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### **Testimony for support of HB 1099 with Amendments**

Honorable Delegates;

I am submitting this testimony in support of HB 1099 with amendments. Maryland's history as a slave state rarely gets the attention that it deserves. African communities during slave years were located around and buried their dead in poor land, swampy, wooded or otherwise unsuited for farming. After emancipation, freedmen built vibrant communities in many of these same locations. As a result, known cemeteries can be located where much older burial sites existed, with little or no documentation and no delineation. Many have been paved over by development. These burial grounds should be treated with the same honor as modern cemeteries. Instead they have been treated, in the words of famed archaeologist, Michael Blakey, to "the casual dehumanization of black cemeteries."

A current example of this is Moses Cemetery on River Road in Bethesda. The African community in this area dates back to the days of African enslavement, possibly as early as 1808 when Nathan Loughborough bought land in the area and settled his overseer in the River Road area. The land on River Road was hilly and swampy, easily prone to flooding so it was a natural place to locate slave cabins. By the 1850s three major slaveholders owned land bordering on this land. It seems almost certain that Africans buried their dead in this area.

Immediately after emancipation in 1864, former slaves settled in the area, some were allowed to live in what had previously been slave cabins, others bought land there. The first church was built in 1875. We have documented burials in the area from the late 1800s, but the

first formal cemetery didn't appear until 1910. The cemetery is now covered by a parking lot. This is the sort of complex history that some African American cemeteries have and it is important that legislation that seeks to preserve them deal with all the issues involved.

### **Suggested amendments**

HB 1099 is a good start but I believe that significant amendments are needed to ensure that it meets the needs of the descendants of the ancestors. The terms ``descendant community'' needs to be adequately defined. Dr. Michael Blakey provides a comprehensive definition. “[T]hose asserting stewardship because they care about the disposition of ancestors in question, thus making them vulnerable to harm by anthropological treatment. They therefore are subject to and empowered by professional ethics (an ethical client) with rights to some version of informed consent over the disposition of their ancestral remains and arguably even over the interpretation of their histories.” (see American Anthropological Association professional ethics and the World Archaeological Congress’s Vermillion Accord)

“Delineation” needs to be defined as “not limited to probe testing, ground penetrating radar, and other accepted archaeological methodology deemed appropriate by a descendant community and their approved specialists to determine the boundaries of a cemetery or burial ground that are deemed culturally appropriate by the primary Descendent Community of the concerned cemetery or burial ground.”

The primary Descendent Community should have the right to the disposition of all bioarchaeological and cultural property resources contained within the African/African-American cemetery or burial ground, including but not limited to human remains and objects of cultural patrimony.

The proposal of a project, including its archaeological methodology by a qualified applicant must be pursuant to the finalization of a Memorandum of Agreement (MOA) between the qualified applicant, Department, Commission, and the primary Descendent Community of the concerned African/African-American cemetery or burial ground (per Chapter VIII Section C of the Standards and Guidelines for Archaeological Investigations in Maryland by the Department of Planning), and pursuant to a comprehensive Section 106 process (per the National Historic Preservation Act of 1966).

I believe that these changes will help the descendant community participate fully in the process, will guarantee their rights, and will finally offer the ancestors the honor that they are due.

Thank you for allowing me the opportunity to share my views.