reason I am so disappointed that the majority allowed the line item veto to go beyond appropriations because that enlarges the governor's constitutional power beyond the words of the Constitution.

Chapter 21 - 7:26

Lawsuit

John Erling: Should any court be known as left or right?

Marian Opala: Yes sir. I think so. I think courts have a tendency to stray in political directions because politics affect us. Political thought affects us. I think that because of my background-I am uniquely insulated from that, from being too affected by the left and right. And I owe it solely to my background that predisposes me not to be on the left and

not to be on the right and it's an unusual background for an American judge. So I owe it not so much to myself, but to my background the fact that I don't tend to be on the left or on the right. I just go by the law as it is.

JE: That's the way all Justices should be.

MO: Ideally, yes sir. But I am uniquely predisposed to doing it.

JE: But it doesn't bother you the fact that they bring right or left?

MO: I am concerned. I am concerned when it occurs, when I can see it happen, but I am not troubled by it, because I think it's consistent with human action.

JE: Right. So then the question I asked earlier was, does it bother you that a Court is either left or right and I think you said it's understandable why it is?

MO: Yes. It's understandable why it is. Things of this sort should not occur. But they do and we need to deal with reality.

JE: Just one more here because this is so unusual. You got a lot of attention when you actually, and in this room probably, with all of the Justices here you wanted to serve again as a Chief Justice of our State Supreme Court. You had last served from 1991 to 1992. The other eight Justices changed the rules to allow Justice Joseph Watt to serve a second consecutive term succeeding himself, you would have been the next to serve. So you filed a lawsuit in federal district court charging your fellow Justices discriminated against you based on age, you were 83 years old at the time. The youngest Justice of the Court is 52 years old at the time. What was your point? You actually sued the other Justices.

MO: Yes sir. I brought a federal suit for what I considered to me improper removal of me from the line of succession and I backed it up by a federal constitutional right that once they put me in line of succession, I accrued a right in my place from which place I could not be removed except for misconduct, and that was mine. I won it before a federal judge specially assigned out of the State of Wyoming. He ruled in my favor and held that I had a claim. The 10th Circuit changed the issues tendered by the brief to say that my claim was not federally redressable. They didn't say I was wrong, but that a federal court could not give me any relief. Then, when I lost in the 10th Circuit, I went for a review by the U.S. Supreme Court, which is discretionary, they didn't have to grant it, or deny it. They had freedom to choose and they denied it. So nothing was decided by the federal court except the 10th Circuit didn't want to redress it. I felt strongly about it, because I wanted to curb the Justices' power to pluck people out of their due line of succession, and establish a line of succession to be Chief Justice which could not be tampered with except for misconduct. I think that in spite of the fact that I lost, I did succeed in making the Justices realize that it was not their best and finest hour. And only yesterday, one of the Justices, on their own, apologized to me for that Justice's part in plucking me out of the line of succession. It is still kind of a sensitive point with me, because I didn't think I

did anything to deserve that. But I sensed that it was prompted by the younger judges' anxious wish to be Chief Justice as soon as possible, and that gave them at least a two if not a four-year jump.

JE: And here we are October 6, 2010 and that case was in what year?

MO: It started it in 2005 and a final decision was not made by the U.S. Supreme Court, until December 2006.

JE: And you just said yesterday, in 2010 on October 5th, one of the Justices apologized to you?

MO: Yes, four years later.

JE: Was that just out of the clear blue or out of a conversation?

MO: Out of the clear blue.

JE: Out of the clear blue?

MO: Out of the clear blue. That Justice said that it was wrong to do it.

JE: You were quoted as saying you sued to establish a constitutional principle. There's no evil around that, a lawyer wanting to establish a constitutional principle.

MO: Yes.

JE: So when it's all said and done you accomplished something, even though it was denied you.

MO: Exactly, I was very pleased because it showed that by my conduct, by my staunch adherence to principles, I managed to establish awareness of something.

Chapter 22 - 7:30

Legacy

John Erling: You are 89 years old.

