

Prisoner B-3087¹

Reviewed by *Major Paul M. Shea**

I. Introduction

Prisoner B-3087 is a young-adult novel based on Polish-American Jack Gruener's real-life experiences; taking the reader from the German invasion of Poland in 1939 to the Allied conquest of Germany in 1945. Yanek, a young Jewish boy from Krakow, serves as the narrator. Only ten years old when the invasion begins, he transitions to adulthood, while enduring the full gamut of Nazi oppression: mass segregation, involuntary deportation, forced labor, and ultimately genocidal liquidation.

With only 260 pages of text to consume, fast readers should be able to finish the book in a single sitting. One looking for an exhaustive account of the Holocaust, the German occupation of Poland, or the development of modern international law should look elsewhere. This novel offers minimal historical context or social commentary. It offers no conjecture as to the underlying causes of these events. This is simply the story of one young man caught in the maelstrom of world events.

However, sometimes less is more. The book has particular value for new and prospective judge advocates or military paralegals who want to familiarize themselves with international law and the law of military operations. Yanek's ordeal foreshadows the development of the Geneva Conventions in 1949 as well as several prominent war crime trials. The story serves as an introduction to several relevant topics, such as the treatment of civilians in occupied territories, post-conflict justice, and the modern evolution of international law. It will prove a useful professional development tool showing how strategic, operational, and tactical decisions affect people at the ground level.

II. The Human Element

Joseph Stalin allegedly said, "A single death is a tragedy, a million deaths is a statistic."² As callous as it sounds, the statement contains a ring of truth; the greater the scale of the atrocity, the more difficult it is to comprehend. World War II and the Holocaust, with their millions of casualties, exemplify this difficulty. By keeping the focus on Yanek's personal odyssey, *Prisoner B-3087* gives readers

a relatable young man to guide them through a world of incomprehensible cruelty.

The book has no extended prologue or ominous foreshadowing. At the beginning of the war, Yanek is an ordinary child in a nondescript family. The scenes in the first pages could take place in any household throughout the world. While the family fears the Nazi's blatant antisemitism, they have faith in the Polish Army and other Allied forces.³ They are shocked when Krakow falls so quickly,⁴ and must rapidly adjust to living with an occupied force that grows increasingly hostile towards them.

Yanek's firsthand account of suffering reminds readers of the human cost of Germany's political actions. His survival throughout this ordeal is a testament to his admirable fortitude, and to happenstance. He admits that "you could play the game perfectly and still lose."⁵ For every example of survival through physical strength, cunning, or sheer will, there is a narrow escape attributable to seeming trivialities like arriving home late⁶ or getting into a particular train car.⁷ One wonders what stories other victims might have told if fate had shifted differently for them.

Military lawyers and paralegals should pay particular attention to Yanek's account. Modern legal training emphasizes an almost mathematical analysis and application of the law to foster consistency and equity. However, to truly appreciate the statutes and treaties which they analyze, legal professionals must understand the events that impelled their creation in the first place. *Prisoner B-3087* has great value when read in conjunction with such primary sources and related detailed treatises.

III. Occupation

For the Jews of Krakow, hope of maintaining even a semblance of a normal life after the invasion dissipates quickly.⁸ Within weeks, the Germans bar Jews from public spaces like libraries, parks, and theatres.⁹ Schools expel

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¹ ALAN GRATZ, *PRISONER B-3087* (2013).

² Anne Freemantle, *Unwritten Pages at the End of the Diary*, N.Y. TIMES BOOK REVIEW, Sept. 28, 1958, at 3. *But see* RALPH KEYES, THE QUOTE VERIFIER 41 (2007) ("[V]arious versions of this cynical observation are typically attributed to Stalin . . . No [direct] source is usually given, however, presumably because none exists."). *Id.*

³ GRATZ, *supra* note 1, at 3.

⁴ *Id.* at 5.

⁵ *Id.* at 129.

⁶ *Id.* at 56.

⁷ *Id.* at 233.

⁸ *Id.* at 10.

⁹ *Id.*

Jewish children.¹⁰ Curfews are instituted and lethally enforced.¹¹ While this maltreatment is bad enough, it is only the beginning. A little over a year later, all Jews are moved into a single neighborhood and walled in.¹² Yanek's family endures the overcrowding, overbearing restrictions, and widespread food shortages as best it can.

The family's resolve and bond both break in 1942, as the Germans begin to send thousands of Jews to "resettlement camps."¹³ At first, they seek "volunteers" through the Judenrat,¹⁴ elder Jews serving as intermediaries between the Nazis and Jewish Communities, but they soon resort to pulling people off the street arbitrarily.¹⁵ One day Yanek returns home to find his parents missing.¹⁶ He never sees or hears from them again. Shortly thereafter, he is sent to Plaszow Concentration Camp to work as a tailor.¹⁷

A pattern quickly emerges when reading this work in conjunction with Geneva Convention IV.¹⁸ The abuse that Yanek, his family, and the Jews of Krakow experienced parallels much of the conduct that Geneva Convention IV would expressly forbid less than a decade later. The general disenfranchisement of any group based on arbitrary qualities such as race or religion would henceforth be forbidden.¹⁹ Denial of access to education would also be expressly prohibited.²⁰ Perhaps most importantly, forced deportations were banned,²¹ and forced labor was severely restricted.²² All of this was done in the hopes of sparing future inhabitants of occupied lands from the abuse that so many endured during World War II.

