



Amnesty International

Orange County

GROUP 141 ORANGE • GROUP 175 LONG BEACH
GROUP 178 IRVINE • GROUP 596 HUNTINGTON BEACH

January 2005

<http://www.aiusaoc.org>

Mentally Impaired Man Set to Be Executed in California

Donald Beardslee is scheduled to be executed in California on January 19, 2005. He was sentenced to death in 1984 for the 1981 murder of Paula Geddling. A recent examination has revealed that he suffers from severe brain damage, which the jurors who sentenced him to death did not know.

Paula Geddling and Stacy Benjamin were killed on April 24, 1981. According to the evidence presented at trial, William Forrester had given Stacy Benjamin money for drugs, but she had not delivered them. Forrester, Paula Geddling's estranged husband Ed Geddling, Ricarda Soria and Frank Rutherford planned to lure Stacy Benjamin to Donald Beardslee's apartment and force her to return the money. Donald Beardslee was not involved in the initial planning and had only known the others for a few weeks. Stacy Benjamin arrived at the apartment together with Paula Geddling, whom Frank Rutherford then shot in the shoulder. Geddling was subsequently put in a van and told she was being taken to hospital. However, she was instead shot, first by William Forrester and then by Donald Beardslee. The evidence as to who fired the fatal shot was inconclusive. Beardslee, Rutherford and Soria then drove off with Stacy Benjamin, and she was killed.

Paula Geddling's body was discovered on April 25, 1981, and Donald Beardslee's phone number was found in her pocket. The following day he provided the police with a detailed account and led them to Stacy Benjamin's body. He was charged with both murders on May 3, 1981. He was convicted by a jury on October 18, 1983. On January 23, 1984, he was sentenced to death by a second jury for the murder of Paula Geddling and to life in prison for the murder of Stacy Benjamin. The jury evidently struggled with its decision, deliberating for almost 23 hours over four days.

Donald Beardslee's clemency lawyers have revealed evidence of his mental impairment. An expert recently conducted an assessment of Beardslee and concluded that he suffers from severe brain damage, and that the right hemisphere of his brain is virtually non-functioning. The expert has concluded that in all likelihood he has suffered from this impairment since birth and it was exacerbated by serious head injuries he sustained when a teenager and in his early 20s. The expert has stated: "The profound, likely lifelong damage to the right hemisphere of Mr. Beardslee's brain made him unable to correctly process and contextualize information. The impairment produced confusion and then paranoia under most unfamiliar circumstances, particularly those that involved social interaction with a number of different individuals... These deficits and resultant behaviors were observed by Ricarda Soria at the time of the crimes. dots As the confusion and emotional tension in-

creased, Mr. Beardslee was described as becoming strangely silent, and moving aimlessly from room to room, in a subdued and automatic fashion. Later, his actions were described as frankly unconscious."

The expert said that the severity of Donald Beardslee's mental impairment would likely have left jurors interpreting his flat demeanor as indicating a callous individual. Studies have shown that a perceived lack of remorse in a defendant is a highly aggravating factor in the minds of capital jurors. The prosecutor repeatedly depicted Beardslee as a remorseless killer, and told the jury that they could evaluate him from his demeanor in the courtroom. The jury was not presented with the evidence of brain damage, allowing the prosecutor to argue that the defendant was "not suffering from any mental disorder." In repeated resolutions in recent years, the United Nations Commission on Human Rights has called for an end to the execution of people with any form of mental disorder.

Donald Beardslee's lawyers have raised serious questions about his culpability, compared to the others involved in the crime, because of his mental impairment, his relative lack of involvement in the planning of the crime, and his cooperation with the police. After his arrest, he had told the police that he was on parole for a second-degree murder conviction in Missouri. The prosecutor later used this conviction for the 1970 murder extensively in arguing for death. Yet there are serious questions around the reliability of that conviction, including an illegal police interrogation of Beardslee. In 1991, two California Supreme Court judges argued that Donald Beardslee's death sentence should be overturned because of the erroneous admission of this evidence, which was tainted by "egregious police conduct" and which could have tipped the jury towards a death sentence. The two judges were in the minority, however, and the death sentence was upheld.

At the trial, the jury sought information about the sentences imposed on Donald Beardslee's co-defendants. However, the request was denied. The co-defendants had been tried first. Ricarda Soria pleaded guilty to second-degree murder and received a 15-year to life prison sentence. William Forrester was acquitted. Frank Rutherford was convicted of the first-degree murder of Stacy Benjamin and is serving life imprisonment. Ed Geddling was not charged. One of the two dissenting Supreme Court judges mentioned above wrote: "Defendant, Rutherford, Forrester, Soria, and Ed Geddling were all engaged in the common criminal enterprise that culminated in the two murders. Nevertheless, only defendant was

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USA: Guantánamo Detentions Enter Fourth Year as Torture Allegations Mount

This article is taken from a January 7, 2005 AIUSA press release.

