



Testimony of Josh Silver
Member of Bethesda African Cemetery Coalition
Before the Economic Matters Committee of the House of Delegates
Maryland General Assembly
Regarding HB 892 and HB 893
February 25, 2026

Thank you for the opportunity to testify today. My name is Josh Silver and I am a lifelong resident of Bethesda MD. I am a member of the Bethesda African Cemetery Coalition (BACC).

In my community, a parking lot was paved over a historic African American Cemetery. At least 200 bodies are beneath that parking lot. This must never ever happen again in the State of Maryland.

HB 892 and HB 893 would be essential laws in the struggle against desecration of cemeteries. They would empower descendant communities to protect their ancestors, resting in peace. Unfortunately, the Senate Finance Committee recently amended its version of these bills to make them ineffective. In fact, the new version of SB 233 could facilitate desecration.

Let me be very clear. BACC strongly supports HB 892 and supports HB 893 with an amendment. The Senate must agree to the House versions of these bills. If the Senate does not, we ask that these bills be withdrawn as they could inflict harm on our deceased ancestors.

Hubert Humphery, former Senator and Vice President, [stated](#), “The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life, the sick, the needy and the handicapped.” This year, Maryland elected officials should consider that humane treatment of the elderly includes the treatment of ancestors buried in cemeteries. This population is disenfranchised because they cannot defend themselves. Maryland government should provide their descendants with the means to defend them.

BACC is a coalition of concerned citizens opposed to the desecration of [Moses African Cemetery](#) on River Road in Bethesda, MD. An African American community during slavery and after the Civil War buried their loved ones in the Moses Cemetery. After the Civil War, a resilient and remarkable African American community resided on River Road. They were stone masons and farmers. They formed the Macedonia Baptist Church which remains in operation today.

Spanning several years from World War II through the 1960s, KKK violence and public sector discrimination displaced the African American community. Many of them had to surrender ownership of their homes and land and fled the River Road area. The cemetery passed into the hands of developers who built apartment buildings and commercial enterprises on top of Moses African Cemetery.

Currently, BACC is involved in litigation against Montgomery County's Housing Opportunities Commission (HOC). HOC seeks to sell the Westwood Towers apartments to a developer. The



Maryland State Supreme Court affirmed that hundreds of bodies are beneath the apartment complex and its parking lot. The Supreme Court remanded the case to the Circuit Court which is expected to render a decision soon. Meanwhile, BACC has sued 1784 Holdings over its construction of a light storage facility on another part of Moses. The developer illegally removed burial remains to a warehouse in Virginia.

In this context, BACC believes that the protections in HB 892 as introduced this session regarding the sale and transfer of cemeteries are vital for the fight against cemetery desecration. BACC has had to struggle in the court system for years to [convince the courts to hear the case](#). In contrast, HB 892 would create an expeditious process. It would provide a right of private action for a descendant community and persons of interest to bring a case before the courts. Under HB 892, a court of equity would be required to hear the case and render a decision. The court could allow the sale and transfer or prohibit it. It could require a transfer of a cemetery to a descendant community or require negotiation between the parties in the litigation.

HB 892 does not guarantee any outcome, but it provides a fair opportunity for all parties to have their day in court. It increases the chances for equitable solutions and the cessation of desecration. It is modeled on the federal [Fair Housing Act](#) and other [civil rights laws](#) empowering historically disenfranchised communities to go to court.

On February 12, the Senate Finance Committee amended its version of HB 892 (SB 233) to require that cemetery owners seek the approval of the Director of the Office of Cemetery Oversight for their proposed sales or transfers of cemeteries. If a descendant community does not agree with the Director's opinion, it can bring a case to court but the court is not required to render a decision. In BACC's experience, state and local agencies have taken no action to protect the Moses African Cemetery. BACC is leery in placing this solemn decision-making power in any state agency without guaranteed recourse to the courts.

Under the amended version of SB 233, religious cemeteries would be exempt from the approval process of the Office of Cemetery Oversight. Therefore, a descendant community could not go to court to appeal decisions of the Director of that office. There is no judicial back-up protection at all in the case of religious cemeteries. Meanwhile, owners of non-religious cemeteries would be tempted to employ clever lawyers who would claim that their cemeteries are religious and thus escape accountability.

As introduced this session, HB 893 applies in the case of abandoned cemeteries. The owners of these cemeteries have ceased operations for a variety of reasons including bankruptcy. In the case of abandoned cemeteries, a local government can acquire the cemetery for the purpose of transferring it to a descendant community or other persons of interest. If a person of interest believes the local government is not acting in good faith, the bill would allow the person of interest to file a lawsuit. However, the bill in its current form needs to be amended to require a court to render a decision.

The Senate Finance Committee [amended SB 233](#) to remove judicial protections in the cases of abandoned cemeteries. Under the new version of SB 233, vulnerable and abandoned cemeteries



would be at the mercy of local governments and the Director of the Office of Cemetery Oversight. The history of neglect and desecration of cemeteries in Maryland indicates that this oversight is insufficient. In recent months, newspaper reports have described the century-long neglect of a burial site of African American boys mistreated at a reform school in [Prince Georges County](#). Elected officials recently expressed concern and are [considering grants](#) to preserve the burial site. Likewise, the [St. Vincent Cemetery in Baltimore](#) has experienced neglect and a nonprofit organization that includes descendants has recently been refurbishing the cemetery.

BACC wants to maintain the Moses African Cemetery as a cemetery and to build a museum and memorial. This would not only benefit the descendant community but would be of immense educational benefit to the wider community. It would teach them the history of a resilient community that suffered violent discrimination but has persevered and wants to share its story of the indomitable human spirit. In their current form, HB 892 and HB 893 would provide BACC and similar communities with better opportunities to pursue these sacred missions.

As a Jew, I can attest to the history of desecration and erasure. Let us take steps to preserve and teach history, not erase it. Future atrocities are less likely to occur if we remember. HB 893 and 893 provide an opportunity for restoration and remembrance. SB 233 threatens to remove that opportunity.

Thanks for the opportunity to testify on this sacred matter.