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February 25, 2026

TO: The Honorable Will Smith
Chair, Judicial Proceedings Committee

FROM: Zenita Wickham Hurley
Deputy Attorney General, Office of Equity, Policy, and Engagement, Office
of the Attorney General

RE: Senate Bill 776 – Commission on the House of Reformation and Instruction
for Colored Children – Establishment (Support with Amendments)

The Office of the Attorney General (OAG) respectfully submits this testimony in strong support of Senate Bill 776 - Commission on the House of Reformation and Instruction for Colored Children – Establishment. Senate Bill 776 establishes the Maryland Commission on the House of Reformation and Instruction for Colored Children to investigate the deaths of an estimated 300 Black children at the House of Reformation and Instruction for Colored Children in Cheltenham and memorialize those buried in unmarked graves on the site.

I. The Scope of the Injustice

An estimated 300 Black children—some as young as five years old—died at the House of Reformation and Instruction for Colored Children between the 1870s and 1941.¹ The facility was incorporated by the Maryland General Assembly in 1870 and began operations around 1872 as a privately-run institution with quasi-public characteristics: courts committed children to the facility, the State provided annual appropriations and appointed board members, and the facility

¹ "MD senator puts focus on hundreds of boys who died in custody," The Daily Record (Jan. 2, 2026); Capital News Service, "'Not fit for a dog': Maryland reformatory boys died through years of disease, neglect" (Dec. 13, 2025)

reported to the General Assembly.² In 1937, after pressure from community advocates documenting deplorable conditions, the State took direct control, renaming it the Cheltenham School for Boys.³

Contemporary accounts documented systemic abuse and neglect. Historical death certificates analyzed by the Capital News Service reveal deaths from disease, neglect, and violent causes between 1877 and 1941.⁴ The Afro-American newspaper reported boys being "whipped, beaten, flogged, lashed and clubbed," with one resident stating "Cheltenham is a place not fit for a dog."⁵ The State's disparate treatment of Black and White children is evident: the House of Refuge for White children, which the State took over in 1918, received nearly twice the budget of the House of Reformation.⁶ While the House of Refuge focused on education, the House of Reformation emphasized field labor.⁷

Today, the children's graves remain largely abandoned, marked only by four barely visible tombstones and rows of deteriorating cinder blocks—adjacent to the manicured Cheltenham State Veterans Cemetery.⁸ For the families and descendants who have carried this history, the abandoned graves are not just a symbol — they are evidence that Maryland has yet to fully reckon with its responsibility to these children and to them.

II. Why a Commission-Led Approach Is Essential

SB 776's Commission structure ensures that research and memorialization are guided by diverse stakeholders, not conducted in isolation by State officials. The Commission would include State agencies with relevant expertise, legislators, local government, and—critically—descendants, former residents, civil rights organizations, HBCU representatives, and forensic experts. This community-centered process provides descendants a platform to share stories, reclaim agency, and participate meaningfully in truth-telling and reconciliation.

The Commission would contract with qualified professional experts—including universities, historically Black colleges and universities, and research institutions—to conduct forensic anthropology, archaeological surveys, historical research, DNA analysis, and genealogical investigation to the highest ethical and scientific standards. Beyond investigation, the Commission would address memorialization, education, policy reform, and reparative measures.

² Maryland General Assembly, Chapter 392, Acts of 1870; Maryland State Archives, "Maryland Department of Juvenile Services - Origin."

³ Maryland General Assembly, Chapter 70, Acts of 1937; Capital News Service, *supra* note 1.

⁴ Capital News Service, *supra* note 1 (analyzing 177 death certificates from 1877-1941).

⁵ The Afro-American (1934), quoted in Capital News Service, *supra* note 1.

⁶ Marc Schindler (former Maryland DJS Deputy Secretary), quoted in "Cheltenham's lost graves spark push for juvenile justice reform," AFRO (Aug. 13, 2025).