IV. Internment

Yanek spends the remainder of the war as a prisoner. While he initially reports to Plaszow, shifting German

¹⁰ *Id.* at 8.

¹¹ *Id.* at 12.

¹² *Id.* at 14.

¹³ *Id.* at 38.

¹⁴ *Id.* at 39.

¹⁵ *Id.* at 56.

¹⁶ *Id.* at 58.

¹⁷ *Id.* at 62.

¹⁸ Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287, T.I.A.S. No. 3365 [hereinafter GC IV].

¹⁹ *Id.* at art. 27.

²⁰ *Id.* at art. 50.

²¹ *Id.* at art. 49.

²² *Id.* at art. 51.

wartime requirements and steady allied advances prompt repeated transfers. Before his liberation from Dachau in 1945, he spends time at ten different concentration camps, including Auschwitz, Buchenwald, and Birkenau (where he receives the identification tattoo that also serves as the book's title).²³

Yanek's point of view sheds light on the daily realities of life in a concentration camp; barracks overflowing with people, backbreaking work, little to no food, and sadistic overseers. Death looms over the camp like a fog—in some cases quite literally.²⁴ Each day he watches as fellow inmates are selected for liquidation,²⁵ killed in arbitrary punishments,²⁶ or perish from disease or exhaustion;²⁷ he is acutely aware that his own time could come at any moment, without warning.

Once again, the parallels between German conduct and later restrictions of Geneva Convention IV are obvious and not coincidental. Article 32,²⁸ for example, prohibits murder, corporal punishment, and medical experiments; all of which were routine at Auschwitz and elsewhere. The minimal internment standards put into place by the Convention²⁹ sought to avoid the hazardous squalor which Yanek and his fellow captives endured. Collective punishment, used by the Germans to destroy prisoner morale and discourage mass uprisings,³⁰ was also banned.³¹

V. Post-Conflict Justice

Throughout his trials, Yanek resolves to survive, knowing that he must stay (relatively) healthy and appear stout enough to continue working. Ironically, by surviving for so long, this teenager effectively becomes an *old-timer* among other inmates. His longevity also allows him to meet a variety of figures, both generic and distinctive, representing various facets of the Holocaust.

Conventional wisdom tends to paint the World War II era in primary colors, eschewing shades of grey. So it is noteworthy when a condensed young-adult novel addresses the complexities of the era head-on. *Prisoner B-3087* introduces various supporting characters reflecting the often

²³ GRATZ, *supra* note 1, at 131.

²⁴ *Id.* at 148.

²⁵ *Id.* at 150.

²⁶ *Id.* at 110.

²⁷ *Id.* at 240.

²⁸ GC IV, *supra* note 28, at art. 32.

²⁹ *See id.*, Part III, Section IV, Chapter II.

³⁰ GRATZ, *supra* note 1, at 111.

³¹ GC IV, *supra* note 28, at art. 33.

incongruous behavior among occupied communities throughout World War II. Members of the aforementioned Judenrat are viewed as traitorous collaborators. Sadistic Kapos, fellow camp inmates placed in supervisory roles,³² dish out physical and psychological abuse. Some Kapos would later be tried in Israel for their wartime actions.³³ Perhaps worst of all, prisoners lament the futility of escape, fearing that Gentile Poles will turn them in or even kill them.³⁴

Despite his best efforts, Yanek also crosses paths with four historic Nazi figures: Joseph Mengele,³⁵ the physician infamous for human experimentation at Auschwitz Concentration Camp; Amon Goethe,³⁶ the sadistic commander of Plazow Concentration Camp, best known today as the main antagonist in the film *Schindler's List*;³⁷ Karl Otto Koch,³⁸ the commander of Buchenwald Concentration Camp; and Koch's wife Ilse. Curious readers should research the unique ways in which each of these figures was taken to task (or not) for their respective crimes against humanity. This comparative analysis speaks to various methods of post-conflict justice.

Joseph Mengele spent several years in post-war Germany as a wanted fugitive. He eventually fled to Argentina.³⁹ After becoming aware of his reputed whereabouts, West Germany requested extradition in 1960.⁴⁰ Mengele then travelled to various Latin American nations, staying one step ahead of the hangman's noose. He died of a stroke in 1979 after evading justice for over three decades.⁴¹

Amon Goethe eventually had to answer to his former victims. He appeared before the Supreme National Tribunal of Poland in 1946.⁴² He argued unpersuasively that he merely carried out the orders of his superiors and that his actions were within acceptable limits of command disciplinary discretion. The Tribunal convicted him of well

over ten thousand counts of murder. He was executed on September 13, 1946.⁴³

Jack Gruener's actual encounters with Mengele and Goethe inspired Yanek's experiences in the novel.⁴⁴ In contrast, Yanek's interactions with Karl Otto and Ilse Koch result from artistic license.⁴⁵ When Jack Gruener arrived in Buchenwald in 1945, the Kochs had already moved on; the reason why is fascinating.

