

July 17, 1990

The Honorable Michael C. O'Laughlin
Mayor of Niagara Falls
City Hall
Niagara Falls, N.Y.

Re: St. Sarkis Armenian Church
300 Ninth Street, Niagara Falls, N.Y.

My Dear Mayor O'Laughlin:

I am writing you this open letter to address some press comments that you made concomitantly with the full page ad that appeared in the Niagara Gazette, Sunday, June 24, 1990.

It is not my purpose to respond to the ad itself which contained a number of inaccuracies and misconceptions, not the least of which is the delusion that retail jobs, with its low pay and lack of benefits, will persuade "our young people to remain in our community". The ad was pure illustrative naiveté. It did a pretty good job of self destructing itself with its understatement and hyperbole, which was not lost upon knowledgeable members of our community. Even the City's hunger for Mall generated profits showed when you referred to the sales tax as "sales tax profits". While one half the world is fleeing from public enterprise you seem anxious to get into it.. A tax should never be looked upon as a "profit". Leave that word to the **entrepreneurs**, Adam Smith counseled in the late 18th Century, and much of the world has listened since. You should too.

I am writing you this letter in regards to your collateral comments. On page 1 of the Niagara Gazette story you are quoted as saying, "The Armenian question has become very, very serious. It may be that this is going to decide the life of this mall". In your ad you said, "Out of respect to the Armenian Community, we will continue to seek an acceptable alternative". How does the use of an abominable expression, with a history as long and as tragic as the "Jewish question", serve to show "respect to the Armenian Community"?

Your final solution to the "Armenian question" is to push us out of churches built by the survivors of a genocide, the fury of which was so great that when it subsided in 1923, a bare 800,000 Armenians were living in what was left of the ancient country that Armenians call "Hayastan". And those that were left were so destitute and hungry that the world, including the United States, — especially the United States — helped ward off mass starvation with donations of food, clothing and medicine. It is from this period that the phrase "starving Armenian" belongs, and while it owes its origin to

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a legitimate expression of succoring for the needy, it ultimately degenerated into derisive and odious use by those who are wont to favor expressions of poor taste and manners. "Dumb Polack" also belongs to this genre of attempted humor of mindless people, mindlessly brayed.

The "Armenian question" is even worse than an unfeeling attempt to get humor out of privation. It should not be used in polite circles, and certainly not by the Mayor of our City. Armenians have been a part of Niagara Falls for almost 100 years. America has been good to us, but we have been good for America too. We benefit from the communities we live in, but we contribute also. We cause little trouble. We're hard working and decent in our living applications. Crimes committed by Armenians are among the lowest for ethnic groups. We have a strong emotional attachment for the indelibly consecrated and sacred church lands and edifices built by our distraught parents who were dislodged from their villages and churches with a savagery that was unparalleled in history, according to the American Ambassador to Turkey during World War I. How do you justify framing the problems generated by a refusal to be destroyed as the "Armenian question"?

Was it your purpose to turn the non-Armenian people of the area against us? Is the Mega Mall so precious a concept straining for realization that you had to resort to the framing of yet another "Armenian question"?

Let me tell you how "ethnic questions" and "final solutions" come about in history. The process is complex. First the concepts of hatred are sown, like Turks referring to Greeks and Armenians as "dogs" or "swine". Words and appellations dehumanize. Once you look upon human beings as dogs or swine it is but a short step from the concept to the treatment. If a human being is regarded as a dog he'll be treated as a dog, sooner or later. This is what has happened to the Armenians, and the Jews, another remarkable people who have survived the ravages of history.

