

DAILY PRESS

LOCAL NEWS

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COURT

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Tuesday morning, are expected to ask questions that may or may not hint how they're leaning on the former governor's appeal.

Maureen McDonnell's appeal will be heard at a later date, not yet set. She was sentenced to a year and a day in federal prison for her role in the family's dealings with Williams, who testified against the couple and escaped prosecution with an insanity plea.

Both McDonnells are free on their own recognizance while the appeals work their way through the system.

The stakes are high and not just because the governor faces his own two-year prison sentence in the case. His attorneys argue that modern democracy is on trial, and they're joined by more than 200 current and former politicians, criminal defense attorneys, attorneys general, law professors and others asking the court to toss the conviction via amicus briefs attached to the case.

Overzealous prosecution by the U.S. Attorney's Office in this case, if turned into precedent, would mean "virtually every elected official in America is a felon," McDonnell's attorneys argue in one filing.

Williams didn't get any state contracts, state funding or university support for the supplement trials he testified he wanted. But he got events at the governor's mansion, meetings with state officials and inquiries from the governor on his behalf or his products, "sometimes in close proximity to discussions McDonnell and Williams had about five-figure loans."

McDonnell has argued from the beginning that these were the sorts of things he would have done for any Virginia businessperson and that Virginia's wide-open gift laws — tightened as a result of this trial — allowed Williams' largesse to flow legally.

Six former Virginia attorneys general, from both major parties, have backed McDonnell's argument. They told the court in a brief that "the expansive interpretation of federal law" in this case "is completely alien to any legal advice that any of us would have given to any governor of Virginia."

"Moreover, that expansive interpretation, if allowed to stand, would wreak havoc upon the public life of Virginia by casting a shadow of federal prosecution and imprisonment across normal par-



Former Virginia Gov. Bob McDonnell talks to the media outside the federal courthouse in Richmond after his January sentencing, Tuesday. His case will be heard in the 4th Circuit Court of Appeals.

icipation in the democratic process," they wrote.

Prosecutors point to a jury decision: Twelve people saw bribery in the governor's dealings, and the U.S. Attorney's Office says they're right. In some aspects, prosecutors argue, this case was stronger than the one that took down former U.S. Rep. William Jefferson of Louisiana.

Jefferson got 13 years for accepting bribes to influence contracts in African nations, and his case has been cited repeatedly in McDonnell case filings.

"(McDonnell) directed his actions toward subordinate state employees, not other branches or foreign governments like Jefferson did," prosecutors told the court in a brief in March. "Thus, defendant's conviction does not break new ground or threaten democracy; the jury convicted him of a textbook quid pro quo."

In addition to the former attorneys general, some 240 people have signed onto amicus briefs in this case, backing the former governor. That includes John Ashcroft and Michael Mukasey, attorneys general under President George W. Bush, former governors from other states, current and former Virginia legislators from both parties, former members of Congress, law professors, business leaders and Ben Jelous, a former head of the National Association for the Advancement of Colored People.

Jelous leaned on one of the McDonnell teams' procedural arguments: That U.S. District Court Judge James R. Spencer didn't allow jurors to be questioned closely enough about pre-trial publicity. In his brief, Jelous said juror examinations are "key to a fair trial

for the minority criminal defendant," they wrote.

In addition to this argument, the McDonnell team will try to poke several other holes in Spencer's handling of the case. They argue that the McDonnells should have been tried separately, freeing Maureen McDonnell to testify on her husband's behalf. In their joint trial, she declined to testify at all.

McDonnell's attorneys wanted to introduce expert testimony about Williams' immunity deal with the federal government. It was discussed at length during Williams' testimony, but defense attorneys say expert testimony could have brought home how unusually broad that deal was.

They also take issue with Spencer's jury instructions, which were key to the jury's understanding of just what sort of "official acts" the prosecution had to show to prove bribery. They argue that Spencer should have told the jury that a gift "given simply with the generalized hope or expectation of ultimate benefit to the part of the donor, does not constitute a bribe."

"This instruction was essential to Gov. McDonnell's defense," his attorneys argue.

Prosecutors argue in one of their briefs that "courts have routinely found action similar to — and often far less substantial than — defendant's to qualify as official acts."

They describe the verdict as "unquestionably sound."

"This was not eggs at a Rotary club breakfast or a free cocktail at the Jefferson Hotel — this was 'plain as pike-stuff' bribery," prosecutors wrote.

Fain can be reached by phone at 757-525-1259.



Hampton University graduated 647 students Sunday during a ceremony at Armstrong Stadium. Civil rights leader and Georgia Congressman John Lewis served as commencement speaker.

HAMPTON

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mites, and 600 others left on march from Selma to Montgomery, Ala.

