

The murder conviction of Andrea Yates: a tragic case, a barbaric verdict

By David Walsh
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The conviction of Andrea Yates on capital murder charges for the bathtub drowning of her five children is a terrible miscarriage of justice. While the Houston jury's decision was deplorable, the central responsibility lies with the reactionary social atmosphere cultivated by the American ruling elite over the past two decades. The promotion of law-and-order hysteria and religious fanaticism has had particularly tragic consequences in Texas, not coincidentally the home state of the former governor and current US president, George W. Bush.

Yates, who pleaded not guilty by reason of insanity, was convicted March 12 of murder in the deaths of three of her children after a jury deliberation of less than four hours. Yates killed all five of her children in June of 2001, but prosecutors held back charges in regard to two of the deaths so they could try her again in the event that the 37-year-old woman was not convicted for murder in the current trial.

In the course of the 17-day trial, psychiatric experts chronicled the history of Yates's mental illness, which included two suicide attempts, four stays in mental institutions, recurring hallucinations and severe depression.

On March 15 the jury, once again after a brief deliberation, sentenced Yates to life imprisonment, rejecting the prosecution's call for the death penalty.

Andrea Yates is a deeply disturbed, psychotic individual, whose case should never have gone to trial. In an enlightened society it would be a rule of thumb that a woman who murdered her children was mentally dysfunctional and not someone to be treated as a common criminal.

As a danger to herself and others, Yates needs to be confined, but not for the purpose of punishment. She desperately needs proper psychiatric care.

Testimony at her trial painted a picture of a woman who has been unraveling mentally for years. Andrea Kennedy married Russell Yates, a National Aeronautics and Space Administration (NASA) engineer, in April 1993. Already obsessed with religion, the two had spent the previous two years, according to a piece in *Time* magazine, "living together, reading the Bible and praying." They told guests at their wedding that they planned to have as many children as nature permitted. Andrea later told a neurologist, however, that shortly after the birth of their first child, Noah, in February 1994, she felt the presence of Satan and saw an image of a knife and someone being stabbed.

The couple had children in 1994, 1995, 1997 and 1999. By the summer of 1999, Andrea was no longer able to conceal her severely distressed emotional state. On June 16 she called her husband at work and asked him to come home. He found her "slumped in a chair, biting her fingers, her legs shaking even more uncontrollably than her hands" (*Time*). The following day she took an overdose of Trazodone, a prescription medicine given to her father after a stroke. Following this suicide attempt, she was transferred to the Methodist Hospital psychiatric unit and diagnosed with a major depression disorder.

After being discharged, her condition worsened. "Staying in bed all day,

she scratched four bald spots into her scalp and picked sores in her nose. She used her nails to score marks on her legs and arms in her silent obsessions.... At this time, she would later tell psychiatrists ... she experienced visions and voices. She would hear commands: 'Get a knife! Get a knife!' Then the image she first saw after Noah's birth returned: a knife and a person being stabbed. But now in the image she saw bloody results" (*Time*).

In July 1999, Russell wrestled a knife away from his wife, who was holding it to her throat. She was then admitted to Memorial Spring Shadows Glen for psychiatric treatment and began taking Haldol, a powerful anti-psychotic drug.

Psychiatrist Ellen Starbranch, who began treating Yates in August 1999, testified that she warned the couple that having another child might trigger a further psychotic episode. Their fifth child, Mary, was born in November 2000. The death of Andrea's father in March 2001 apparently caused a further deterioration in her condition. She was admitted, much against her will, to Devereux Texas Treatment Network from March 31 to April 12 and then again from May 4 to May 14 of last year.

A little over a month later Yates drowned all five of her children in the bathtub, one after the other, holding them under water until they stopped struggling.

The testimony of Dr. Melissa Ferguson, medical director of psychiatric services at the Harris County Jail, provided a glimpse of Andrea's madness. According to the *Houston Chronicle*, Ferguson testified, "She believed that the children would be tormented and perish in the fires of hell unless they were killed." Yates screamed at her, "I was so stupid. Couldn't I have killed just one to fulfill the prophecy? Couldn't I have offered Mary?"