The people who built these churches are mostly gone now. It was they who survived the rapine, pillage, plunder, and murder, and were pushed out of churches in their native land. Let me give you a picture of how savage that push was. Let us go back in history to 1894-96, when 200,000 Armenians were butchered by the Ottoman Turk, and its allies. This sad picture presents within it architectural notes of significance, which you could share with Mr. Krizan who has belittled St. Sarkis as a building that is just "four walls with some curved windows". The church involved was a Jacobite Syrian church, and the pastor was a Protestant, but the people who had sought a haven therein from the bestial onslaught of Kurds purposely settled by the Ottoman Turk in areas populated by Armenians for the purpose of "unsettling" them, were Armenians:

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"Saturday evening, November 2d, the inhabitants of Kutturbul, just across the Tigris, east of Diarbekir, took refuge from the Kurds in the large stone church of the Jacobite Syrians, to which they had already moved their household goods. Fugitives from three other villages, which had been attacked the day before, had also taken refuge here, so the church was packed with goods and people. That night the Kurds, with some men from Kiarbekir, surrounded the church and began to shoot into the high, narrow windows by which it is lighted. Aboshe Jacob, pastor of the Protestant church of the village, was the first one struck, but his wound was not serious, and he kept on his feet, giving such comfort as he could to his distressed companions. Seeing little effect from their efforts to dislodge the people and get at the booty, about midnight the Kurds tore up part of the vaulted roof, and first throwing in firebrands through the opening, then poured kerosene down upon the blaze, at the same time firing their guns into the defenseless crowd of men, women and children. A frantic rush was made for the door; but it was locked, and could be opened only with the key from the outside. As is the case with most of the old churches, in order to prevent their desecration by being used as stables for horses, the door was very small, only some four and a half feet high by two and a half feet wide. After much effort it was finally broken open, and the smoke-stifled, flame-scorched, terror-stricken crowd poured out from the narrow egress, only to meet a deadly shower of bullets from the surrounding Kurds." (See **Bliss, Turkey and the Armenian Atrocities, Meshag Publishing, Fresno, California, p 496**).

As you can see Christian churches have been despoiled and desecrated by "experts", so effectively that a generation later in 1915 the Turkish Minister of the Interior said, "There is no Armenian Question any more since there are no Armenians..." (quoted by **Bohdan Gebarski in A Letter to my Turkish Friend, Armenian Digest, Apr. 1971, p.21.**)

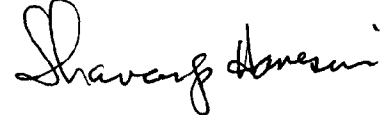
How is it that you are now reviving an "Armenian question"? Do you plan on a forced relocation of the Armenian churches, and community, which are strongly committed to them? We have been a part of this community for almost 100 years and we intend to stay — with our churches. If you want to solve the "Armenian question", as you have phrased it, then you must sit down with the 3 merchants who have just come to town and bluntly tell them — as a statesman would — hands off. Design your mall to accommodate churches.

Mr. Mayor, you may not be inciting a mob against us, and we know that was not your intent. But a push becomes a shove for a house of worship even if the state power is dressed in the language of eminent domain. You have not put a sword to our necks, and individually we will survive, though you kill the spiritual needs of the community. Is your Mall so sacrosanct that two churches on

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its outer boundary can't be spared?

Very truly yours,



SHAVASP HANESIAN

SH/lah

Cc: St. Sarkis Church
Editorial Board, Niagara Gazette
Senator John B. Daly
Assemblyman Joseph T. Pillittere
Legislator 1st. District, H. William Feder

SHAVASP HANESIAN

Attorney at Law

631 MAIN STREET
NIAGARA FALLS, NEW YORK 14301
TELEPHONE 282-6179
AREA CODE 716

July 17, 1990

Larry Krizan
City Coordinator for Development Services
City Hall
745 Main Street
Niagara Falls, N.Y. 14302-0069

Re: St. Sarkis Armenian Apostolic Church
300 Ninth Street, Niagara Falls, N.Y.

Dear Mr. Krizan:

As you know I represent St. Sarkis Armenian Apostolic Church.

I am writing you this letter with candor and openness. A copy is being sent to the Niagara Gazette, and I would not be opposed to its being published in whole or in part.

The Department of Housing and Urban Development has only partly complied with my Freedom of Information Law request. According to them "the partners of Benderson Niagara Associates" are "Nathan Benderson, Randall Benderson, David H. Baldauf".