Marian Opala: Yes sir.

JE: Tell us about your daily schedule.

MO: Well, like all older people, I go to rest in bed earlier than younger people. I go to bed at 7pm or 7:30pm, seldom later. And I cannot sleep more than six to seven hours a day so I am nearly always up at 3 or 4 in the morning and that's when I drink my only cup of coffee during the day. After that I slowly prepare myself to leave for work. I am in my office every day not later than 7am about an hour before my people arrive. At that point I give them work for the day or part of the day and start my working day. They arrive at 8 am and I arrive at 7am. I have a full hour to think by myself what should be done that day.

JE: And you are also at this point still teaching classes?

MO: Yes, I teach at the University of Oklahoma during the spring semester and the University of Tulsa during the fall semester. I am teaching now and I have two more classes.

JE: Some words here as you look back on your life. A comment on maybe how you would like

to be remembered? I would guess you would have to say, I'll use the phrase—you have led a blessed life?

MO: It was—it is a blessed life. I want to be remembered as a servant of the law, as somebody who took law seriously and tried to apply it as correctly as my mind was capable of doing without bias or prejudice to everybody. If I cannot be unbiased and unprejudiced, I, on my own, stay out of a lawsuit by disqualifying myself. I have done that many times before anybody ever asked me to disqualify myself if I felt that I was too close to a party or too close to an issue.

JE: For students listening or law students, what kind of advice do you have to offer them? They too want to serve the law, what is your comment to them?

MO: Commit yourself to dispassionate judging. Don't put your own views into it. Try to apply an unvarnished rule of law. That is my advice. And, divorce your ego and your own thoughts in weighing the principles of law.

JE: None of the current generation can really fully appreciate the rights of the First Amendment like you can.

MO: Absolutely, because I have lived through years when I was totally deprived of those rights. I never lived, Thank God, in Stalin's Russia. But I did live in Hitler's Germany where the right of free expression did not exist. And I lived at least 19 years in the Republic of Poland where the right of free expression was somewhat curbed. So I experienced the lack of that right on my own and I don't want to ever be deprived of its full swing again. Not just for myself, but for all other people because the right is so important both to the governors and to the governed. If people don't have a right of free criticism of government, they tend to wage revolutions. But if you give people absolute freedom to criticize all of the government, including judges, and we have, our opinions are not sacrosanct. Any human being is absolutely secure in criticizing the U.S. Supreme Court opinions, the opinions of the Supreme Court of Oklahoma any way they want to. Nobody can put them in jail for that. And therein lies the security of our governments, federal and state, in our willingness to give unlimited freedom to criticize the governors by the governed.

JE: And in 2010, we just can't take for granted that these rights are going to be extended to us forever and ever and ever.

MO: Absolutely not. We should be vigilant, because nobody can assure anybody that they will be retained.

JE: And you are a man of faith. You give thanks to God every day probably for what He has done and the protection that He gave you in this story that you are telling us. Your life could have been snuffed out many, many, many times.

MO: You are right. I am a believer. I am. You sensed it correctly.

JE: Yes.

MO: I don't wear it on my sleeves. You'll never hear me refer to faith. I don't preach to people. I rely on my story and example, the way I live. Because by virtue of my upbringing, I cannot be too vocal about my religious beliefs, it's contrary to my upbringing. You just live it.

JE: Well, thank you Justice Opala for telling us this story.

MO: Well, thank you sir.

JE: Telling us this story, emotionally, it probably drained you today to tell it. But now it's captured here forever and ever and I appreciate your time very much.

MO: Well thank you for interviewing me and for caring about those precious things in our constitutional system.

Chapter 23 - :20

Conclusion

John Erling: You have just heard the fascinating story of Marian Peter Opala, an Oklahoman who made a major difference in our state. Justice Opala's life will continue to influence others as you share this story with friends and family. For more information, consult our For Further Reading section. These interviews are made possible by the generous donations of our underwriters referenced under Our Sponsors. Thank you for listening to this remarkable story on VoicesofOklahoma.com.