

## Mental health and justice: the case of Andrea Yates

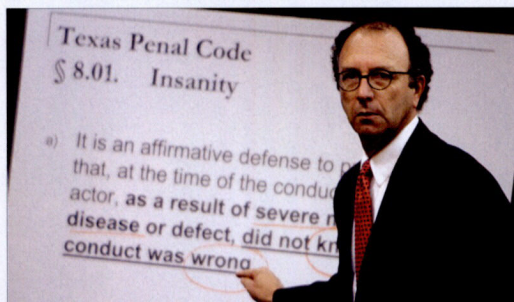
Former nurse Andrea Yates, whose postnatal mental illness led her to drown her five children, had her life sentence overturned at a retrial earlier this year, after successfully pleading insanity. Faith McLellan reviews the case and its implications for mental health in the criminal justice system.

The facts about what took place on the morning of June 20, 2001, in the suburban home of Russell (Rusty) and Andrea Yates, in Houston, TX, were never in dispute. At around 0900 h the children had finished their breakfast, and their father had left for work at the Johnson Space Center, where he was a NASA engineer.

Soon after, Andrea Yates filled a bath with water and methodically drowned, one by one, her five children: Noah, 7 years old, John, 5 years, Paul, 3 years, Luke, 2 years, and Mary, who was aged just 6 months. Andrea then phoned the emergency services and asked the police to come to the house. She also called Rusty at work and told him he needed to come home. When a police officer arrived and asked her what was wrong, she immediately told him: "I killed my kids."

In jail, Andrea said she had considered killing the children for 2 years. She had not been a good mother to them, she said; they were not developing correctly. She claimed to have been marked by Satan, and that the only way to save her children from hell was to kill them. Then, when the state punished her for their deaths, Satan himself would be destroyed. Television cartoon characters told her she was a bad mother. She heard a human voice that told her to get a knife. On the walls of the jail, she saw satanic teddy bears and ducks. She said she was not mentally ill and had never been depressed because she had never cried.

Yates was arrested and charged with capital murder. She pleaded not guilty by reason of insanity. After a jury trial in 2001, she was found guilty and sentenced, not to the death penalty, which prosecutors had sought, but to life in prison. Under Texas law, a life sentence meant she would have to



The verdict of "not guilty by reason of insanity" is particularly difficult to attain in Texas law

serve a minimum of 40 years before being considered eligible for parole. Her conviction was later overturned on the basis of false testimony given by a witness for the prosecution, and she was granted a new trial. On July 26, 2006, she was acquitted by reason of insanity and committed to a state mental hospital.

Although Yates readily confessed to what she had done, and the crimes were committed in less than an hour, what led up to her killing her children had been building for years. Her story was complex and multifaceted. Odd family dynamics, fundamentalist religious beliefs, clinical care that was fragmented at best, and the quirks and inadequacies of the American medical-insurance system all had some role in the Yates' family tragedy. The case also highlighted the lack of recognition of the potentially deadly consequences of postnatal disorders, and the limitations of the justice system in dealing with individuals who are mentally ill.

There is little in Andrea's background to suggest that she would become, by her own description, "the most hated woman in the world". Her upbringing,

like her husband's, was unremarkable. She was raised as a Roman Catholic; her husband as a Methodist. Both earned college degrees. Andrea worked as a nurse at Houston's M D Anderson Cancer Center for 8 years, and Rusty was employed by NASA's space-shuttle programme.

After the couple's marriage in 1993, Andrea gave up her job and soon became pregnant. Over the next 7 years, she gave birth to five children and miscarried once. Their family life became increasingly unconventional and chaotic. At one point, they moved out of their house and into a camping trailer. For a while, they lived in a converted bus. Andrea taught all of the children at home; ran the household without any outside help; and also helped take care of her father, who had Alzheimer's disease.

The Yates' religious beliefs were also less than conventional. They were not members of any local church, but instead hosted a Bible study group in their home 3 nights a week. They had become attached, based on an encounter Rusty Yates had had in college, to an itinerant fundamentalist





Andrea Yates' husband Rusty has divorced his wife and remarried since his five children were murdered

preacher, Michael Woroniecki. Woroniecki's rhetoric was of a fire-and-brimstone type. His proclamations include the following: "Hell is right on the doorstep, waiting to bring you in." Parents were especially responsible for ensuring the salvation of their children, he said, lest they "perish in hellfire". He also said that parents ought to commit suicide rather than cause their children "to stumble" and go to hell.

This type of rhetoric represents "the dark side of religious pluralism, of religion in general and of Protestantism in particular", according to Bill Leonard, dean and professor of church history at Wake Forest University in Winston-Salem, NC. Leonard points out that

these views are often held by people with no institutional credentials and little, if any, accountability. He says these beliefs develop from a "gross misunderstanding of spirituality".

Though Andrea Yates wrote to Woroniecki and his wife for advice, Woroniecki has denied that he had any influence on her delusions or behaviour.