According to you the Benderson Niagara Associates are certain Benderson Trusts which you identified in your letter dated May 21, 1990. The difference is not unimportant. As you must know New York has long made it clear that the personal representative is, in contemplation of law, wholly distinct in his representative and individual capacities. John Doe, as Trustee, is a separate legal entity from John Doe. See, e.g., Article 11, *passim*, of the **Estates, Powers and Trusts Law**.

Your way of disclosing information — I speak only of project matters, not of *per se* matters that involve the trusts as such — which ought to be public knowledge collides with our understanding of traditional concepts of due process. On April 13, 1990, I wrote and asked you for the full developer's statement dated July 25, 1989, which would show their identity. You failed to respond and in my April 24, 1990, letter to you I made reference to the Freedom of Information Law. Again there was no response which compelled me to write to the Department of Housing & Urban Development and make the request under federal law. That was on May 18. On May 23 your secretary left the letter of May 21 bearing the partnership information outside my Niagara Falls office, which was closed, and then called me at my Lockport office at 3:18 P.M. to inform me of the "just made" delivery. All of this was done only hours before the Environmental Impact and Public Scoping Meeting was to begin, and only, I believe because I had made a federal request.

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The difference between your presentation of "Benderson Niagara Associates" and HUD's takes on an accentuated importance because there is no partnership certificate on file with the Niagara County Clerk as there must. **Section 130** of the **General Business Law** requires partners to file such a certificate in each county in which they are doing business. The mere signing of a contract would constitute doing business, and while I hear tell that the Bendersons have scrupulously avoided the signing of a contract with the City, the signing of a developer's statement, and placing in motion the public resources and vast powers of City Government to acquire land for their use, a power which rightly is not accorded to private interests, would constitute doing business. Don't you agree? Every beginning is small, even with Mega Malls, and the Benderson beginnings here to place in motion vast forces necessary to accomplish their ends is not inconsiderable. The public in general, and in particular those of us who worship on consecrated lands ogled by the Benderson interests, be they private individuals, trusts, or corporations, have a right to know definitively who "Benderson Niagara Associates" are.

Your concept of fairness and openness seems flawed in other ways too. In your letter of May 21, 1990, you declined to send me "Part II of the Statement [which] contains confidential financial information and is not available for public disclosure under applicable regulations". What are these "applicable regulations"? Give me a reference. Law is not a dark cloak, but a living process and system. Citation of liber, page, and section number is its life blood without which law would cease to grow as a truth seeking process. In public matters especially, references to law ought to be enlightening. The opaqueness of the ink well should disappear with its transference from pen to paper. Every government should have as its motto the great law of Cicero — "**Ne quid veri tacere non audeat**". (That we ought not to dare to conceal any truth.)

Please send me the full developer's statement without further delay — my request is now over 3 months — or tell me what these "applicable regulations" are so that I may explore our administrative remedies. If private people want to keep their data private they should not use the public power to further their private ends.

There are other questions that you have not answered. One such question flatly asked "who it is contemplated will be the ultimate owner of the land". I have never received a response from you on this question, either in letter form or in the meetings of June 13, which Lee Simonson and Sema Tarpinian initiated, and the June 25th meeting held at your request. The Mayor's full page ad, dressed with his benign portrait, and insensitive reference to the "Armenian question" in a collateral interview — his sense of history must be rooted in an ignorance exceeded only by poor taste in expression — was less than the lucid statement the public is entitled to. In consequence it quickly ran into trouble. Within days there was a fallout between a representative of the developer and the Mayor on the \$4,000,000 alleged purchase amount for the land. If we read

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page 1 of the June 28, 1990, Niagara Gazette, the Mayor appears to have created the \$4 million figure out of whole cloth, but when we read page 2, the \$4 million is also for "other things", as a part of a "package".

The public, of which we are a part, is entitled to know about these "other things". What are they? If a land sale is involved — I had understood you to talk in terms of a lease at our June 13, meeting — the requirement of **General Obligations Law, Sect 5 - 703**, which is the **Statute of Frauds** in New York, is that "the contract or some note or memorandum thereof [be] in writing". Otherwise it is invalid. The same applies to a lease for more than one year. I trust that the City has the administrative prudence to secure these necessary contracts **before** the condemnation, acquisition, and demolition of properties and the destruction of churches.

