

# Bethesda African Cemetery Coalition sues Montgomery County over pending sale of Moses Cemetery

By [Stephanie Lai](#)

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The Bethesda African Cemetery Coalition filed a lawsuit Tuesday against Montgomery County’s Housing Opportunities Commission (HOC), claiming it violated state law through a pending sale of a parcel of a cemetery where bodies of the enslaved are buried.

The lawsuit argues that the county violated state law by selling the parcel that was used as a burial ground without first getting court approval. The intent of the 1992 state statute is to determine under what terms and conditions — if any — a sale may take place, Steven Lieberman, an attorney representing the coalition pro bono, said at a news conference Thursday outside Montgomery County Circuit Court.

About 20 activists holding posters gathered outside the courthouse in the latest iteration of a long-standing fight between the coalition and the county.

“What do we want? Justice!” they chanted.

There has been tension between local activists and Montgomery over the Moses Macedonia African Cemetery just off River Road for the past several years as the county and developers have tried to build structures such as a parking garage and self-storage facility on the burial grounds. The activists are steadfast in memorializing one acre of land that is owned by Bethesda Self-Storage Partners and the commission.

An estimated 500 bodies of enslaved people or relatives of the enslaved rest at Moses Cemetery, the lawsuit states.

“As a family, we lost a piece of our history and ancestral connection,” Montani Wallace, whose deceased husband was a descendant of a relative buried at the cemetery, said at the news conference. “Great-Great-Aunt Rosa lived in this community and was buried in the Moses Cemetery. ... The Moses Cemetery has been destroyed and the remains were thrown onto a dump truck.”

What is left of the cemetery is thought to be north and northeast of the Westwood Tower Apartments and was paved over in the mid-20th century for a parking lot.

Tax assessments from 1911 and burial records signaled the existence of the cemetery to historians and archaeologists, but developers and residents have disagreed on the boundaries. Because of the disagreement, the Montgomery County Council passed legislation in 2017 to inventory burial sites and better protect them.

The coalition re-ignited its fight when it learned that Parcel 175 — an undisputed part of the cemetery — was being sold to an investment firm.

The commission approved a letter of intent in July to sell the Westwood Tower Apartments, on Parcel 175, to Bethesda-based investment firm Charger Ventures for about \$51 million, according to the lawsuit.

Preliminary reports from Ottery, an archaeological contracting firm cited in the lawsuit, confirmed the existence of a burial site on the parcel.

“Why do we seek this relief? So that the descendants of the people buried on this land ... finally can present their testimony to the court about what this land means to them and how they believe the remains of their ancestors should be memorialized and treated,” Lieberman said Thursday.

County Executive Marc Elrich (D) said in an interview that he disagrees with the basis of the lawsuit and thinks the law only applies when someone tries to change an aspect of the cemetery or remove it, not when it is sold.

Elrich said the county had hosted discussions with the coalition until the coronavirus pandemic took hold, and that the county had since offered to restart the conversation surrounding memorializing the site but the group has yet to take up the offer.

Marsha Coleman-Adebayo, who launched the coalition more than four years ago and whose husband, the Rev. Olesegun Adebayo, is listed as a plaintiff in the lawsuit, said Elrich “has not reached out to us in the last year and a half. We have sent numerous letters, emails, and messages about meetings to his office and he has not responded. Nevertheless, we are very interested in meeting with the county executive at any time and any place about the critical situation facing Moses Cemetery.”

The commission did not respond to requests for comment.

The coalition’s members largely are members of Macedonia Baptist Church.

Coleman-Adebayo views what has happened at the cemetery as desecration and said the disregard is disrespectful.

“We’ve encountered life-threatening violence in our demonstrations, and we continue week after week after week hounding the sidewalk to witness our commitment to fighting structural racism,” she said. “If it were not for the BACC, there would be a parking garage on top of our ancestors.”

Her husband said the coalition plans to demand reparations.

“The battle is just beginning,” Adebayo said.