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March 30, 1999

CERTIFIED MAIL NO. Z 437 568 467
RETURN RECEIPT REQUESTED

Mr. Brett Hornsby
Administrative Technition IV
Executive Clemency Section
Texas Board of Pardons & Paroles
P. O. Box 13401
Austin, Texas 78711

RE: Clemency Consideration
Coleman, Clydell
TBCJ - ID: 000968

Dear Mr. Hornsby:

This is a request for Executive Clemency pursuant to Section 143.57 of the Texas Board of Pardons and Paroles Rules governing commutation of death sentence to lesser penalty on behalf of Clydell Coleman TDCJ-ID #000968.

I am Mr. Coleman's representative. Mr. Coleman was convicted of capital murder in the 54th Judicial District Court of McLennan County, Texas. He is scheduled to be executed May 5, 1999.

Mr. Coleman respectfully requests that the consideration of his application for clemency be publicly heard by the board.

Mr. Coleman, an African American, is perhaps the oldest inmate on death row in Texas. He is 62 years of age. Mr. Coleman received a sixth grade education at a time when public schools in Texas were segregated as a matter of State law. As a result, Mr. Coleman acquired a learning disability which could not be corrected as he was in a segregated elementary school. Faced with the problems created by the learning disability and being subject to a segregated education mandated by the State of Texas in violation of Mr. Coleman's rights under the Fourteenth Amendment of the United States Constitution to equal protection under the law, Mr. Coleman dropped out of school after the sixth grade. Subsequently, Mr. Coleman violated various criminal laws and wound up being an inmate in the Texas Department of Criminal Justice on different occasions.

After denying Mr. Coleman equal education opportunity under the law as required by the Fourteenth Amendment to the United States Constitution as decided by the United States Supreme Court in **Brown vs. Board of Education, 87 S. Ct. 686 (1954)** the State of Texas is now in situation where it will execute Mr. Coleman on May 5, 1999 having deprived him of his United States Constitutional right of equal educational opportunity.

Mr. Coleman's case is an appropriate one for the exercise of executive clemency. The exercise of executive clemency in Mr. Coleman's case would be a strong statement by the executive acknowledging the social problems and inequities caused in the past by legally required racial segregation in the Texas school systems. By commuting Mr. Coleman's sentence to life imprisonment, the executive could add the voice of the State of Texas to that of the unanimous Supreme Court when it said in **Brown vs. Board of Education:**

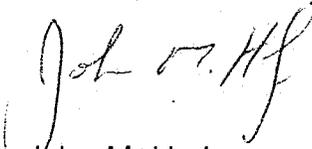
Today, education is perhaps the most important function of State and local governments compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in our armed forces. It is the foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, and preparing him for later professional training, and in helping him to adjust normally to his environment. In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on an equal basis...

....To separate them [black children in grade and high school] from others of similar age and qualification solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to undone."

Mr. Coleman is a native born Texan who was denied equal educational opportunity because of his race. This sad state of affairs was found to be unconstitutional by a unanimous United States Supreme Court in 1954 in **Brown vs. Board of Education.** By that time Mr. Coleman had already dropped out of public school after the sixth grade. While the opinion in **Brown vs. Board of Education,** addressed the Topeka Kansas public school system, it could have been written with Clydell Coleman in mind. Mr. Coleman's subsequent felony convictions stem from the fact that he did not receive a good education. He did not receive a good education because he was deprived of educational opportunity equal to that of white people because the laws of the State of Texas prohibited him from receiving that equal educational opportunity. Now, the State of Texas will execute Mr. Coleman on May 5 unless the Executive commutes his sentence to life imprisonment.

For the foregoing reasons, Clydell Coleman respectfully requests the Board to recommend to the Executive that his death sentence be commuted to the lesser penalty of life imprisonment.

Very truly yours,



John M. Hurley

JMH:rk

cc: Mr. Clydell Coleman
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