

Still a problem for society

Yates deserved death penalty



KELLN ZIMMER

Recently, Andrea Yates, the Houston woman convicted on three counts of capital murder, received life in prison for her crimes. She drowned her five children in a bathtub because she said she was convinced they were not "developing correctly" and the time for punishment had come. The jury had two options: life in prison or death by injection.

Andrea Yates should have been sentenced to death for her crimes, for no other reason than in America, crimes like hers are punishable by death. Right or wrong, this is the American justice system. In this case, the defense failed to conclusively prove insanity. The victims were five children, and the murderer was their once mild-mannered mother. Gruesome crimes like this are punishable by the death penalty and there is no evidence to argue that Yates deserves anything less for the unthinkable crimes she committed.

Under the Texas death penalty, a jury must unanimously decide two things in a capital murder case: if the defendant poses a future danger to society and if there are mitigating circumstances to sentence them to life in prison as opposed to death. The mitigating circumstance in this case would have been mental illness. The jury rejected the defense's attempt to prove that Yates was mentally ill and could not distinguish right from wrong. It is hard to believe that anyone who is cold blooded enough to kill five of their own flesh and blood does not pose a future threat to society or to themselves.

Yates's confession is a chilling look into the mind of this murderous mother. When asked about the first time she had thoughts of killing her children, as the murders last year were premeditated, Yates said she "realized it was time to be punished ... for not being a good mother." The investigator asked "How did you see drowning your five children as a way to be punished? Did you want the criminal justice system to punish you?" Yates quickly answered, "Yes."

Jutta Karin Kennedy, Yates' mother, said, "I have lost seven people in one year," referring to her grandchildren and husband, who died a year ago, in an emotional plea to the jury to spare her daughter's life. Russell Yates, Andrea Yates' husband, has been in the media since the murders took place. Condolences go to the Yates family, but they are not on trial and their emotional lives should not come into play in her sentencing.

Texas has the most active death penalty in the nation, with 262 exe-

cutions since 1982, according to the Texas Department of Criminal Justice, and constantly is under scrutiny for its policy and the number of inmates sent to death row. It is seen as barbaric, "rough justice" found nowhere but Texas, by opponents. But Texas is a state that is very rigid about right and wrong. The argument is unshakable — it is wrong to kill and it is unthinkable to kill one, let alone five, of your children.

Yates made a chilling admission of the methodical steps she took to kill her children. There is no question this is a sick crime, but she should not have been spared under the pretense of being severely depressed. She knew what she was doing — she planned it and she calmly turned herself in when she had taken the last breath from her fifth child.

She killed them because she decided they were not good and she was a poor mother for them. With a life sentence, how long before Yates becomes dissatisfied with another person? How long until she takes another life, perhaps her own? Yates deserved no less than the death penalty, and the fact that she will be eligible for parole later in her life should be viewed as a breakdown in American justice.

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Mother given proper punishment



MELISSA BEDSOLE

Last Tuesday, it took a Houston jury a little more than three hours to make a decision the entire world was waiting to hear. Eight women and four men made up the jury that found Andrea Yates guilty of three counts of capital murder for the deaths of five of her children. While there are many arguments and opinions surrounding the verdict, the jury may have redeemed itself in deciding her punishment.

On Thursday, the penalty phase of the trial began and the decision to be made was whether Yates deserved the death penalty or a life sentence in prison.

A punishment of the death penalty would have made Yates the eighth woman on death row in Texas, and a life sentence ensures her to serve at least 40 years before becoming eligible for parole. The opinions surrounding this case were set aside for this portion of the trial and Texas death penalty laws were understood so that this woman's life was spared.

The Texas laws regarding insanity worked against Yates in the first part of her trial. It was nearly impossible for the jury to find her not guilty by

reason of insanity because the law focuses solely on knowing right from wrong. Yates knew killing her children was wrong in the eyes of the law, but, because of her illness, she felt that it was her only choice and the right thing to do. She deserved the laws of this state to work in her favor in deciding her punishment.

Under Texas law, a jury must look at two things before condemning someone to a death sentence. The first is whether or not the criminal would be a danger to society, and if the jury could not unanimously decide they would be, then they receive an automatic life in prison sentence.