"Only armed with a dream, I was wearing a backpack before it was fashionable to wear backpacks," Lewis recounted to the class of 2015. "In that backpack I had two books — I thought we'd be arrested and go to jail so I wanted to have something to read. I had one apple and one orange — I wanted to have something to eat. ... We got to the highest point of the Edmund Pettus Bridge and down below we saw a sea of blue Alabama state troopers."

One of the troopers told the marchers their assembly was unlawful and ordered them to disperse. A marcher beside Lewis asked for a moment for the group to pray, and the troopers advanced, putting on gas masks, Lewis said.

"They beat us with night sticks and ball whips, trampling us with horses and releasing the tear gas ... I thought I saw death. I thought I was going to die," he uttered that last word.

"So I say to you graduates, you have bridges to cross. You're prepared. Get out there and help those that have been left out and left behind."

Growing up in rural Alabama in the 1940s and '50s, Lewis said he remembers the signs that designated separate areas for whites and blacks.

"I would come home and ask my mother, my father, my grand-

parents, my great-grandparents, 'Why?' They'd say, 'That's the way it is. Don't get in the way. Don't get in trouble,' his words reverberating in Armstrong Stadium. "So I come here to say to you as graduates: You must find a way to get in the way. You must find a way to get into trouble — in good trouble, in necessary trouble."

Lewis, too, received a degree Sunday — albeit an honorary one.

University President William Harvey gave the students just four pieces of advice: Save a little from each paycheck, buy some property, fight racism, and stay away from drugs and those who deal them.

"Let's get on with it," he closed to whoops and cheers from the rebel crowd.

Kyle Bailey, a Chicago native who received a business management degree, said he's looking forward to the future that has him returning to his hometown with a job at Fidelity Investments.

"It's the moment you wait for when you say you're going to college," Bailey said.

Proud father and teacher Hampton Farrar waits for his daughter, Nia Imani-Farrar, who majored in interdisciplinary studies focusing on teaching, after the ceremony outside Armstrong Stadium.

"On the eve of my retirement, it's especially special that she's part of the new guard bringing wisdom to the next generation."

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Angela Harris, youth/community outreach coordinator for the Moton Community House, stands next to a community garden on Friday in Southeast Newport News.

GARDEN

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dener who helped set up the gardens. "They need to be willing to work, to get down in the dirt, and which it to make sure it's safe."

The Moton House is offering supplies and lessons to anyone who wants to start a garden.

Evelyn Azeem, owner of Pearl's Restaurant, across the street from the Moton, learned how to start her own garden there. She plans to grow fresh vegetables to eat at home and to use at the restaurant.

She wishes more Southeast residents would go to the Moton to take advantage of the opportunity.

"They're coming but not in the numbers they should be," she said. "It's not because they don't want to do it, it's a lack of knowledge. They eat what's available."

And what's available is not much.

The Southeast Community has been without a grocery store for nearly a year and is considered a "food desert."

The U.S. Department of Agriculture defines a "food desert" as an urban or rural neighborhood that lacks easy access to fresh, healthy and affordable food. Residents who live in food deserts have higher levels of diabetes and obesity, studies have found.

For the residents of the southernmost part of the community, along 6th Street, the closest grocery store is more than 4 miles

away — a particular struggle for people who don't have cars.

The Southeast Community was already considered a food desert before Fresh Pride closed last June, but its closure made the situation urgent and inspired the folks at the Moton to take matters into their own hands.

"We can't wait for whoever decides to come put a grocery store in the community," said Angela Harris, a Moton volunteer.

"We have to teach the children and adults how to take it back to the roots. Our goal is to teach the next generation to be self-sufficient."

Jim Scanlon has announced plans to open Jim's Local Market, a full-service grocery store that will sell fresh produce, in the Brooks Crossing development

early next year. But some residents say they can't wait that long.

"There is no culture without agriculture," said Dawud Muhammad, a Moton volunteer. "The most revolutionary thing you can do is feed yourself."

The gardens can either be in raised beds, like at the Moton House, or in the soil but only after it is tested. Soil tests are sent in to Virginia Tech and cost \$10 per sample.

Soil samples taken at the four sites that Moton owns contained lead and high or very high levels of zinc, and the location at 2108 Marshall Ave. had a high level of lead.

While lead is dangerous, Coolbear said it usually can be avoided if the vegetables are washed off.

High levels of zinc will keep

vegetables from growing at all.

The aging housing stock in the Southeast Community means that many houses contain lead paint, which gets into the soil, Coolbear said. He is not sure what caused the zinc levels.

Tests were not done for mercury, asbestos or other chemicals. A full test by the EPA would cost thousands of dollars, Coolbear said.

The Southeast CARE Coalition, Greater Southeast Development Corporation, Hampton University, Virginia Tech, Old Dominion University, the Virginia Aquarium and National Institution of Health are sponsoring the gardening projects.

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