

Testimony of Josh Silver

Member of Bethesda African Cemetery Coalition

Senate Finance Committee

SB 233 and SB 234

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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).

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 remains to a warehouse in Virginia.

In this context, BACC believes that the protections in SB 233 regarding the sale and transfer of cemeteries is vital for the fight against desecration. BACC has had to struggle in the court system for years to convince the courts to hear the case. In contrast, SB 233 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. 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.

SB 233 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 Fair Housing Act and other civil rights laws empowering historically disenfranchised communities to go to court.

SB 234 is similar but 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.

BACC wants to maintain Moses 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. These bills 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. These bills provide an opportunity for restoration and remembrance.

Thanks for the opportunity to testify.