If the jury had decided unanimously that she was a danger, then the second question would be whether there were any mitigating factors that should prevent her from dying by lethal injection. The impor-

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tant part rests completely in the first question that faced the jurors. Yates killed all five of her children, but she is not a danger to this society.

On the first day of the punishment portion of Yates' trial, her defense called an expert on post-partum depression to explain to the jurors that she should not be considered a danger to society.

"Her symptoms were triggered by the birth of her children," said Dr. Lucy Puryear, a forensic psychiatrist. "If she has no more children and stays on her medication, her symptoms will remain under control."

Laws must be strict and clear, but each case is extremely different from any other. This case is an even greater extreme in circumstances than most. Texas has a reputation of being a harsh state for its death penalty laws, and if the jurors would have seen this woman as a blatant murderer and condemned her to die, harsh would not begin to describe the situation. Yates is a sick woman, but she does not deserve to die.

The death penalty may be the appropriate punishment for some, but for a woman who killed all five of her children and will suffer the guilty consequences of that for the rest of her life, it is not the answer.

It is sad and appalling that jurors did not recognize the insanity and sickness that has overtaken her; but at least by recognizing she is not a threat to anyone else the jury's small amount of compassion and understanding has spared the life of Yates.

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RUBEN DELUNA • THE BATTALION

ACLU unjustified in suits against religious expression



DHARMARAJ INDURTHY

Once again, the separation of church and state clashed with religious expression.

The American Civil Liberties Union is suing Franklinton, La., for using state money to post religious signs stating "Jesus is Lord over Franklinton." Also on the group's docket is a Supreme Court case involving a 7-foot-tall, 6-ton monument depicting the Bill of Rights, the preamble to the Indiana Constitution and the Ten Commandments. Indiana Governor Frank O'Bannon intended to set it among other monuments on the statehouse lawn, but the Indiana Civil Liberties Union sued. These measures do injustice to the histori-

cal significance of America's religious and ethical roots.

Currently, when the courts decide on monuments or structures that have a religious content, the standard is the lemon test: does it promote a certain religion and could a reasonable person interpret it as a state-endorsed religious message? This test results in absurdities where Supreme Court justices technically are permitted to staple Karl Marx's Communist Manifesto or Adolf Hitler's Mein Kampf on their office doors, but woe to him who puts up a verse or two of scripture.

Why is this arbitrary line drawn between secular philosophy and religious thought?

Rather than restrict the religious expression of justices, governors and teachers, agents of government should be allowed to be public about their religious views if it does not infringe on the free exercise of other religions.

The religious bias in government should not be judged by posted signs or the monuments governors commission, but rather by the body of law.

It has become a ridiculous truth that to practice one religion is to offend all others. Linton Carney, a visitor to Franklinton, looked at the signs and said, "Can you imagine the hostility that Jews, Muslims, members of other minority faiths and non-believers must feel when living in or passing through that community?"

It is irrational to feel any hostility. A sign expressing a popular religious opinion should not necessarily imply offense. The message in "Jesus is Lord over Franklinton" is simply that the popular religious belief in Franklinton is Christianity, or at worst, popular opinion in Franklinton is that a non-Christian religion is wrong. Neither of those statements can be rationally construed as offensive, particularly

because both of these implied statements are very true.

Even granting that government generally should not promote religion, the Indiana attorney general's office contends that structures like the Indiana Ten Commandments monument should not be curtailed for its religious undertones at the expense of historical presentation. The Ten Commandments have played a powerful role in establishing popular ethic. Since the inception of the United States, the Ten Commandments have both represented and motivated the core moral values of America, even secular moral values. To exclude its presentation is to ludicrously pretend that religious ethic has played no part in the development of American thought.

In essence, religion has become absent from education and government, as if God and philosophy have no intellectual or historical relevance.

Being vocal about religion does not harm society; it is silence that enforces divisions. Constructive discourse on religious issues is critical to the maturity of the public consciousness, and there is no place better for discussion than schools where a variety of thought can be represented. Religious ignorance is profuse in our society. Separation of church and state has deprived people of crucial interchange and promoted ideological disparity rather than prevented offense. Instead of denying government the ability to promote religious issues, messages characterizing ethical history and popular religious inclinations should be permitted if they do not infringe on the free exercise of religious practice.

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