

Los Angeles Times

Soldier faces 5 murder charges in 2009 shootings at Iraq clinic

By Kim Murphy, Los Angeles Times
May 18, 2012

A soldier accused of gunning down five fellow soldiers at a mental health clinic in Iraq after reportedly being harshly admonished and laughed at by Army psychologists has been ordered to face a court-martial on charges of premeditated murder and could face the death penalty, the Army announced Friday.

The recommendation to refer Sgt. John Russell on capital charges overturns the recommendation of the investigating officer who initially heard his case — the chief judge of the Guantanamo Bay war crimes court. He advised ruling out the death penalty because of the troubled sergeant's "undisputed mental disease."

The May 11, 2009, shootings at the Camp Liberty Combat Stress Center in Baghdad, where Russell had earlier gone for help, sparked an Army review of mental health procedures. It also raised grave questions about how well the military was equipped to deal with soldiers facing the stress of multiple combat deployments.

Russell was on his third yearlong deployment to Iraq and had repeatedly told superiors he was thinking of killing himself. He had also exhibited signs of severe stress with psychotic tendencies but was handed off from one doctor to another, facing harsh questioning by one psychologist and what he perceived as belittling humor from another, according to court documents.

"This court-martial, in my opinion, will be the most important court-martial stemming from the war in Iraq," said Russell's lawyer, military defense attorney James Culp, who has handled several of the nation's signature war crimes cases.

"This case is going to reveal not only shortcomings in the Army mental health system, but criminal shortcomings. John Russell was not only not treated by the mental health clinical professionals, he was mistreated," Culp said.

In their announcement, officials at Joint Base Lewis-McChord, south of Seattle, said Russell faces five counts of premeditated murder, one count of attempted murder and one count of aggravated assault.

Killed in the assault were Navy Cmdr. Charles K. Springle, 52, of Wilmington, N.C., who Russell felt had laughed at him when he sought treatment; Maj. Matthew Houseal, 54, of

Amarillo, Texas; Staff Sgt. Christian Bueno-Galdos, 25, of Paterson, N.J.; Spc. Jacob Barton, 20, of Lenox, Mo.; and Pfc. Michael Yates Jr., 19, of Federalsburg, Md.

Russell, 47, of Sherman, Texas, was assigned to the 54th Engineer Battalion in Bamberg, Germany, and was nearing the end of his third deployment in Iraq when he began experiencing severe depression and paranoid feelings that people in his unit were out to get him. He first sought help from the unit chaplain, and then from mental health professionals.

"The government doctors say that at the time of the offense, he suffered from a major psychological disorder with psychotic features, and chronic, severe [post-traumatic stress disorder]," Culp said. "But the mental health professionals [in the field] thought he was malingering, and really abused him."

Attempts to get help

Russell told one staff sergeant that what was happening to him "made him feel like he wanted to kill somebody," according to witness statements excerpted in the court record. He was taken first to the chaplain, who concluded he needed professional help outside the unit, and then to Maj. Hyrusso Fernbach, an Army reservist working at the Camp Striker Combat Stress Clinic.

Fernbach, an Army reservist who ordinarily worked as a prison psychologist in New Jersey, was only days from returning to the U.S. She had recently reprimanded a psychiatric nurse at the clinic, Capt. Brian Ropson, for being "too nice" to soldiers and told him he "needed to be a little sterner." She said she'd show him "how it should be done," according to the statements.

Russell was the next patient they saw, Ropson testified at Russell's Article 32 preliminary hearing in Ft. Leavenworth, Kansas, according to court documents. Ropson said he was told to sit on a stool in a corner while Fernbach met with Russell.

"I experienced it as being aggressive and hostile ... and I know Sgt. Russell felt very uncomfortable, and he kept looking to me for reassurance, but what do you do when a senior officer is there? You don't do anything; you sit, and you listen.... It was rather grueling," Ropson testified.

He said the session lasted up to 25 minutes, but that he never felt "a sense of empathy — sympathy" from the psychologist.

Russell left the clinic after that, but he returned 10 minutes later and said, "I don't ever want to come to this [expletive] place again," Ropson said.