The international community must redouble its efforts to persuade the USA to end the human rights scandal at the Guantánamo Bay prison camp, Amnesty International said today on the eve of the third anniversary of detentions at the US naval base in Cuba.

“Over the past three years, Guantánamo has become an icon of lawlessness,” Amnesty International said. “In its more than 1,000 days of executive detentions, it has become a symbol of a government’s attempt to put itself above the law. The example it sets is dangerous to us all.”

Full judicial review of detention, and access to lawyers and independent human rights monitors, are basic safeguards against torture and ill-treatment, arbitrary detention, and “disappearance”. Evidence that Guantánamo detainees have been tortured and ill-treated continues to mount, with FBI agents now added to the list of those making such allegations. Yesterday, the military announced that it will carry out an internal investigation into these latest allegations.

“Another internal review is not enough,” Amnesty International said. “A comprehensive independent commission of inquiry into all aspects of the USA’s ‘war on terror’ detention and interrogation policies and practices is long overdue. No agency should be exempt from scrutiny and no individual exempt from prosecution if the evidence supports it.”

The administration of President George W. Bush has sanctioned detention conditions and interrogation techniques in Guantánamo that violate international standards. Previous military reviews and inquiries, let alone the administration itself, have yet to denounce such treatment.

Interrogation techniques authorized for use in Guantánamo have included stress positions, isolation, hooding, sensory deprivation, and the use of dogs. Among the abuses reported by FBI agents are the cruel and prolonged use of shackling, and the use of loud music and strobe lights. They have also reported witnessing the use of dogs to intimidate detainees in Guantánamo. Yet military officials, including those involved in earlier investigations, have previously given assurances that no dogs have been used in this way in the naval base. A full independent commission of inquiry, as called for by Amnesty International since last May, is clearly required.

President Bush has made it a mantra of his time in office that the USA is committed to the rule of law and the “non-negotiable demands of human dignity.” The USA’s own National Security Strategy and National Strategy for Combating Terrorism stress that respect for such standards must be central to the pursuit of security. The administration’s policy in Guantánamo is now the most notorious symbol of its failure to live up to its promises.

“The administration’s words alone, that it will remain wedded to human rights and the rule of law even as it wages its ‘war on terror’, are no longer to be believed,” Amnesty International said. “It must show such commitment by its actions and change course fully in line with international law and stan-

dards.”

Six months after the US Supreme Court ruled that the federal courts have jurisdiction to hear appeals from the detainees, the administration is trying to keep any review of the lawfulness of individual detentions as far from a judicial process as possible. It has argued in federal court that administrative review by so-called Combatant Status Review Tribunals—panels of military officers that may rely on secret or coerced evidence to label as “enemy combatants” detainees who have no access to legal counsel—is more than enough due process.

More than 500 detainees of many nationalities remain detained without charge or trial in Guantánamo. Four have been charged for trial by military commission, trials which would violate international law and standards. Commission proceedings have been suspended since November following a ruling by a federal judge. The administration has appealed the ruling, intent on continuing with the military commissions, bodies which entirely lack independence from the executive.

“Along with the individual detainees and their families, the rule of law is falling victim to this disdain for the judiciary”, Amnesty International said. “The example being set by Guantánamo is of a world where basic human rights are negotiable, and where arbitrary detention and selective second-class justice become acceptable in the name of security.”

Amnesty International reiterates its call for the Guantánamo detainees to be brought to fair trial or released—with proposed trials by military commission terminated once and for all. All allegations of torture or ill-treatment in Guantánamo or elsewhere must be independently investigated, and anyone responsible for torture or ill-treatment brought to justice. All secret and incommunicado detention must be ended immediately, as must secret transfers of detainees between countries.

Western Regional Conference

The Western Regional office recently announced that the 2005 Western Regional Conference will be held November 11–13 (Friday evening through Sunday afternoon) at the Holiday Inn Golden Gateway in San Francisco. The conference is open to all Amnesty members, and most conference sessions are also open to the general public.

The conference is 10 months’ away, but it’s never too early to start planning to attend and doing any needed fundraising for travel expenses. (The Holiday Inn Golden Gateway has given Amnesty a guest room rate of \$109 single or double for the conference weekend.) All Amnesty members and groups in the region are encouraged to participate in the conference. Advance planning is particularly important for student groups, who usually don’t meet over the summer and may not have their first meeting of the 2005–2006 academic year until a month before the Conference.

