

Testimony in Concern and Opposition to University Boulevard Corridor (UBC) Plan Disparate Impact on Montgomery County's Largest Orthodox Jewish Community

September 10, 2025

Today, many homes and other properties in Montgomery County, Maryland carry restrictive covenants which deny racial, ethnic and religious minorities the right to live and buy property in our county. In Kemp Mill, our property deeds contain covenants requiring us to ensure that Jews not buy our homes.

Antisemitic covenants began to appear in Montgomery County in the 1930s – within the lifetime of many of our County's living citizens. In 1933, the Loughborough Development Corporation singled out "Semitic races" as legally barred from owning homes here. Montgomery County laws gave teeth to these covenants with the government supporting their restrictions and the courts standing ready to evict the Jews (and blacks and other undesirables) who would dare try to sneak into the promised land of Montgomery County. MNCPPC keeps extensive records and maps identifying historical, legally mandated, segregation in Montgomery County. See <https://montgomeryplanning.org/planning/historic/research-and-designation/mapping-segregation-project/>:

Racial restrictive covenants found in Montgomery County land records listed the following groups as excluded: Asian, Armenian, Black, Chinese, Greek, Indian, Japanese, Jewish, Mongolian, Persian, Syrian, Turkish, and non-caucasian. These types of covenants became especially common for a variety of reasons including the outlawing of race-based municipal zoning, rising racial and racial/ethnic tensions in fast-growing cities, and the acceptance of marketing efforts by white property owners that neighborhood stability required racial exclusivity. In 1928, the United States Supreme Court's ruling in *Corrigan v. Buckley* confirmed the legality of the practice which furthered its popularity throughout the nation. An entire generation of Black Americans and other racial, ethnic, and religious minorities suffered from these discriminatory practices before the United States Supreme Court deemed racial covenants to be unenforceable by the state in *Shelley v. Kramer* in 1948. Private citizens, however, were still permitted to include these covenants in deeds until the Fair Housing Act outlawed them altogether in 1968.

Montgomery County's overt efforts to prevent Jews from moving in echoed other efforts, some not so overt, designed to drive minority citizens out of their homes. For example, the Interstate Highway System project was used to disadvantage historically black communities. Relying on carefully selected "objective" data and "objective" criteria, highway designers targeted minority communities:

In discussions of the oft-devastating effects of the Interstate Highway System on urban communities, it is impossible to ignore the impact that the system has had on poor and minority communities. A growing body of research has addressed the racial effects of the landmark federal initiative, with many academics alleging that the system's construction, at least in some cities, a civil rights violation that served to formalize Jim Crow-era

discriminatory patterns and some of the original racial boundaries imposed in some urban spaces.¹

Today virulent and overt anti-semitism runs rampant in Montgomery County. Montgomery County defines anti-semitism as “[T]he marginalization and/or oppression of people who are Jewish.”² Montgomery County reports that Montgomery County’s Jewish community and citizens were the subject of 91% of all religious hate incidents. These incidents include antisemitic flyers posted on synagogue members’ porches, numerous antisemitic incidents in Montgomery County schools, and antisemitic graffiti on the Bethesda Trolley Trail.³ Montgomery County’s Department of Police 2024 Annual Report on Bias Incidents published in early 2025 notes that, last year, “bias incidents” targeted Jews more than any other group (more than Blacks, more than Asians, more than Gays, more than anybody else).⁴ And, of course, nobody should forget the assault of a Rabbi on the streets of Kemp Mill just last year.⁵

So given Montgomery County’s long history of anti-semitism – a history that lives on today – it is not surprising that Kemp Mill is being targeted by MNCPPC’s efforts to disfavor Montgomery County’s Jewish businesses and Jewish residents and destroy the character of Montgomery County’s largest orthodox Jewish community. MNCPPC’s has made it clear that it intends to change that character by grabbing land in the Kemp Mill shopping center and imposing new conditions on the neighborhood designed to push its current residents out and making Kemp Mill a less desirable place to live. In particular, MNCPPC has announced it (1) plans drastic changes traffic patterns in Kemp Mill with the goal of creating traffic congestion in Kemp Mill’s neighborhoods and (2) intends to engage in massive housing projects in Kemp Mill designed to change the population in the area (i.e., destroy Montgomery County’s Orthodox Jewish community). Make no mistake, destruction of Kemp Mill’s unique and historic character as the center of Montgomery County’s Orthodox Jewish community will be the result of (and may be the goal of) MNCPPC’s outrageous plans.

But, no, this is not a surprise. History repeats itself and anti-semitism is alive and well in Montgomery County. Regardless of the cloak in which MNCPPC’s current plans are hidden, there is no doubt that MNCPPC’s plans will disproportionately impact Montgomery County’s Orthodox Jewish community and achieve the same goals espoused 100 years ago – making Kemp Mill homes free of Jewish ownership.

¹ David Karas, “Highway to Inequity: The Disparate Impact of the Interstate Highway System on Poor and Minority Communities in American Cities”, University of Delaware.
<https://www.ce.washington.edu/files/pdfs/about/Highway-to-inequity.pdf> (“Setting aside considerations of intent, there is little doubt among scholars who have studied American transportation history and policy that the Interstate Highway System took a particularly cruel toll on minority communities in urban spaces. As Raymond Mohl (2004) writes, “Trapped in inner-city ghettos, African Americans especially felt targeted by highways that destroyed their homes, split their communities, and forced their removal to emerging second ghettos”).

² See
<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/resources/AntiHateTaskForce/Minutes/Jewish-Report-230829.pdf>.

³ Id.

⁴ <https://www.montgomerycountymd.gov/pol/Resources/Files/Annual-Reports/BiasIncidents/2024%20Annual%20Bias%20Report%20Final%2003122025.pdf>

⁵ <https://www.jns.org/man-arrested-after-alleged-assault-outside-maryland-jewish-center/>