

2016-46 Joseph Kary vs Toronto Star

Tuesday, December 13, 2016

The National NewsMedia Council has dismissed a complaint about inaccuracy in a Toronto Star opinion piece about Elie Wiesel.

The complainant, Joseph Kary, stated that columnist Rick Salutin was inaccurate in two instances: first, in writing that Wiesel was a denier of the Armenian genocide, and second, that Wiesel's admirers called him the "high priest of the Holocaust".

The complainant stated that "Wiesel never denied the Armenian genocide at any time in his life". He stated that admirers would not describe Wiesel as the "high priest of the Holocaust", because it stands as a derisive label that supports language used by Holocaust deniers. He challenged the writer to identify an admirer who used the term.

The news media organization responded by noting that opinion writers have wide latitude to express points of view that may not be shared by all readers. It also consulted the opinion writer, who stated that the point was that Wiesel did not discuss the Armenian genocide until later in his life. He said the word genocide is in quotes because using that term in relation to the Armenian massacres is considered controversial in some circles.

The writer stated that he is aware of the negative use of the phrase "high priest of the Holocaust", but chose to use the label in order to reclaim the power of a term that had been used "sincerely and gratefully" by admirers before it was applied by Holocaust deniers. He cited a meeting with a Holocaust scholar to support his view.

The NNC recognizes that this article is an opinion piece reflecting on the life and influence of Elie Wiesel, an Auschwitz survivor, author, and Nobel Peace Prize laureate. The NNC held extensive discussions on this complaint, including two separate panel discussions, because the complainant clearly understood the difference between opinion and hard fact.

After considering the extensive written materials submitted by both parties as well as the further oral commentary provided during the hearing, the National NewsMedia Council dismissed the complaint based on the following reasons.

The complainant's contention is that Elie Wiesel denied the Armenian genocide until later in life, maintained that there is no concrete proof that Wiesel ever denied the Armenian genocide and that the columnist, therefore, made a factual error.

The main evidence the complainant relied on was a conference on the Holocaust that was scheduled to take place in Israel in 1982, where a number of academic papers were to be presented, including several on the Armenian genocide. Wiesel was a cochair of the conference and presumably had participated in putting the program together, including inviting Armenian academics to present on the Armenian genocide. Before the conference could take place, Turkey pressured Israel (including alleged threats to harm Jews living in

Turkey) to dis-invite the Armenian academics. Wiesel resigned his position as co-chair of the conference, as did many others, leading to cancellation of the conference. Wiesel was criticized for stepping away from the conference as a form of capitulation to Turkey's wishes.

The complainant's view was that this could be legitimately characterized as Wiesel being 'guilty' of not speaking up loudly enough for the Armenians, but not as a denial.

The Toronto Star's view was that the question of Wiesel's acknowledgement, or lack thereof, of the Armenian genocide was indisputably a highly debatable point among commentators, and, as such, the columnist's position is therefore defensible. The columnist further added that as a passionate voice against genocide, Wiesel's silence on the matter for many decades was tantamount to a denial.

The Toronto Star further argued that the columnist was not writing as an academic, and did not, therefore, have to provide factual evidence of an explicit denial by Wiesel. This defense argued that the columnist had the legitimate latitude to choose to state that there was an implicit act of denial on Wiesel's part.

The panel agreed with the Toronto Star's position that opinion columnists are given wide latitude to express their own views and perspectives on controversial matters of public interest, and this particular matter appears to fall in that category.

In dismissing this complaint, however, the panel noted that the question turns on the columnist's use of the word "deny". In choosing that term, he strongly implied there had been an active denial on Wiesel's part. The panel felt that had the columnist included in his column the perspective that he saw Wiesel's silence 'as an act of denial', as he testified during the hearing, there would have been no room for misinterpretation of his view on the matter.

With regard to the second issue raised by the complainant—that referring to Wiesel as the "high priest of the Holocaust" was a slur—the columnist defended his position by insisting it was a title used by admirers, including other variations such as "high priest of our generation" and "high priest of Auschwitz".

The panel again agreed with the Toronto Star, as it could be argued that in everyday usage these phrases are quite similar. Moreover, given that the columnist is an opinion writer, and not an academic, he had the latitude to use the phrase.

However, in the original complaint, it was clear the Toronto Star had responded to the complainant. During the panel hearing, a spokesperson for the Star said he thought the issues the complainant was addressing were more appropriate in the form of a guest column or letter to the editor. In dismissing the complaint, the National NewsMedia Council noted that this information might have been more properly conveyed to the complainant at the time, rather than at the hearing.