

# HB Holocaust survivor sues over malicious prosecution

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Nazi death camp survivor Mel Mermelstein has filed suit this week against the Institute for Historical Review and other groups, claiming he was maliciously prosecuted in a libel suit and harassed because he is Jewish.

The lawsuit is the latest episode in a legal battle between Mermelstein, the 61-year-old founder of the Auschwitz Study Foundation in Huntington Beach, and groups that claim the Holocaust never occurred.

Mermelstein has been involved in lawsuits since 1980 with the Institute for Historical Review and its founder, Willis Carto; the Liberty Lobby, also founded by Carto, and the Legion for the Survival of Freedom. The groups are revisionists and claim the Nazi Holocaust was a hoax.

"These organizations have been harassing Mr. Mermelstein and other Holocaust survivors for years," Mausner said. "They have been spreading the lie that the Holocaust did not take place," said Jeff Mausner, Mermelstein's lawyer.

"While freedom of speech protects their right to lie, they do not have the right to intimidate and harass Holocaust survivors," he said.

In 1985 the Institute for Historical Review was ordered by Los Angeles Superior Court Judge Robert Wenke to pay Mermelstein \$90,000. The judge upheld Mermelstein's charge that the institute had reneged on a 1980 offer to pay \$50,000 to anyone who could prove that Jews were gassed at the Auschwitz-Birkenau concentration camp during World War II.

"They are using and abusing this barbaric event and it's for us to be aware that is just what is happening," Mermelstein said. "They are picking on death camp survivors. They offered me \$50,000 while at the same time not truly meaning to give me, or anyone else, \$50,000. It was just another way to mock Jews."

After his court victory, Mermelstein was interviewed by a radio station in New York. Though his attorney said Mermelstein's statements were not libelous, the



Daily Pilot staff photo

## Mel Mermelstein with photo from Nazi Holocaust.

Institute for Historical Review, the Legion for the Survival of Freedom and Willis Carto disagreed. The revisionists sued him for \$3.5 million.

"Mr. Mermelstein answered the libel action, denied any liability and launched a vigorous defense," said Mausner. "In February 1988, the organizations and Willis Carto voluntarily dismissed the defamation lawsuit against him."

Now it's Mermelstein's turn at bat again. Monday he filed a malicious prosecution lawsuit in the Superior Court of Los Angeles County, Long Beach District, against the revisionists, claiming the libel action was maliciously prosecuted.

Mermelstein's suit states that the defamation lawsuit was "completely groundless, frivolous and without probable cause" and that the revisionists and Carto

filed the lawsuit to "intimidate, harass and attack him because he is Jewish."

"When they do you wrong to the extent they have, there is no way to sit idly by," he said. "These elements are not playing softball. They have been offending me all along."

"They tried to harass me with the \$3.5 million suit, but I answered the complaint and they ran for cover because they knew they were doing something wrong."

Mermelstein said he believes the judicial system will set the record straight.

"I don't take the law in my own hands. I don't throw rocks at anyone. I believe law and justice will prevail. I am not looking to get even," he said.

"I just want them to leave me alone. When they learn that — they won't hear from me," he added.