Karl Otto Koch served as the Buchenwald Commandant from 1937-1941. During that time he and his wife pilfered vast amounts of money and valuables from camp inmates.⁴⁶ In 1943, after a long investigation, the German military charged him with various crimes including embezzlement and incitement to murder. He was executed in 1945, shortly before the Allied conquest of Germany.⁴⁷ Strange as it may seem, Koch stands as an example of internal German discipline against an abusive officer during World War II.

His wife Ilse, who also worked at the camp, evaded a German conviction. However, in 1947, an Allied tribunal sentenced the "Queen of Buchenwald" to life imprisonment.⁴⁸ In 1949, General Lucius Clay, the United States Military Governor for Germany, commuted her sentence to time served.⁴⁹ His decision was very controversial, but he argued that her crimes were largely against the German people, so it would be more appropriate for them to take action.⁵⁰ They agreed. West Germany took her into custody and sentenced her to life imprisonment.⁵¹

The divergent paths taken by these war criminals hint at questions that continue to vex international law scholars today. How do we properly dispense post-conflict justice? Who can be trusted to be a fair arbiter; the conqueror (the United States), the vanquished (West Germany), the oppressed (Poland), or an international tribunal? How do we avoid the appearance of "victor's justice," rigged trials, or "kangaroo courts"? Does the political need to reconcile and move forward trump the victims' interest in retribution? Yanek's testimonial speaks to the need for justice. But in some cases the pursuit of justice may prolong a conflict,

³² GRATZ, *supra* note 1, at 65.

³³ See, e.g., Orna Ben-Naftali & Yogev Tuval, *Punishing International Crimes Committed by the Persecuted, The Kapo Trials in Israel (1950s-1960s)*, J. INT'L CRIM. JUST. 4:1, 128 (2006).

³⁴ GRATZ, *supra* note 1, at 117.

³⁵ *Id.* at 150.

³⁶ *Id.* at 71.

³⁷ SCHINDLER'S LIST (Universal Pictures 1993).

³⁸ GRATZ, *supra* note 1, at 205.

³⁹ *Joseph Mengele*, U.S. HOLOCAUST MEMORIAL MUSEUM, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10007060> (last visited Nov. 1, 2015).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Amon Goethe*, OSKAR SCHINDLER, <http://www.oskarschindler.com/12.htm> (last visited Nov. 1, 2015).

⁴³ *Id.*

⁴⁴ GRATZ, *supra* note 1, at 258.

⁴⁵ The author notes in the Afterword that he took some liberties with time and location "to paint a fuller and more representative picture." *Id.*

⁴⁶ DAVID A. HACKETT, THE BUCHENWALD REPORT 339-41 (1995).

⁴⁷ *Id.*

⁴⁸ Hal Boyle, *Cruel 'Queen of Buchenwald' Given a Permanent Address*, MILWAUKEE J., Aug. 14, 1947, at 2.

⁴⁹ JEAN EDWARD SMITH, LUCIUS CLAY—AN AMERICAN LIFE 301 (2014).

⁵⁰ *Id.*

⁵¹ *Id.*

creating even more victims. Perhaps such difficulties lend credence to the emerging notion of preventative, humanitarian intervention, but this solution leads to other debates over state sovereignty and selective enforcement.⁵²

VI. Conclusion

General William Tecumseh Sherman once said “war is cruelty and you cannot refine it.”⁵³ Even today, some Soldiers, policymakers, and others sympathize with Sherman’s viewpoint, viewing the law of war as an absurdity that impedes mission accomplishment.⁵⁴ *Prisoner B-3087* shows what war at its least refined actually looks like at the ground level. Unrestricted warfare leads to absurdities too, and millions of non-combatants throughout the world have similarly harrowing stories to tell. The development of international law in the aftermath of World War II continues the effort to refute General Sherman. While this progression may be uneven, this work reminds us of its noble purpose to avoid the brutal mistakes of the past.

⁵² See, e.g., REPORT OF THE INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY, THE RESPONSIBILITY TO PROTECT (2001).

⁵³ Letter from Major General William T. Sherman, Commander, Military Division of the Mississippi, to James M. Calhoun, Mayor, Atlanta, Georgia (Sept. 12, 1864) (foreshadowing the infamous “Burning of Atlanta” in the U.S. Civil War).

⁵⁴ See, e.g., MARCUS LUTTRELL & PATRICK ROBINSON, *LONE SURVIVOR* 169 (2007) (“The truth is, any government that thinks war is somehow fair and subject to rules like a baseball game should probably not get into one. Because nothing’s fair in war, and occasionally the wrong people do get killed Faced with the murderous cutthroats of the Taliban, we are not fighting under the rules of Geneva IV Article 4. We are fighting under the rules of Article 223.556 mm—that’s the caliber and bullet gauge of our M4 rifle.”). *Id.*