#### History of hallucinations

Andrea Yates began to show signs of mental illness shortly after the birth of the couple's first child, when she had an hallucination that involved a stabbing. After the birth of her fourth child, she attempted suicide by taking an overdose of sedatives. She was taken

to hospital, but discharged before her symptoms resolved, because her insurance company limited the number of days of inpatient care it would pay for. She was prescribed antidepressants, but would not take them. In a second suicide attempt, she held a knife against her throat. She began to self-mutilate and heard voices that told her to "get a knife".

When she became near catatonic, doctors suggested electroconvulsive therapy, but the family rejected this option. Finally, she received a drug cocktail containing an antipsychotic agent. The medication was apparently effective, but Andrea believed she had been given "truth serum", which caused her to lose control of herself. Despite a psychiatrist's warning that having another child would almost certainly provoke another psychotic episode, the Yateses had a fifth child.

After the death of her father, at the end of February, 2001, Andrea Yates stopped talking, drinking liquids, nursing the baby, Mary, and began pulling out her own hair. She thought video cameras were watching her in the house and that television characters were speaking to her. Mute and catatonic, she was admitted to hospital for a third time to a facility that specialised in substance abuse which was chosen by her husband because it was close to home.

A new psychiatrist restarted her on the antipsychotic drug therapy. She was discharged 10 days later, despite being still depressed and mute, because her sleeping and eating had improved.

Her return home was marked by newly eccentric behaviours, including filling the bath with water just in case, she told her mother-in-law, she "needed it". She was soon taken to hospital once more. After she was discharged, her psychiatrist began to wean her off the antipsychotic drug. A few weeks later, though, she had seriously declined, and Rusty asked about restarting it. The psychiatrist refused, saying it was "a bad medicine". Rusty then raised the possibility of electroconvulsive therapy



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again, but the psychiatrist said the treatment was reserved for people with severe mental illness. Andrea should, instead, the psychiatrist told her 2 days before she killed the children, "think positive thoughts".

More than one of Andrea's doctors has since said that she is either the sickest person, or among a handful of the sickest people, they have ever seen. She has been variously diagnosed with postnatal psychosis, major depression, schizophrenia, schizoaffective disorder, bipolar disorder, and combinations of these conditions, with postnatal psychosis generally accepted as the most definitive.

Postnatal disorders range from the common but short-lasting "baby blues", to postnatal depression (which affects 10–15% of women after childbirth), to psychosis, which occurs in only 1 or 2 of every 1000 new mothers. Screening and early recognition are crucial for effective treatment.

One psychiatrist, Lucy Puryear, who saw Andrea after the drownings, told *The Lancet*: "I see women with postpartum disorders all day long. They get diagnosed, they get treated, and they get well." The condition is what one expert, Margaret Spinelli, has called "predictable, identifiable, treatable, and preventable".

When George Parnham, the lawyer hired by Andrea's family to defend her, first met his client she was rocking mutely back and forth, and had picked her scalp raw looking for "a sign of the beast", he recalled in an interview with *The Lancet*. The first thing she eventually said to him was, "When can I go to death row?" He explained to her that while that might well be the result, there was a legal process she would have to go through. He would later tell the jury, "If this woman doesn't meet the test of insanity in this state, then nobody does...We might as well wipe it from the books."

Attorneys for the state acknowledged that Andrea was mentally ill, but not, they said, severely so. They

sought the death penalty, in a state that executes more people than any other US state. And they sought it in Harris County, a county that executes more people than any other county in Texas. Acquittal would be possible only after a verdict of not guilty by reason of insanity. If Andrea were found guilty, she would receive either the death penalty or life in prison.

As is the case with all other states, Texas has no law that specifically addresses infanticide. All states do, however, recognise claims of insanity, but the legal standards vary. The Texas law is a particularly narrow and stringent one, explains William Winslade, a lawyer and James Wade Rockwell Professor of Philosophy of Medicine at the University of Texas Medical Branch. He says the Texas statute is based on the M'Naughten rule, which evolved from a criminal case that took place in Britain in 1843, and defines insanity through a two-part test. A person is insane if, through a "disease of the mind" existing at the time of the crime, he or she either does not know the "nature and quality of the act", or, if the person was aware of the act, he or she did not know the difference between right and wrong. However, the Texas standard dispenses with the first part of this test and is limited to the question of whether the defendant knew the act to be right or wrong. But the meaning of "wrong"—legally wrong, or morally wrong?—is not defined.

The law specifies that the insanity defence can be used only in cases of "severe mental illness", and it puts the burden of proof on the defendant. Winslade points out the irony that many US states retain a law that "they inherited from the British, who now have a better system in place".

Infanticide in the UK is dealt with by the British Infanticide Act of 1922, which was revised in 1938, some version of which has been adopted in at least 22 other countries. Women who kill their children in the first year of life cannot be charged with murder,

only with manslaughter, and both parole and psychiatric treatment are mandated by the act. As Deborah Denno, a professor of law at Fordham University School of Law in New York, has written: "The British Infanticide Act is an established illustration of how infanticide can be treated as a separate category of crime when there are medical problems associated with the killing. As it stands, American law has neither a separate criminal category nor any legislative recognition of postpartum psychosis as a mitigating factor, although the disorder can be used as a defence in criminal cases."