⁷ *Id.*

⁸ Sen. William C. Smith Jr., NPR Morning Edition interview (July 22, 2025); Capital News Service, *supra* note 1.

III. The Office of the Attorney General's Demonstrated Capacity

The OAG has demonstrated capacity to lead complex investigations centering racial equity and restorative justice:

OCME Audit: Between 2021 and 2025, OAG led an audit examining 87 in-custody deaths, contracting with 12 international forensic pathologists and social scientists. The audit found that in 41 cases, deaths should have been classified as homicides and that OCME was especially unlikely to classify a death as a homicide if the decedent was Black.⁹ We built support structures to ensure families were not left to navigate this process alone, and in doing so, Maryland established a national model — becoming the first state to undertake an audit of this scope and complexity.¹⁰

MLTRC Support: Since 2019, we have provided legal and administrative infrastructure to the Maryland Lynching Truth and Reconciliation Commission, the first statewide commission of its kind. We secured nearly \$500,000 in federal funding to support community-centered truth-telling for the Commission's investigation of approximately 40 racial terror lynchings in Maryland.¹¹

Both initiatives demonstrate our capacity to coordinate multi-agency investigations, manage expert contracts, navigate complex legal issues, center affected families and communities, and pursue systemic accountability.

IV. The Attorney General's Role Under SB 776

SB 776 designates the Attorney General as Chair with the following responsibilities:

- **Administrative Infrastructure:** Convene meetings, provide staff support, manage budget, ensure accountability;
- **Procurement and Contracting:** Manage contracts with forensic anthropologists, archaeologists, and historians, subject to Commission approval;
- **Legal Counsel:** Navigate confidentiality requirements, human remains laws, sealed juvenile records access, and constitutional questions;
- **Inter-Agency Coordination:** Facilitate cooperation among state agencies and exercise subpoena authority if necessary;
- **Federal Funding:** Pursue federal grants and other funding sources to supplement state appropriations, subject to Commission approval of grant applications;
- **Family Support:** Ensure mechanisms for descendant participation, including travel reimbursement and stipends;
- **Investigative Authorities:** Ensure responsible exercise of carefully crafted exemptions for archaeological work, records access, and DNA analysis for humanitarian identification purposes; and
- **Criminal Referrals:** If evidence of criminal conduct emerges, pursue prosecution or refer to appropriate State's Attorney.

⁹ Attorney General Anthony Brown, OCME Audit Press Conference Remarks (May 15, 2025); OCME Audit Cover Letter (May 15, 2025).

¹⁰ *Id.*

¹¹ Attorney General Anthony Brown, MLTRC Prince George's County Hearing Remarks (Jan. 25, 2025).

V. Funding and Resources

We recognize that this Commission's work requires adequate and sustained funding to ensure comprehensive investigation, respectful treatment of remains, meaningful community engagement, and lasting memorialization. We are grateful to the General Assembly and Governor Moore for identifying initial funding to support this important effort and demonstrating Maryland's commitment to confronting this painful history. We respectfully urge continued appropriations throughout the Commission's multi-year mandate to ensure this critical work can be completed thoroughly and with appropriate dignity. The OAG will work diligently to leverage these resources efficiently, pursue additional federal funding opportunities, and ensure accountability in the Commission's expenditures.

VI. Commitment to Racial Equity

As Attorney General Brown has emphasized, we are not afraid to examine how racial bias makes our justice system less just. The deaths of 300 Black children represent a profound moral failure spanning multiple governance structures over decades. That their graves remain neglected compounds that failure. By conducting this investigation, Maryland can demonstrate leadership in confronting difficult truths about racial disparities in our institutions.

SB 776 provides a path forward that centers truth-telling, honors the dignity of those who died, provides answers to descendants, holds institutions accountable, and ensures this history is taught so it is never repeated. For all these reasons, OAG respectfully urges a favorable report on SB 776.