When Russell returned to his unit, 1st Lt. Mark Natalie testified, he "was visibly sick and looked terrible after his experience.... Sgt. Russell was convinced there was a conspiracy against him and that everyone in his chain of command was out to get him."

The unit's first sergeant, Shane Masters, was concerned enough that he called Fernbach, who told him, he testified, that "Sgt. Russell needed anger management and therapy and seemed not to like what he sees in the mirror."

Unit officials next sent Russell to the other side of the base to another mental health clinic, Camp Liberty. There, Russell met with Springle, a Navy commander, on May 8. Springle determined during a 25-minute meeting that Russell would need medication and referred him to a psychiatrist, Lt. Col. Michael Jones, but in the meantime apparently tried to defuse the situation with humor.

"It appears that over the course of their short meeting, Commander Springle had attempted to use humor to connect with and to reassure Sgt. Russell that everything would be all right," the defense wrote in its brief. "As a result of his severe mental illness and on the heels of the mistreatment that he had been doled out by Maj. Fernbach, Sgt. Russell reported ... that he felt Commander Springle had ... laughed at him."

Natalie, convinced that Russell was suicidal, confiscated the bolt from his weapon and tried to get him to go back to follow-up appointments. But Russell, Natalie said, "was even more fervent about his hatred for the medical staff at the clinic, and they did not help at all."

Russell was escorted back to the Camp Liberty clinic on May 10, where he was diagnosed by Jones with "anxiety disorder" — a apparently woeful understatement of his problems, as it turned out — prescribed Celexa, an antidepressant, and scheduled him for a follow-up appointment a week later.

But officers in his unit continued to worry about him, and by the next day — the day of the shootings — he had grown "visibly more upset," according to 1st Lt. David Vasquez.

"He was crying and shaking; he was stuttering his words and very despondent," he said in his statement. He told the chaplain he was "tired of fighting and wanted to give up."

On the chaplain's recommendation, Russell was escorted back to the Camp Liberty clinic, where he walked into Jones' office.

The breaking point

Jones quietly looked over his paperwork for two to three minutes while Russell waited. according to witnesses quoted by the defense who escorted him there.

"After two to three minutes of silence, Sgt. Russell spoke. He looked at LTC Jones and said, 'Sir, we are going to play [a] game. You are either going to help me, or I am going to kill myself,'" according to the defense's account.

"LTC Jones simply looked at him and sat in silence for more than a minute. Eventually, Sgt. Russell responded by getting up and storming out of LTC Jones' office."

Witnesses said Russell rushed out of the clinic with Jones in pursuit. The two men were yelling at each other, they said. Jones told someone to call the military police.

"They were both beside the vehicle arguing," Staff Sgt. Enos Richard testified at the Article 32 hearing.

"The doctor, the lieutenant colonel, was telling Sgt. Russell that, 'This isn't the way to go about it if you want to get out. The best thing to do is cooperate...' And Sgt. Russell responded with, 'Everybody thinks this is about my career. I could give a damn about my career. You guys think it's a joke. It's not a joke.'"

"Did anyone try to stop Dr. Jones from yelling at a patient?" Enos was asked.

"I don't know," he answered. "Outside, nobody had jumped in or tried to jump in with what they were arguing about."

Russell was driven back to his unit, but he grabbed a fellow soldier's weapon, took his keys and drove back to the clinic, where he walked in and opened fire.

An earlier finding of diminished mental capacity resulted in Russell being found incompetent to stand trial for more than a year. The hearing officer in his Article 32 case, Col. James Pohl, who oversees the court at Guantanamo Bay, advised against a capital referral for the death penalty, but Friday's announcement means that advice has been overturned.

Lt. Col. Gary Dangerfield, a spokesman at Joint Base Lewis-McChord, said he could provide no information on the reasons for the decision. "The recommendation initially was that he not face a capital sentence, and obviously that changed, but I can't tell you why it changed," he said.

No date has been set for the hearing. Russell has been in pretrial confinement at Lewis-McChord since January.

kim.murphy@latimes.com