

Congress of the United States
Washington, DC 20515

July 28, 2023

The Honorable Michael L. Parson
Governor of Missouri
P.O. Box 720
Jefferson City, MO 65102

Dear Governor Parson:

We write to you today to urgently ask that you halt the execution of Johnny Johnson scheduled for August 1, 2023. As lawmakers, we are committed to building a Missouri that is a beacon of justice, and we strive daily to represent the needs and demands of Missourians in our districts and across the state. For this reason, we are urging you to immediately halt Mr. Johnson's execution if the Eighth Circuit's stay of execution is overturned¹, and to commute his sentence, a request shared by the victim's father.

Mr. Johnson has suffered from severe mental illness and cognitive impairments his entire life. He has organic brain disorder and experienced a brutally traumatic and adverse childhood that involved psychiatric hospitalizations, and suffers from schizophrenia that consistently features hallucinations, delusions, and psychotic disorganized thought. He was in the grips of active psychosis when he committed the offense for which he is scheduled to be executed. He currently believes that the reason for his execution is that Satan is using the State of Missouri to bring about the end of the world.²

Mr. Johnson has a lengthy history of seeking treatment, including through hospitalization, that establishes the longstanding nature of the diseases and inability of medication to adequately treat them. He has received numerous diagnoses, including schizophrenia, major depression, psychotic disorder, post traumatic stress disorder, and borderline personality disorder.³ Nothing about his life history suggests he is currently malingering or otherwise faking his symptoms.

¹ Jim Salter, *Federal appeals court halts Missouri execution, leading state to appeal*, Associated Press (July 26, 2023), <https://apnews.com/article/appeals-court-halts-missouri-execution-e413f4fe3c14d2dc1a4d5b194c1d95b1>

² Petition for Writ of Habeas Corpus, *Johnson v. Vandergriff*, No. 4:23cv-845 (E.D. Mo. June 30, 2023), <https://drive.google.com/file/d/1y49xT227amdJEBLSbBnS8BWsSUzXqBAV/view>; Application for Executive Clemency to the Honorable Michael L. Parson, Governor of Missouri on Behalf of Johnny A. Johnson (2023), https://drive.google.com/file/d/13dhCffim1fXVsL1_ryapJj8BWI4UsNlo2/view

³ *Id.*

There is extensive evidence that Mr. Johnson does not have a rational understanding of the reasons for his execution. As such, he is entitled by the Constitution to a “fair hearing” to assess his competency.⁴ This is true notwithstanding the Missouri Supreme Court’s flawed ruling relying on a single affidavit by a prison therapist over the competency evaluation and report by a licensed psychiatrist.⁵ Executions have been halted to assess competency in other states, including Missouri, Texas, Mississippi, and Oklahoma.⁶ Nothing is lost by halting the execution to assess Mr. Johnson’s competency, as the Eighth Circuit ruled; in contrast, his life stands to be unlawfully taken.

Each of us is more than the worst thing we’ve ever done.⁷ The same is true for Mr. Johnson. As ordained ministers, we believe in accountability and the sanctity of life, and do not think these tenets are mutually exclusive. We must therefore make investments in the social and economic well-being of all people. In order to do so, we must first acknowledge the moral depravity of executions. They are not about justice; they are about who has institutional power and who doesn’t. We urge you to correct these injustices using every tool available, including the power to grant clemency.

Thus, in addition to halting the execution and ordering a competency hearing if the Eighth Circuit’s stay of execution is overturned, we urge you to commute Mr. Johnson’s sentence. As noted above, the victim’s father supports Mr. Johnson’s commutation request and has said “I would like for Governor Parson to grant Johnny clemency.”⁸ Moreover, it was recently disclosed that at trial, prosecutors failed to disclose that the two psychologists they called as witnesses had their professional licenses revoked due to illegal and unethical conduct.⁹ Thus, executing Mr. Johnson would simply destroy yet another community while using the concepts of fairness and

⁴ *Panetti v. Quarterman*, 551 U.S. 930, 949 (2007) (ruling that criminal defendants sentenced to death may not be executed if they do not understand the reason for their imminent execution). *See also* *Madison v. Alabama*, 139 S. Ct. 718, 722 (2019); *Ford v. Wainwright*, 477 U.S. 399 (1986); *Stewart v. Martinez-Villareal*, 523 U.S. 637 (1998).

⁵ *State ex rel. Johnson v. Vandergriff*, Case No. SC100077 (June 8, 2023).

⁶ *Missourians Against the Death Penalty, People on Missouri Death Row*, <https://www.madpmo.org/people-on-missouri-s-death-row>; Death Penalty Information Center, *Texas Withdraws Execution Date to Allow for Mental Competency Consideration* (Mar. 8, 2023), <https://deathpenaltyinfo.org/news/texas-withdraws-execution-date-to-allow-for-mental-competency-consideration>; Emily Wagster Pettus, *Mississippi orders competency hearing on execution request*, Associated Press (Jan. 31, 2022), <https://www.local10.com/news/national/2022/01/31/mississippi-orders-competency-hearing-on-execution-request/>; Derrick James, *Appeals Court orders competency hearing for Oklahoma death row inmate*, The Norman Transcript (Mar. 11, 2022), https://www.normantranscript.com/news/appeals-court-orders-competency-hearing-for-oklahoma-death-row-inmate/article_580caa3a-a181-11ec-93e4-579fe183c68a.html

⁷ Bryan Stephenson, *Just Mercy* (2014).

⁸ *Supra*, note 1.

⁹ *Johnson v. Vandergriff*, Petition for Writ of Certiorari (July 18, 2023), https://www.supremecourt.gov/DocketPDF/23/23-5147/272250/20230718113045522_Johnson%20-%20Brady%20Final%20Cert.pdf

justice as a cynical pretext and likely in violation of the Eighth and Fourteenth Amendments to the Constitution.

We must dedicate ourselves to the actual fundamental principles of liberty and justice that animate our laws and our governance. You have it in your power to save a life by halting the execution, ordering a competency hearing, and granting clemency. We urge you to use it.

Sincerely,

A handwritten signature in black ink that reads "Cori Bush". The signature is written in a cursive, flowing style.

Representative Cori Bush (MO-01)

A handwritten signature in blue ink that reads "Emanuel Cleaver II". The signature is written in a cursive, flowing style with a prominent circular flourish at the end.

Representative Emanuel Cleaver II (MO-05)