Yates asked Ferguson for a razor to shave her head and pointed to where she continually picked at her scalp. "She told me she wanted a razor to see if the marks are still there," the jail psychiatrist recounted. "She referred to them as the marks of the beast and 666 [the anti-Christ]." Yates talked about Bush, saying she could not destroy Satan and that "Gov. Bush would have to destroy Satan." Ferguson commented, "In all the patients I've treated for major depression with psychotic features, she is one of the sickest I've ever seen."

Another defense witness, Dr. Phillip Resnick, the director of the division of Forensic Psychiatry at the Case Western Reserve University School of Medicine in Cleveland, testified, "She faced a cruel dilemma. If she did nothing, because the children were not being raised righteously, they would burn in hell. She could allow them to end up in hell burning for eternity or take their lives on earth. It was a horrible dilemma for any mother to have."

More evidence has emerged of the specific and damaging influence of Christian fundamentalism on Russell and Andrea Yates. The couple was apparently bombarded with correspondence from Michael and Rachel Woroniecki, a pair of traveling evangelists who preach the most morbid and fanatical form of fundamentalism.

Michael Woroniecki has described working women as “witches” and maintained that “As man was created to dominate, God reveals that woman was created to be his helpmate. Thus the role of woman is derived, not from culture, but from the sin of Eve at the creation of the world.”

Rachel Woroniecki wrote to Andrea Yates, “Life is so short. It is so very cruel. It is so lonely and empty. You must accept the reality that this life is under the curse of sin and death.”

The prosecution hardly disputed Andrea Yates’s history of mental illness, nor did they need to. Under Texas law, prosecutors are only obliged to establish that a defendant knew he or she was committing a crime or doing something wrong. The fact that Yates waited to drown her children until her husband left the house and called the police after the killings was, according to the prosecution, sufficient from the standpoint of state law to convict her of murder.

Such a standard has nothing to do with determining sanity or insanity, and has quasi-religious overtones. Prosecutor Joe Owmbly argued along religious lines, claiming at one point that Yates “knew this was a sin.”

An insanity defense has become more and more difficult to plead in the US over the past two decades. In the 1970s many states modified along more humane lines their standard for determining whether or not an individual could be held legally accountable for his actions. However, after the acquittal by reason of insanity of John Hinckley—who shot President Ronald Reagan in 1981—39 states, including Texas, made retrograde changes in their laws regarding insanity pleas. Two states, Montana and Idaho, abolished the insanity defense altogether. This reactionary change in the law was part and parcel of a general shift to the right by the political establishment, which increasingly demanded stronger police measures and longer prison sentences as the answer to social problems.

Yates’s defense was further hampered by the fact that under Texas law a jury may not be informed that an insanity acquittal does not mean the defendant simply goes free. Judge Belinda Hill denied a defense request that the jurors be told Yates would likely be confined to a mental hospital if acquitted.

In their summations, the prosecutors resorted to the code phrases of the ultra-right. Prosecutor Kaylynn Williford repeatedly used the word “choice,” claiming that Yates had made specific choices and knew what she was doing. She told the jury, “To find her not guilty by reason of insanity is to say that we no longer have self-accountability in our society.”

In his closing arguments, defense lawyer George Parnham told the jury, “If this woman doesn’t meet the test of insanity in this state, then nobody does. Zero. You might as well wipe it from the books. She was so psychotic on June 20 that she absolutely thought she was doing the right thing.”

The arguments of the defense team and its psychiatric experts fell on deaf ears. Many of the jury members probably share Andrea Yates’s simplistic, Biblical view of Good and Evil, although not, of course, to the same disoriented extent. (One infers from Yates’s own comments that if she had sat on the jury she would have likely voted for her own conviction.) The complexities of mental illness and its implications for human behavior were not issues to which the jury addressed itself.

The fate of the Yates family—wife, husband and children—and the chilling spectacle in the courtroom, evoking more the spirit of the witch trials of medieval Europe and colonial New England than enlightened principles of humane justice, reveal a great deal about American society at the beginning of the twenty-first century.

