

Racial reckoning, new development reignite tension over commemoration of historic Black cemetery in Bethesda

By **Emily Davies**

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The inconspicuous construction site hidden behind a McDonald's parking lot just off River Road has become the latest battleground in the fight over commemorating a historic Black cemetery in Bethesda.

For years, local activists determined to honor the River Road Moses Cemetery have been embroiled in a dispute with county leaders and developers over who should have control of the site and its memorialization. There was hope of compromise over the winter after a series of meetings convened by Montgomery County Executive Marc Elrich. But new construction on a development adjacent to the historic cemetery at a time of unprecedented racial reckoning has reignited long-simmering tension — inciting biweekly protests and frustrating developers and county leaders desperate to move on.

Attorneys representing the Bethesda African Cemetery Coalition sent a letter to Montgomery County State's Attorney John McCarthy last week requesting a criminal investigation into the developer's actions on the construction site. They allege the self-storage developer, 1784 Capital Holdings, illegally allowed the destruction of a tombstone on its site.

McCarthy, who has inspected the site and interviewed archaeologists on-site, has previously said that he found the project to be "in compliance with the planning board directives for excavation" and that it "does not justify a criminal proceeding." In response to the letter, a spokesperson for McCarthy forwarded a picture of an Aug. 6 letter from the Maryland Historical Trust that said the latest construction site is "disassociated" with the historic cemetery.

Jarvis Stewart, a spokesperson for 1784 Capital Holdings, disputed reports that there was a tombstone on the construction site, saying "it is unfortunate that the Bethesda African Cemetery Coalition continues to beat a dead drum."

The cemetery at the center of the dispute is a 19th-century Black burial ground that was bulldozed and paved over in the 1960s to construct a parking lot. The destruction of the historic cemetery punctuated the transformation of River Road from a tightknit Black enclave that formed in the wake of Maryland's abolition of slavery to an increasingly White area with scores of new developments and rent hikes.

In 2017, the Montgomery County Planning Board gave 1784 Capital Holdings permission to build a self-storage facility on parcels 242 and 191, which are less than 100 yards away from the long-disputed historic cemetery site. The contentious nature of the project, however, is rooted in development that was completed decades earlier.

In the mid- to late-20th century, a series of construction events reportedly damaged and overran land around and atop

the cemetery, turning the burial ground into parking lots to serve the newly erected Westbard Tower Apartments, according to archaeological reports.

Members of the Bethesda African Cemetery Coalition say the dearth of historical records documenting the parameters of the cemetery and what happened to the remains of those buried there means ancestral remains could be spread throughout the area, including across parcels 242 and 191. Citing reports, the coalition asserts that parcel 242 was home to other burial sites, including a gravesite for African Americans enslaved on local plantations before 1911 — an argument disputed by developers.

Steve Lieberman, an attorney representing members of the Bethesda African Cemetery Coalition, and a growing number of activists have called for county officials to place a moratorium on construction to allow for a comprehensive archaeological study of the parcel. They have also demanded that developers give Michael Blakey, an archaeologist acting as a consultant for the group, full access to the construction site to monitor the digging for signs of burials.

“Nobody knows if there are bodies of enslaved or freed people on this site, but there is strong circumstantial evidence that there is,” Lieberman said. “So the question is, is proper archaeology being done?”

But they have met steadfast resistance from developers, who have said there is no evidence the cemetery ever extended beyond parcels 175 and 177 and onto their new plot.

They have denied Blakey 24/7 access, questioning his credentials and saying they have already employed a team of archaeologists to be on-site at all times.

“We have not found anything related to a cemetery or anything that is related to human remains, but that simply has not stopped . . . the Bethesda African Cemetery Coalition,” Stewart said. “It is clear that they want the land where we are doing development for their own — and I would venture to say — selfish purposes.”

Caught in the middle of the dispute, members of the Montgomery County Council have tried to walk a line between supporting the development and respecting the painful history of the nearby cemetery site. Over the winter, Elrich convened meetings with the county’s Parks and Planning departments, the Housing Opportunities Commission, developer Regency Centers and the Bethesda African Cemetery Coalition to discuss the memorialization of the Moses Cemetery, which he said the group agreed was “symbolically” located on parcels 175 and 177. They were making slow progress toward a compromise when construction began on parcel 242.

Over the past few months, activists have sent letters to Elrich demanding that he halt construction to investigate whether there are bones and other human remains present on the land. They have emailed him pictures of what they describe as artifacts and crushed bones on-site, arguing that they show the developer’s noncompliance.

Activists have also sent a series of correspondences to McCarthy, calling for him to investigate whether the developer is breaking the law. The latest letter to McCarthy is the first time the coalition has demanded a criminal investigation, a request it says is grounded in new discoveries of an alleged tombstone on the construction site.

In the Wednesday letter to McCarthy, Lieberman said a digital forensics firm had analyzed a photograph that the group believes shows a tombstone and found that there was no manipulation of the photograph. He declined to share the forensic analysis, saying it was privileged.

“There is a large tombstone above ground, plainly visible,” the letter said. “Where did the tombstone go? Why did the Developer not report the presence of the tombstone to you?”

The developer has shot back, hanging a sign on a fence at the construction site that reads “The Top 5 False and Misleading Claims made by the Bethesda African Cemetery Coalition.”

On the first Friday in September, in a scene that has unfolded dozens of times since, activists gathered near the construction site, swaying with flowers in their hands and singing, “This is the scene of a crime.” They later made their way to the fenced-off excavation site, where they fastened bouquets onto the wire fence that overlooked mounds of dirt and debris.

“This cemetery, to us, it is a sacred place,” said Marsha Coleman-Adebayo, who launched the Bethesda African Cemetery Coalition not quite four years ago. She is also the chair of the social justice ministry at the Macedonia Baptist Church, one of the last-standing vestiges of the historic Black community. “We are not prepared to stop fighting for this land to be honored.”

As the protest unfolded, activists and construction workers faced off with cellphone cameras, filming each other as tension mounted.