

Mel Mermelstein, Death Camp Survivor Who Sued Holocaust Deniers and Won, Dies at 95 *The Wired Word for the Week of February 20, 2022*

In the News

Holocaust survivor Mel (Moric) Mermelstein died at his California home on January 28 from complications of Covid-19. He was 95.

Mermelstein was born on September 25, 1926, in Mukachevo, Czechoslovakia. His hometown was overtaken by Hungary under the Nazis, who deported him and his family to the Auschwitz-Birkenau death camp in Poland in 1944, when he was 17. That year, more than a million people were killed, including 850,000 Jews, in Birkenau. Mermelstein's mother and two sisters were among those who perished in the gas chamber. His father died in the labor camp, and his brother was shot to death during a march to another camp.

Mermelstein was transferred to Buchenwald concentration camp, arriving in February 1945, sick with typhus. Two months later, when the allies liberated the captives there, he weighed 68 pounds. Mermelstein was the sole survivor of his family.

After the war, Mermelstein immigrated to the United States, married and settled in California, where he raised a family and started a business that made wooden shipping pallets.

Then, in 1967, he heard Egyptian President Gamal Abdel Nasser threaten to drive the Jews into the sea. Memories of Hitler and Nazi brutality came flooding back, and he recalled a promise he made to his father back in prison, to tell the story of what they endured.

Mermelstein visited World War II death camps more than 40 times, picking up artifacts such as barbed wire, bone fragments and smoke-stained bricks from the ovens where humans were incinerated. He established the Auschwitz Study Foundation at his lumberyard to house the objects he recovered. There he explained to schoolchildren that he was in Auschwitz at their age. His daughter Edie said that he wanted children "to look the demon in the eye."

In 1980, Mermelstein became aware of the Institute for Historical Review (IHR), founded by Willis Carto, publisher of anti-Semitic propaganda. Carto's goal was to persuade people to believe that there was no Nazi genocide of Jews, but that claims about the extent and severity of the Holocaust were grossly exaggerated and fabricated to kindle support for Jews and the state of Israel.

In 1979, the IHR offered a reward of \$50,000 to any person who "could prove that the Nazis operated gas chambers to exterminate Jews during World War II." They sent Mermelstein and other survivors contest entry forms, suggesting that if they did not respond, they would assume that they were right in their view that "atrocious propaganda" stories about the Holocaust were nothing but an elaborate hoax.

Deeply hurt and enraged, Mermelstein felt "duty-bound" to respond and submitted "documents, eyewitness testimonies, histories, photographs and even a can that had contained Zyklon B to the institute," detailing his own experiences at Auschwitz and a copy of his memoir, *By Bread Alone*.

"I watched my mother and sisters being led to the gas chambers, and they tell me it was a hoax. No feeling human being in his right mind would try to prove that this didn't happen," he said. "This is like digging up the dead and kicking them around -- and the dead include my mother and two sisters."

When the IHR refused to pay, Mermelstein sued the institute, alleging libel, breach of contract, intentional infliction of emotional distress and "injurious denial of established fact." His attorney, William John Cox, argued that the court should take "judicial notice" of the Holocaust, meaning that "that which is known need not be proven." Just as no one has to prove that the sun rises in the east, the plaintiff (Mermelstein) did not need to give evidence that the Holocaust happened, since it was common knowledge.

In 1981, Los Angeles County Superior Court Judge Thomas T. Johnson agreed that the Holocaust was an indisputable fact, declaring: "This court does take judicial notice of the fact that Jews were gassed to death at Auschwitz concentration camp in Poland during the summer of 1944. It is not

reasonably subject to dispute. And it is capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. It is simply a fact."

"That moment stands out in my mind," Mermelstein said years later. "Now and forever after, the judicial notice stands."

In 1985, the IHR agreed to pay Mermelstein the \$50,000 prize and \$40,000 in damages, and to issue a letter of apology.

"I will sleep a lot better now," Mermelstein stated. "I will even die easier."

"Finally, finally, I was liberated," he said, "but purely in the physical sense of the word. I will never feel liberated until peace will come among men."