In your letter that you dated May 21, 1990, you stated "two valid (sic) public purposes which [the] proposed project is intended are a. clearance of a blighted area [and] b. economic development objectives of the municipality". You go on to state that "These public purposes have been clearly enunciated in many public meetings and communications".

If that was the case why did you wait so long and resist my humble request of March 7, 1990? Do you remember your response of April 12, 1990, in which you deferred making a statement until the Eminent Domain Procedure Law Section 203 hearing you were required to hold publicly? After stating the statutory requirement, in part, you said "It is important that we strictly adhere to the procedural requirements of the EDPL, and I do not believe it would be advisable to informally articulate in letter (sic) for the complex public purpose served by this major project".

Pish, posh, and piffle! You knew, or should have known, the public purposes that were being given for exercising the extraordinary power of eminent domain. Why couldn't you state those reasons to me as you had so often done "in many public meetings and communications"? What was the reason for insouciant secrecy?

You and I, and the Mayor, read due process and its requirements differently. The Mayor arrived late at our June 13th meeting, with Mr. Simonson and Mr. Feder present, and left early. Had he been there for the whole meeting he would have heard you say that you had inquired whether the churches made of block could be moved and that it was not an engineering feasibility. To cover this glaring mistake by pretending that the churches could be moved "brick by brick" — surely the Mayor knows that the cost would be prohibitive — is very telling on what little comprehension the Mayor has of the problem, or the "Armenian question" as he has crassly phrased it.

A word should be said about the gross exaggeration of the City having offered "many options" to the Armenian Community. Do you remember

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correcting me on June 25, 1990, when I used the word "proposal" in referring to things you had said? "Ideas not proposals", you quickly said. You not only kept correcting me but reiterated the phrase at the meeting later on that afternoon. How is it that these "ideas not proposals" in the Mayor's hands have become the offering of "many options"?

The Mayor has a unique way of looking at destruction which is a unitary and final result. Whether it is demolition and rubble, the black topping on indelibly consecrated ground, or the raising of flowers where our orphaned fathers and mothers prayed in tearful agony, the incomprehensible moving of edifices that require an engineering legerdemain, adds up in the end to one word, with one meaning — destruction. Destruction of our churches, destruction of the focal point of our rich and ancient heritage, destruction of the contemplative center for our spiritual values. How can this act of destruction be "many options" when the choice is only that of death?

At this time, I would renew my unanswered request that you send to me the data on number, location, denomination, etc. of houses of worship embraced by the project (see my letter of March 7, 1990). To this request I would now add that you amplify on some of your figures which are not clear. The figures are not clear because you do not refer to families or human beings as such but present economic categories only — homeowners, tenants, and commercial users. The number of buildings to be collected into a dust heap — have been numbered in your Environmental Impact Notice at 275, with about "98 homeowners, [and] 250 residential tenants, and 45 commercial uses (including community facilities)". (The City can't even mention religious places of worship, without shamefully tucking us into a "commercial use" parenthesis as a "community facility". It appears that churches don't even rate an independent categorization.)

You should now, with more precision, state the number of persons the project will dislodge. Ninety-eight "homeowners" translated into families can mean 400± people. Tenants that number 250 can mean 250 families with a like multiple. Don't children live in this project area? How many people live and are employed there?

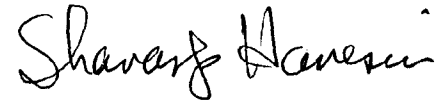
Ninth Street between East Falls Street and Niagara Street is not a blighted area. The churches were built in the early 1950's. In addition to the two churches Ninth Street contains many houses built following World War II. These buildings hardly fit into the pre-1939 categories of buildings embraced by the "age of housing", for example, as that term is defined, in the federal **Community Development Act (42 USCA Sect 5302 [11])**. In fact many of the buildings in the so-called blighted area are superior to other buildings and areas adjacent to it in Niagara Falls. Was "blight" defined by the Benderson compass, or by basic notions of housing deterioration?

