

## **Judge rejects black farmers' bid to reopen settlement**

BY PETER HARDIN

*TIMES-DISPATCH* WASHINGTON CORRESPONDENT

Thursday, January 6, 2005

WASHINGTON -- A federal judge rejected this week a legal effort to reopen a 1999 civil-rights settlement between the U.S. Department of Agriculture and black farmers who sued it over race discrimination in loan practices.

Judge Paul L. Friedman of the U.S. District Court for the District of Columbia turned back the bid by 11 black farmers contending the settlement was severely flawed, has done little to fix past discrimination, and denied relief to thousands of eligible farmers.

Friedman said Monday in a 39-page opinion that as a result of the settlement, more than 13,500 farmers have received more than \$830 million in cash and other relief from the government. He affirmed his judgment from 1999 that the settlement was "fair, reasonable and adequate," while also leaving room for Congress to act if it chose.

John W. Boyd Jr. of Virginia, president of the National Black Farmers Association, said yesterday, "It appears we've exhausted our avenues in court" and will need to push for a legislative fix.

On Capitol Hill, a House of Representatives subcommittee has been examining concerns that the civil-rights settlement has fallen far short of weighing thousands of black farmers' claims for payments. The Republican-led panel plans another hearing this month.

Friedman said those who brought the legal action failed to meet numerous tests for it to succeed, and he was sharply critical of two of them: lawyer James W. Myart Jr. of Texas and Thomas Burrell of Tennessee, a senior official of the Black Farmers and Agriculturalists Association Inc.

"By filing these motions and trumpeting their optimism in the press and on the Black Farmers and Agriculturalists Association, Inc., website, Mr. Myart and Mr. Burrell have given false hope to thousands of African American farmers," Friedman wrote.

Myart replied yesterday that he thought Friedman did not like to see a number of people trying to overturn his decision, "so naturally he's protective of it." The lawyer said he was preparing an appeal.

"We were . . . just awestruck, that the judge would take a personal attack and display his disdain and contempt" for people advocating on behalf of those black farmers who did not get adequate legal notice about the settlement, Burrell said. He contended the congressional hearings show the importance of his group's work.

Contact Peter Hardin at (202) 662-7669 or [phardin@mediageneral.com](mailto:phardin@mediageneral.com)

This story can be found at:

[http://www.timesdispatch.com/servlet/Satellite?c=MGArticle&cid=1031780041255&pagename=RTD/MGArticle/RTD\\_BasicArticle](http://www.timesdispatch.com/servlet/Satellite?c=MGArticle&cid=1031780041255&pagename=RTD/MGArticle/RTD_BasicArticle)