Because the Texas statute has such a narrow and ambiguous definition of insanity, it is fundamentally flawed, Winslade says. Andrea Yates "might have known in the abstract that what she was doing was wrong, but she still thought it was the right thing to do." Her case, he says, vividly illustrates the limitations of the justice system to deal with mentally ill defendants.

### Expert testimony?

The case also illustrates the limitations of expert-witness testimony. The first trial hinged largely on the testimony of a psychiatrist, Park Dietz, who had been hired by the prosecution to interview and evaluate Andrea Yates. Dietz has no particular expertise in postnatal disorders. He says he stopped treating patients in 1981 or 1982, had last seen a patient with postnatal depression in 1977, and was not sure he had ever seen a case of postnatal depression with psychotic features. But he has testified for the prosecution in several high-profile homicide cases, including those of Susan Smith, who killed her children by driving her car into a pond; Ted Kaczynski, the Unabomber; and Jeffrey Dahmer. Dietz proclaimed Dahmer, who kept the heads of his murder victims in his freezer, legally sane.

Likewise, Dietz testified that Andrea Yates was not insane. He said she knew what she was doing was wrong, as indicated by her expressed belief that





Yates received her not guilty verdict in July this year

Satan, not God, had ordered her to kill the children. Dietz told jurors that Andrea did not have hallucinations before the crime, and that whatever she had was nothing more than "obsessional intrusive thoughts".

In addition to the businesses he runs, Park Dietz and Associates, a forensic consulting firm, and the Threat Assessment Group, which provides prevention services for workplace violence, Dietz works as a consultant to two popular television shows, *Law and Order*, and *Law and Order: Criminal Intent*. He testified that just before the killings an episode of *Law and Order* had been shown about a mother with postnatal depression who drowned her children and was found not guilty by reason of insanity.

The implication was that Andrea had got the idea for her actions from the television programme. However, no such episode had ever aired. This was the false testimony, a mistake Dietz acknowledged, on which the case was eventually overturned and a new trial granted.

Denno highlights the problems of Dietz's statements by characterising expert testimony as "an unregulated storytelling process". She argues that the justice system needs to examine whether the use of expert witnesses, however long-established a practice, is fair and effective, especially in death-penalty cases and when the defendant is agreed by both sides to be mentally ill. She concludes that the Yates case underscores "how swayed and fragile insanity determinations can be in the

heat of litigation and how inadequate the criminal justice system is to handle them."

### Case closed

It is unlikely, though not impossible, that further charges will be brought against Andrea (she was tried for the deaths of only three of the children). But for all practical purposes, the case is closed. Rusty Yates divorced his wife and remarried. Andrea's commitment to a state mental institution is subject to court supervision. Last month, on Nov 16, 2006, a judge ruled that she will remain in hospital for at least another year, when her case will again be reviewed. She may, however, remain in hospital for the rest of her life.

Several professional communities have used Andrea's case to try to prevent a similar tragedy from occurring. The Mental Health Association of Greater

Houston established the Yates Children Memorial Fund to educate the public about issues affecting women's mental health. And, in 2003, the Texas state legislature passed the Andrea Yates Bill (subsequently amended to be more comprehensive). The bill requires all providers of prenatal care to give new mothers information about resources available to help them with postnatal depression. According to Chan McDermott, of the Texas Department of State Health Services, the bill met with little resistance from providers, except for occasional expressions of concern that it provided additional opportunities for litigation. The bigger problem was the discovery of a dearth of relevant resources and organisations. "You can screen all day long", says McDermott, "but what is really needed is more care providers" who specialise in postnatal disorders.

Andrea's attorney, George Parnham, calls the Yates case the one "that opened the nation's eyes to mental illness". It was a "life-altering" experience for him personally, one that has turned him into an advocate for mentally ill criminal defendants. But more importantly, he said, changes in the mental-health and justice systems will be the legacy of the Yates' children's death—a memorial that ensures their short lives were not in vain.

Faith McLellan

### Panel: Resources and further reading

Bard JS. Rearranging deck chairs on the Titanic: why the incarceration of individuals with serious mental illness violates public health, ethical, and constitutional principles, and therefore cannot be made right by piecemeal changes to the insanity defense. *Houston Journal of Health Law and Policy* 2005; 5: 1-73

Denno DW. Who is Andrea Yates? A short story about insanity. *Duke Journal of Gender Law and Policy* 2003; 10: 1-139. Available at: <http://www.law.duke.edu/journals/djglp/articles/gen10p1.htm>. Site accessed November 19, 2006

Meyer CL, Oberman M. Mothers who kill their children: understanding the acts of Moms from Susan Smith to the "Prom Mom". New York: New York University Press, 2001

Spinelli MG (ed). *Infanticide: psychosocial and legal perspectives on mothers who kill*. Washington DC: American Psychiatric Publishing, 2003

Spinelli MG. Maternal infanticide associated with mental illness: prevention and the promise of saved lives. *Am J Psych* 2004; 161: 1548-57