Since the City of Niagara Falls and the Bendersons have maligned the churches with an objection as to their "visual impact", perhaps you

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can enlighten us, as well as the public, how "multicolored banners and visuals" — I quote from a Benderson press release dated July 18, 1989 — will improve the aesthetic profile of Niagara Falls in the place of two Christian churches?

Very truly yours,



SHAVASP HANESIAN

SH/lah

Cc: St. Sarkis Church
Editorial Board, Niagara Gazette
Senator John B. Daly
Assemblyman Joseph T. Pillittere
Legislator 1st. District, H. William Feder



U.S. Department of Housing and Urban Development
Washington, D.C. 20410-7000

JUL 25 1980

OFFICE OF ASSISTANT SECRETARY
FOR COMMUNITY PLANNING AND DEVELOPMENT

Fr. Khajag Barsamian
Primate, Diocese of the Armenian
Church of America
630 Second Avenue
New York, NY 10016-4885

Dear Fr. Barsamian:

On behalf of Secretary Kemp, thank you for your letter of June 29, 1990, concerning the proposed acquisition and demolition of the St. Sarkis Armenian Church property by the City of Niagara Falls, New York.

I can certainly appreciate your concern over this proposal to acquire the property for the Factory Outlet Mega Mall project.

It is our understanding that City officials and church representatives have been meeting to discuss the acquisition. The decision to carry out this project and the determination as to which properties will be acquired for the project are the responsibility of City officials. If the property is acquired, however, the church must be paid its "fair market value," as determined in accordance with State eminent domain law and would be entitled to a relocation payment and other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

We sincerely hope that the City and church representatives will be able to reach a satisfactory agreement that will serve the interest of the parishioners of St. Sarkis.

Very sincerely yours,

Russell K. Paul
Deputy Assistant Secretary
for Grant Programs

Miss Mary T. Cochrane
439 Consual Road
Schenectady, New York
12304

July 23, 1990

The Honorable-

C/O St. Sarkis Armenian Church
300 9th St.
Niagara Falls, N.Y. 14303

My name is Mary Tina Cochrane, and I am an Armenian-American of the Third Generation, twenty-one years of age, and a parishioner of an Armenian Church in Watervliet, New York. This, however is of course not my main point. I wish to call to your attention an item of business which greatly concerns not only my personal welfare but what I feel to be the welfare of one of America's most spectacular and successful--and one of its most unsung--success stories, the Armenian community of America, and of New York in particular.

The Armenian community in this country is barely a century old, but its achievements are great, and greatly outweigh its numbers. Fleeing in 1896, 1909 and especially in 1915-16 from its native land and from a terrible Genocide, one of history's most tragic episodes--more than half of the Armenian people were systematically massacred, and the other half scattered permanently to the four corners of the earth as Exiles from a land that they have forever lost, the Armenian people had little left to them but their perseverance, their will to live, their skills in all walks of life, their intellectual acumen, their hope and their faith, And their Church.

In the seventy-five years that have passed since that terrible year, the Armenian community has not only recovered and rebounded but actively flourished, branching out into every arena of American life and contributing, each individual in his or her own particular way, to this country's greatness. But the glue which held them together, and still holds them together as a community and as a people, more than any other single factor, is their Church. It has survived centuries of whatever the world has thrown against it, and

although it has been rent, as all churches and religions have been at times by the weaknesses that plague all human beings, it has never relinquished its identity as the soul and the strength of the Armenian people, in this country and all others.

