

STATE OF TENNESSEE  
**OFFICE OF THE POST-CONVICTION DEFENDER**  
530 CHURCH STREET, SUITE 600  
NASHVILLE, TENNESSEE 37243

Donald E. Dawson  
Post-Conviction Defender  
(615) 741-9385

Phone: (615) 741-9331  
Fax: (615) 741-9430

August 27, 2003

Hon. Phil Bredesen  
Governor State of Tennessee  
State Capitol  
Nashville, TN 37243-0001

RE: Philip Workman Clemency Application

Dear Governor Bredesen:

On August 21, 2003, I wrote to you formally requesting that you designate a substitute for the present Board of Probation and Parole to hear Philip Workman's clemency application. In that letter I reported to you my deep concern about the unfair and disrespectful treatment Mr. Workman, Juror Wardie Parks, and other witnesses who testified on his behalf received from the Board at the 2001 clemency hearing. I also informed you that Mr. Workman presently has a federal lawsuit pending against the Board members for the manner in which they conducted that hearing.

Yesterday, I received your official response denying my request. The conditions you have set in order for you to consider Mr. Workman's request for clemency, that he submit himself and his witnesses again to a diabolically unfair and vengeful Board, is simply unacceptable. As I stated in my August 21 letter, I cannot in good conscience again subject Mr. Workman to that Board. Sadly, on behalf of Philip Workman, I must now withdraw his application for clemency. If my client is to die at the hands of state agents in a month, it would be an additional cruelty to him to again subject him to this vengeful group.

In Mr. Cooper's August 26, 2003, letter he suggests that Mr. Workman must present his case to the Board because it is the duty of the Board under Tenn. Code. Ann. 40-28-104(a)(10). While the statute lists this as a duty of the Board, it also makes it clear that this is only upon the request of the Governor. The Tennessee Constitution, Article III, Section 6, gives to the Governor the privilege of granting pardons and reprieves. This privilege cannot be limited or regulated by the legislature or the courts. It is yours alone. You can create whatever process you choose and either alone or on the advice of your closet advisers make this decision. It only must go to this corrupt and mean-spirited group if you say it must.

Mr. Cooper also states, “The Governor expects the Board to consider all clemency requests with an open mind and to treat all person appearing before it- applicants, witnesses, victims and their families, prosecutors - with consideration and respect.” I have no doubt that these are your expectations - you are no doubt a decent man and expect the Board to treat people who come before it the way you would treat them. However, as Mr. Cooper pointed out in an earlier meeting, you were requiring Mr. Workman to go before the Board because it is a procedure set up by your predecessor. Unfortunately, this is a Board set up by your predecessor that has acted in a vicious and disrespectful manner to Mr. Workman, juror Wardie Parks, and Mr. Workman’s other witnesses in 2001. It demonstrated a willingness in 2001 to enthusiastically embrace perjured testimony presented by the state while questioning the motives of Mr. Workman’s witnesses and the integrity of Mr. Workman’s counsel. Like the procedures set up for the 2001 hearing, this Board also reflects the culture orchestrated in 2001 hearing. We can expect nothing different this time. While we might hope that in hearings for inmates that have never come before this Board might follow your ethical leadership, they have already demonstrated the opposite in handling Mr. Workman’s case.

Therefore, it is with a heavy heart that I must withdraw from the consideration of the Board the clemency application that I filed on behalf of Mr. Workman on August 12.

Respectfully,

Donald E. Dawson