

Steven Lieberman Appears on Radio Program to Discuss Next Steps in Pro Bono Historic Black Cemetery Case

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Key Contact

Steven Lieberman

Partner Steve Lieberman appeared on WPFW 89.3 FM's "What's at Stake" program with Dr. Marsha Coleman-Adebayo on Wednesday, July 26, 2023, to discuss his *pro bono* case representing the Bethesda African Cemetery Coalition (BACC) and others in a fight to prevent the sale of a burial ground for former slaves and their descendants, and what comes next after the recent ruling by the Intermediate Appellate Court of Maryland.

The lawsuit, originally filed in early 2021, seeks to stop the sale of a burial ground for formerly enslaved Africans to a developer unless and until it complies with Maryland law that requires the seller of land that is or was used as a burial ground to bring an action in the county in which the burial ground is located so the court may decide whether, and under what terms and conditions, such a sale may take place. In October 2021, the Rothwell Figg team, led by Steven and including Jenny Colgate, D. Lawson Allen, and Kristen Logan, were successful in getting Judge Karla Smith to grant a Motion for a Preliminary Injunction, thereby halting the sale of the property unless and until the Montgomery County Housing Opportunities Commission (HOC) complies with Maryland state law. This was "a huge victory for those who value human dignity and the dignity of the hundreds of people buried under the parking lot," Steven told Dr. Coleman-Adebayo.

HOC appealed to the Intermediate Appellate Court of Maryland, and recently the court issued a ruling reversing Judge Smith's decision, a move that Steven told Dr. Coleman-Adebayo is "shocking." The "law as interpreted by the intermediate appellate court is just not right, it's not fair, and it doesn't value human dignity the way it should," Steven said.

The next step will be appealing the ruling to the Maryland Supreme Court. The Petition for Writ of Certiorari, asking the court to review the case and the decision, will be filed in the next few weeks.



"If the intermediate appellate court ruling is upheld, what you're going to have is a two tier system. When you have African American burial grounds, when you have Native American burial grounds, when you have burial grounds in an impoverished area, there isn't going to be a proceeding, there isn't going to be court review and permission. The property will just be sold. On the other hand, when you're in a place where the descendants of the people buried there really have the resources and have the connections, a different route is going to take place. Even now in the 2020s, we're really going to have a two-tier system, and we're going to have a two-tier system for people's ancestors," Steven said.

You can listen to the entire discussion between Steven and Dr. Coleman-Adebayo from "What's at Stake" on WPFW 89.3 FM by [clicking here](#).