# Vera Institute of Justice

# Criminal Justice Issues and Prisoners' Rights

# https://www.vera.org/blog/dispatches-from-germany/can-we-learn-from-our-past

# Public Facing Advocacy Writing

There were trees and grass everywhere. The sun was shining. You could hear the wind rustle through the leavesthats how quiet it was. There was solemn in the quiet, forcing me to be with my own thoughts.

I wasnt walking through a parkthis was a former Nazi-operated concentration camp, later converted into a prison, then to a memorial and museum.

Just on the outskirts of bustling Hamburg, Germany, Neuengamme concentration camp was a place of unspeakable horrors 80 years ago. Walking up to the front gate, the first thing I saw at the camp entrance was a sign that said:

Built in 1940/41 the camp entrance signaled to the prisoners from the moment they passed through it, that they were stripped of all human dignity and the right to self-determination.

The people imprisoned there were, effectively, deemed to no longer be human. And here I was, 80 years later, standing in the place they once stood. It was jarring.

Walking through the compound, I learned Neuengamme was a work camp differentiated from a death camp because the mission was extermination through work." Over 50,000 people were murdered at Neuengamme.

I also learned that many of the former camps prisoners were arrested and brought there by the Nazis through preventative custody orders. Preventative custody gave the state the power to imprison people without a hearing who had been accused of three crimes in the past in order to prevent future crimes. Imprisoned people were forced to work in extreme conditionswith little-to-no food or waterto produce bricks and weapons used by the Nazis. The solitary confinement cells isolated those who dared to resist their Nazi captors. The solitary confinement building was positioned next to the crematorium where thousands of peoples bodies were incinerated.

It all became a haunting reminder of things back home in the United States.

In the U.S., incarcerated people in most states are forced to work in fields and factories for little or no pay. Solitary confinement is used to further isolate and dehumanize those in prison. States such as California still have three-strikes laws, and protective custody orders are used inside facilities to send someone to solitary confinement for their own protection. And finally, 31 out of 50 states still use the death penalty.

While the parallels were striking, the contrasts between how our two countries grappled with their histories to create their present weighed heavy on my heart and conscience.

After World War II, Neuengamme concentration camp was turned into a prison. From 1950 to 2004, two prisons operated there until advocatesmany of them survivors of the Holocaustsuccessfully lobbied to have it closed and turned into a memorial and museum. Today, this place so clearly memorializes and acknowledges what happened, and calls on the city, state, and country to acknowledge it too.

But this kind of memorialization isnt just found in former concentration camps. Everywhere in Germany, you are constantly reminded of the horrors and the impact of the Holocaust. Brass markerscalled Stolperstein, or "stumbling stones"are found all over the country, memorializing the countless lives lost by the Holocaust. They remind Germans going about their everyday lives of this history and that it cannot ever happen again. As a person whose ancestors are Jews, it was extraordinary to experience. The history of my ancestors was visible, and thats a privilege.

This large-scale truth-telling effort around the Holocaust is so visible in Germany in a way that does not exist in the U.S. There isnt a collective consciousness and memorialization in the U.S. for the indigenous people who were murdered by European colonialists or for the African people who were kidnapped and enslaved. The Equal Justice Initiatives National Memorial for Peace and Justice is an incredibly important step in this right direction. But as a country, we have buried our tragic history of racial oppression and violence and its connection to the modern-day U.S. prison system. And that is no accident.

The 13th amendment to the U.S. Constitution abolishes slavery and involuntary servitude except as punishment for a crimea loophole that has continued the wide-scale persecution of black and brown people through the criminal justice system. The result is a U.S. prison system designed to warehouse and dehumanize people. From the length of sentences to the deplorable conditions inside correctional facilities, and from forced labor to the death penalty, U.S. prisons are defined by punishment and retribution.

In contrast, the German Constitution post-World War II stipulates that human dignity is inviolablelegally binding every officer of the state to respect and protect it. As a result, Germany has no death penalty. Life sentences do not actually last a lifetime as they do in the U.S.they last 15 years. And decisions made within the prison are shaped by a need to protect the dignity of all people living and working inside. Privacy is a right. The spaces are designed to look and feel like the outside community as much as possible. In Germany, the

punishment is that ones freedom is taken away, and nothing else.

We tried to explain to our German colleagues the American affair with mass incarceration and its link to genocide and slavery. We said, Imagine if you were to walk into one of your prisons today 80 years after the Holocaust and saw that 70 percent of the people in prison were Jews. What would that be like?

They responded, That would be unthinkable.

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