Contemporary America presents itself as a set of immense contradictions, and no region exemplifies those contradictions more graphically than Texas. The state’s elite is notorious for its reactionary, law-and-order outlook. Houston is located in Harris County, which

accounts for 63 of those executed in Texas since the reintroduction of the death penalty in 1976, and 156 of those currently on death row. As an article in *Le Monde Diplomatique* in 2000 noted, “Texas incarcerates more people per capita than any other state in the nation: indeed, it has a system of law enforcement that is now the most punitive in the industrial world. Though it only has one-tenth of the population, it hosts a prison population that is now greater than that of France, Germany and Italy combined.”

Although it has more than its share of oil and other types of millionaires, Texas is the fifth poorest state in the US and ranks forty-eighth in literacy. In 1998 the state ranked last for women without health insurance and forty-third for women living in poverty. Thanks to budget-cutting under former governor Bush, Texas ranks last in terms of government spending per capita.

Houston, now one of the ten largest urban centers in the US, is itself a city of immense social contrasts. It is home to some of the country’s most ostentatiously wealthy individuals, but 17 percent of Houston’s population lives beneath the poverty line and another 28 percent not far above it. Almost a third of the city’s children live in poverty, and local health and child poverty experts would not be surprised if that percentage soon surpassed 40 percent. Nearly a quarter of the city’s youth are unemployed. Houston police are notorious for their brutality, meted out with particular ferocity to the city’s large black and Hispanic population.

The character of the city’s ruling elite is perhaps best exemplified by Enron, synonymous with greed, corruption and criminality, whose corporate headquarters are found there. A former Enron executive boasted recently that the company “always felt like a loosely bound tribe of ruthless hunters” consumed by the “relentless pursuit of individual wealth.”

On the other hand, some of the most sophisticated efforts in science, medicine and technology are carried out in Texas, also home to extraordinary universities, libraries and cultural centers. The Yateses themselves embody this contradiction: devoted adherents of Christian fundamentalist dogma, Russell Yates was a NASA engineer, designing computer systems, while Andrea, when they met, was a post-op nurse at M.D. Anderson Cancer Center, one of the leading cancer hospitals in the world.

The attitude of both Russell and Andrea Yates toward her mental condition, undoubtedly sincere, could hardly have been more disastrous. Russell Yates today believes that his wife is psychotic because “the devil prowls around looking for someone to devour... Andrea was weak, and he attacked her” (*Time*). This is the outlook that has been deliberately promoted and nourished by the political establishment, and not only the Republican right wing.

The savagery of the government response to Andrea Yates’s tragedy is not merely a symptom of moral bankruptcy, but, more significantly, an expression of the utter incapacity of the political and legal establishment to confront in any progressive manner the reality of contemporary American society.

Official life has proceeded through familiar channels in recent decades—the same political parties, institutions and national ceremonies continue as before—while social reality under the surface has radically changed—demographically, ideologically, culturally. Indeed, as American society has grown larger, more heterogeneous, more complex, the viewpoint advocated by the establishment has become increasingly primitive.

If we were to take the faction that presently dominates Washington at face value, and the Yateses, unhappily, seem to have done precisely that, the answers to life’s problems, ranging from career choices, to child-rearing, to economic insecurity, to mental distress, are all to be found on the tables of stone brought down by Moses from Mount Sinai. Such pathetic superstitions produce only misery and confusion.

In its own grotesque way, the Yates trial bespeaks the devastating consequences of the contradiction between the dead weight of the present political and economic setup, with its accompanying ideology, and the needs and interests of the American population. At present, this conflict most often finds expression in anti-social acts: Columbine and the rash of school shootings, violent eruptions in the workplace, family tragedies that end in bloodshed.

Andrea Yates's psychosis cannot be explained simply as a direct result of the diseased state of American society. That would be a vulgar simplification of a complex process. But its tragic denouement is inseparably bound up with the increasingly toxic impact of the political monopoly of the American ruling elite and the subordination of social needs to its narrow interests.

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