I have recently become aware of an impending decision by certain Officials of the city of Niagara Falls to build a Shopping Plaza over the site of St. Sarkis Armenian Church (as of this date, I do not know how the decision stands; I write this in the earnest hope that action has not yet been taken). I can readily understand their decision to attempt to do so. Any local community naturally benefits, economically and otherwise, from an extension of its facilities to the general public, for recreation and/or enjoyment. But the issue here, Sir, is not just about public and personal satisfaction. It is about the essential preservation of something unique and Precious in American life: that which is sacred to the Individual, and that precious something which will continue to benefit not only a generation from now but for another fifty years, for a century, or longer. Public facilities such as Malls are of no doubt great contributions to the community, but they can soon be torn down, and as the loss of benefits would facilitate the swift disappearance of population, and with it long-term economic growth--so swiftly to another nearby community. In the general everyday exchange of goods and services, no one would care the less. A Church, on the other hand, is a permanent fixture, a source of strength and stability, and as the years pass its members live and breathe life and grow into the community in subtle and significant ways that the simple Shopper, the chooser of goods and services, can never appreciate. Think of your own role in this City. It comes of a desire to serve the public, but also of a concern for its citizens on a deeper basis...

I am sure that the planners of the Mall could, in time, find a more reasonable location for their edifice. People follow Bargains like crowds after circus animals. But cultural expression is not replaced so easily. It is a difficult problem, but I am sure that you will finally see this case in its true light, and earnestly come to understand the needs and concerns of the Armenian community in your City of Niagara Falls.

In closing, I would like to quote an observation that I made to a friend upon this subject. "Each Armenian Church is for [all of us] a shining star in an otherwise dark and often lonely night...every time [one] is destroyed, in any way, anywhere, a tiny bright star in that

sea flickers out...while it lives, it may may appear to others to be frail and pellucid, giving to the alien naked eye little light... but how great the glory of its precense when viewed through a lens, how omniescent its glow to a weary traveller, wherever he may come from, on an otherwise ill-illuminated Night!" The sky has clouded considerably for us in the past two years, but still we as a people, wherever we may be, and especially as a Church, we shine on, and throgh us this state and this country shine on, and will continue to shine on, if in this little act of consideration you could help us. When one man stumbles, all lift him up.

Thank you very much for your time and consideration, and all success to you in your future endeavors.

Sincerely,

Mary T. Cochrane

✓
bcc: Deed File

3 July 1990

Mr. Shavasp Hanesian
631 Main Street
Niagara Falls, New York 14301

Dear Mr. Hanesian:

Please find enclosed the deed and relating materials for St. Sarkis Armenian Church; a copy of the Diocesan By-Laws and copies of letters sent to Governor Mario Cuomo and the Honorable Jack Kemp.

A memo has been forwarded to all churches in the Diocese requesting they sign the petition to SAVE OUR CHURCH and mail the completed forms directly to the Church.

If there is anything else we may assist you with, please contact us immediately.

Yours truly,

Sylvia Terzibashian
Office of the Primate

/k
enclosures

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MAY 8 1992

May 6, 1992

The Rite Reverand Bishop Khajag Barsamian
Diocese of Armenian Church of NA
630 Second Ave.
New York NY 10016-4885

Dear Bishop:

I am the president of the Armenian American Veterans Club of Niagara County, in Niagara Falls NY. Every year the Veterans Club tries to contribute equally to both churches in Niagara Falls NY (St. Sarkis & St. Hagop) a portion of the interest we receive from our CD.

This year the Veterans Club has a problem. On March 2, 1992 the Armenian tri color waves at the United Nations and the Armenian's State as a free and independent member of said organization.

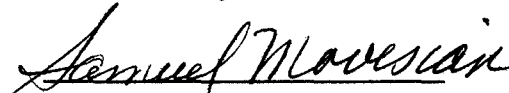
Because of the tragic incident that occurred sixty (60) years ago the Armenian people are split. If we contribute to both churches we are supporting this split.

Since the politics have been resolved, why hasn't the church united as one. The initiative must be generated by the church to unite the Armenian people thru out United States and the world.

The Veteran's Club will have its annual meeting on May 24, 1992 in Niagara Falls, NY. I am sure your response will be positive so the Armenian people can go forward. The Veteran's Club will take your decision under advisement.

Your cooperation will be greatly appreciated.

Sincerely Yours



Samuel Movesian
President Veteran's Club
5320 Grauer Road
Niagara Falls, NY 14305

cc: Arch Bishop Mesrob Ashjian, Prelate