

# Re-sentencing leaves Atlanta educators still facing years in prison

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Fulton County Superior Court Judge Jerry Baxter last week re-sentenced three Atlanta educators who were among eleven former teachers, principles and administrators convicted on racketeering charges for inflating scores on standardized tests in the Atlanta Public Schools.

On April 14, Baxter sentenced Tamara Cotman, 44; Sharon Davis-Williams, 59; and Michael Pitts, 59; to 20 years with seven to be served in prison and 13 on probation, plus fines and community service. In what he portrayed as an act of mercy, Baxter reduced their terms to 10 years, with three to be served in prison and seven on probation, and reduced their fines from \$25,000 to \$10,000. The 2,000 hours of community service was unchanged.

In addition to these vindictive punishments, the judge made no adjustment to the sentences he meted out to other educators. This includes former elementary school teachers Angela Williams, 49; and Diane Buckner-Webb, 53; who respectively face two years in prison with three on probation and one year in jail with four on probation. A third teacher, Pam Cleveland, 55, was forced into a plea bargain the day of the sentencing, and fourth, 31-year-old Shani Robinson, recently gave birth and faces sentencing in August.

Now retired teacher Dessa Curb, 66, was the only educator out of the 12 brought to trial acquitted of all charges. Her defense attorney, Sandy Wallack, said Curb was the victim of Salem-style witch-hunt by the Georgia Bureau of Investigation (GBI), which led to false accusations against his client.

The GBI found that the educators were pressured to improve test scores or face humiliation, demotion or the loss of their jobs. The district's former superintendent, now deceased Beverly Hall, was awarded the 2009 National Superintendent of the Year by the American

Association of School Administrators (AASA) for "transforming the 102-school system through a comprehensive reform agenda."

From the beginning, the Atlanta case has been a political vendetta aimed at further discrediting public school teachers and accelerating the process of privatizing public education. Test cheating scandals, which have also occurred in Washington, DC, Pittsburgh, Philadelphia and other school districts, are the inevitable result of the high-stakes testing, begun under former President Bush and accelerated under Obama, which have tied teachers' jobs and income to test-based student performance.

The tests have been used to scapegoat teachers for the educational problems that have arisen from decades of budget cutting, collapsing working class living standards and the growth of poverty among school children. The predictably poor results are used to organize state takeovers—like the one being carried out by Georgia Governor Nathan Deal—shutter public schools and funnel more public money to politically connected education businesses and charter schools.

The Fulton County prosecutor utilized racketeering laws, chiefly reserved for organized crime cases involving the sex trade, weapon or drug trafficking. In his original sentencing Baxter viciously denounced those who refused to accept a plea bargain, which required admitting guilt and renouncing the right to appeal. "All I want for many of these people is to just take some responsibility. But they refuse," he shouted. (See: Judge hands down brutal sentences in Atlanta test "cheating" case)

All of the convicted defendants have now filed appeals. Maintaining her innocence, Tamara Cotman said she was willing to go to jail. "When you're truly innocent there are things you will stand in front of the

train for. I'm not afraid because the truth will prevail.”

At the April 30 hearing Baxter declared, “I want to modify the sentence so I can live with it. I am going to put myself out to pasture in the not too distant future and I want to be out the pasture without regrets. The punishments are in line but I want them to be something I consider fair and I can deal with.”

Baxter did not suddenly become conscience-stricken. His decision was driven by legal and political considerations. A day after the original sentencing, Cotman's lawyer filed an appeal in which he noted that the jury had found the educators guilty of “conspiring” to violate racketeering laws and not actually violating them. The maximum sentence for conspiracy charges is a 10 year prison term, not the 20 years meted out by Baxter—which means it could be overturned in an appeal.

Attorney Wallack told the *World Socialist Web Site* why the judge was so adamant about stripping the educators’ right to appeal. “First, of course, they want to put a closure to the trial. The prosecutor and the judge want to take away the risk that the convictions can be reversed and the whole case can go back to where it was before the trial. This would require the prosecutor to fight to retain the convictions and they don’t want any further scrutiny of their actions.”

The judge’s vindictive sentences shined a spotlight on the blatant double standard of the so-called justice system in America. Corporate criminals and killer cops are given kid gloves treatment, while the most the savage punishment is reserved for the working class.

The reality of this class justice has increasingly politicized teachers themselves. As one teacher responding to the sentences wrote on the educationweek.org comment section, “I think that the same system that charged, convicted and sentenced these educators should have been applied to the rich and connected bankers who openly cheated, nearly crashed our economy and were allowed to continue their lifestyles as if they had done nothing wrong! These actions show the truth about our justice system!!!”

There were considerable sections of the Democratic Party in particular that urged the judge not to sentence the teachers at all, including former Atlanta mayor and UN Ambassador Andrew Young. This was driven by worries that a vindictive punishment would only serve

to highlight the corporate-driven school “reform” movement being spearheaded by Obama and big city Democratic Party administrations across the US.

Young and others called for the issue to be swept under the rug as quickly as possible, fearing that anger over the punishment of the Atlanta teachers could link up with opposition to the attack on public education and take a more overt political form, in particular against the Democrats.

As usual the teachers’ unions, which are allied with the Democrats, did everything to prevent the development of a broader understanding among teachers. The American Federation of Teachers (AFT) and the National Education Association (NEA) are on the payroll of enemies of public education such as the Gates Foundation and have collaborated in the Obama administration’s assault on teachers, including jointly administering test-based “accountability” schemes.

In July 2011, AFT President Randi Weingarten boasted, “The governor’s investigation found that Atlanta Federation of Teachers was the first to expose cheating in December 2005, but the union’s complaint was ignored and sadly, subsequent whistle-blowers in the district were punished and silenced. We applaud Governor Deal for the thoroughness of his investigation. His actions should provide a model for others to aggressively pursue other cheating investigations, including the District of Columbia. Parents, students and taxpayers deserve no less.”

The AFT Atlanta affiliate strong-armed their members caught up in the scandal to accept plea bargains rather than fight the witch-hunt. According to the NBC News, local union president Verdaillia Turner “knows the value of taking a deal,” adding that “Turner said 48 of her members were ‘disposed of’ before the trial.” Shaking her head at the initial sentencing last month, Turner said, “They should have taken the deal. I have no idea why these folks were so hardheaded.”



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