The Big Questions

1. What might motivate people to deny the validity of reports of horrific crimes or atrocities?
2. Give an example of something that people once accepted as indisputable fact, that has since been proven to be untrue or inaccurate. Give an example of something people once did not believe to be true, that is now accepted as factual. What might account for shifting views?
3. What criteria should we use to determine whether a claim is disputable or indisputable?
4. Why is truth-telling important in the way we communicate the Gospel of Jesus Christ?
5. What is our responsibility, as followers of Jesus, to combat truth-deniers in our own sphere of influence?

Confronting the News With Scripture and Hope

Here are some Bible verses to guide your discussion:

Genesis 4:8-10

Cain said to his brother Abel, "Let us go out to the field." And when they were in the field, Cain rose up against his brother Abel, and killed him. Then the LORD said to Cain, "Where is your brother Abel?" He said, "I do not know; am I my brother's keeper?" And the LORD said, "What have you done? Listen; your brother's blood is crying out to me from the ground!"

Questions: What prompted Cain's denial of the truth? Why do people often find it difficult to admit when they have done wrong?

How does denying the truth exacerbate the original wrongdoing for the injured party? For the offender?

Why does confession of sin bring the possibility of forgiveness and liberation from guilt?

Genesis 37:31-33

Then they took Joseph's robe, slaughtered a goat, and dipped the robe in the blood. They had the long robe with sleeves taken to their father, and they said, "This we have found; see now whether it is your son's robe or not." He recognized it, and said, "It is my son's robe! A wild animal has devoured him; Joseph is without doubt torn to pieces."

Questions: What, if anything, is the difference between misleading people and telling a blatant, outright lie?

What effect does concealing the truth of wrongdoing have on third parties (beyond the offenders and the offended persons)?

Exodus 23:1-9

You shall not spread a false report. You shall not join hands with the wicked to act as a malicious witness. ²You shall not follow a majority in wrongdoing; when you bear witness in a lawsuit, you shall not side with the majority so as to pervert justice; ³nor shall you be partial to the poor in a lawsuit. ⁴When you come upon your enemy's ox or donkey going astray, you shall bring it back. ⁵When you see the donkey of one who hates you lying under its burden and you would hold back from setting it free, you must help to set it free. ⁶You shall not pervert the justice due to your poor in their lawsuits. ⁷Keep far from a false charge, and do not kill the innocent and those in the right, for I will not acquit the guilty. ⁸You shall take no bribe, for a bribe blinds the officials, and subverts the cause of those who are in the right. ⁹You shall not oppress a resident alien; you know the heart of an alien, for you were aliens in the land of Egypt.

Deuteronomy 19:15-21

¹⁵A single witness shall not suffice to convict a person of any crime or wrongdoing in connection with any offense that may be committed. Only on the evidence of two or three witnesses shall a charge be sustained. ¹⁶If a malicious witness comes forward to accuse someone of wrongdoing, ¹⁷then both parties to the dispute shall appear before the LORD, before the priests and the judges who are in office in those days, ¹⁸and the judges shall make a thorough inquiry. If the witness is a false witness, having testified falsely against another, ¹⁹then you shall do to the false witness just as the false witness had meant to do to the other. So you shall purge the evil from your midst. ²⁰The rest shall hear and be afraid, and a crime such as this shall never again be committed among you. ²¹Show no pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

Questions: What might motivate someone to "join hands with the wicked to act as a malicious witness"? What makes "spreading a false report" (Exodus 23:1) so dangerous?

What is the relationship between bearing false witness and denying the truth?

Where do you find the courage to tell the truth even when it is unpopular? How can you "[k]eep far from a false charge" against the innocent (Exodus 23:7)?

How might the principles outlined in these biblical texts apply beyond the legal system?

1 John 2:22-24

Who is the liar but the one who denies that Jesus is the Christ? This is the antichrist, the one who denies the Father and the Son. No one who denies the Son has the Father; everyone who confesses the Son has the Father also. Let what you heard from the beginning abide in you. If what you heard from the beginning abides in you, then you will abide in the Son and in the Father.

Questions: What does denying the Father and the Son look like in our experience today? Beyond merely making verbal statements, what are some ways we can affirm and demonstrate that Jesus really is the Christ, the anointed One sent by God?