More conference details will be posted on the AIUSA website at www.amnestyusa.org/events as they become available. (Hotel reservation information and online conference registration will be set up by May, so that students and anyone else who wants to register well in advance will have the opportunity to do so.)

From the Executive Director Some Post Election Reflections

This article is taken from the December 2004–January 2005 Connect.

I know that many who read this will have felt deeply disappointed in the results of the recent election. Some may even feel apprehensive about the future of our country and the world as a result of it. If you are one of those folks, I offer you three observations:

Amnesty International truly is a nonpartisan organization. By that I don't only mean that we number Republicans as well as Democrats among our members, but also that we do our work in as nonpartisan a manner as possible and that human rights truly transcend political parties. We work closely with Republicans in Congress; we have good relations with the U.S. State Department. Much of our work is carried on irrespective of U.S. politics and election results. Our work on Sudan, for example, proceeds apace no matter how the U.S. Government is constituted. And the global nature of our movement means that we seek to influence other governments just as fiercely as we do our own.

Equally significant, the election of a president whose human rights record is a checkered one means that Amnesty International's mission and presence are more important than ever in this country. Non-Governmental Organizations ("civil society") along with the press and the courts, constitute critical countervailing forces to power.

At times of greatest stress, human rights advocacy can be at its most effective. Our activists and our donors know that and, after some time to re-group, they will respond with a renewed sense of determination.

Finally, I offer you Spinoza's famous words: "Always take the view from eternity." Always remember that we live in but a microscopic moment in time and that the arc of the universe ultimately always bends toward justice.

Our eyes are not on 2004 or 2008; they are quite literally on the vast sweep of human history, the persistent struggle to build a human rights-respecting world. If we look at all the progress made since the Universal Declaration of Human Rights was adopted 56 years ago at the end of World War II by the United Nations, it is easy to see that no president or political party, Democratic or Republican, can ultimately resist the turning of the arc.

Our job, then, is to keep the faith and give that turn a tug. And in the meantime to treasure all those people and things beyond politics that make life worth living: our families and friends, the play of light upon the water, laughter, love, the communities of which we are a part and the remarkable hu-

man capacity to imagine a new, ultimately better and different world.

William Schulz
Executive Director

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Execution in California *Continued from page 1*

condemned to death. I recognize that 'intracase' disproportionality may be found only if the capital punishment system has operated in an arbitrary and capricious manner. Plainly, the system operated in such a manner here dots. Put simply, it is altogether irrational to take the life of defendant in punishment for the killings and to spare the lives of all the others."

At the trial, the prosecutor argued that Donald Beardslee was "an extremely dangerous and merciless individual. He is, in short, a cold-blooded killer without compassion who may kill again for the slightest provocation. The death penalty will certainly deter him from ever killing again." The prosecutor stressed that Donald Beardslee would be dangerous even in prison. Donald Beardslee has proved the prosecutor wrong. He has had an exemplary disciplinary record in prison, without a single rules violation. He is said to present no danger to the staff or inmates, to have worked diligently and competently for various correctional officers, and contributed to the overall safety of prison staff.

California has carried out 10 executions since 1977, the last one in January 2002.

Take Action

Please contact Governor Schwarzenegger at the address below and urge him to demonstrate his respect for justice and human life by granting clemency to Donald Beardslee. For a sample letter, see <http://takeaction.amnestyusa.org/action/index.asp?step=2&item=11457>.

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento CA 95814

Vigil

If no postponement occurs, there will be a vigil to protest the execution of Donald Beardslee on the evening of Tuesday, January 18, at the Orange Circle (at the corner of Glassell and Chapman) beginning at 5:00 PM and running until midnight.

If you would like to continue receiving this newsletter and supporting the work of the Orange County and Long Beach Amnesty International groups, please return this coupon to the address shown with annual dues of \$10.00. Dues cover the costs of this newsletter and of stamps used for saving lives. Your address label contains your membership expiration date. Join us!

Name _____

Address _____

City, State & Zip _____

Return to:
Amnesty International
Group 178
P.O. Box 14485
Irvine, CA 92623-4484

For (check one):
 Orange Group
 Irvine Group
 Huntington Beach
 Long Beach

Please make your check payable to Amnesty International. Contributions to AI are tax-deductible. Thank you for your interest and support!

Calendar

January

15-16 Saturday-Sunday 10:00 AM-4:00 PM

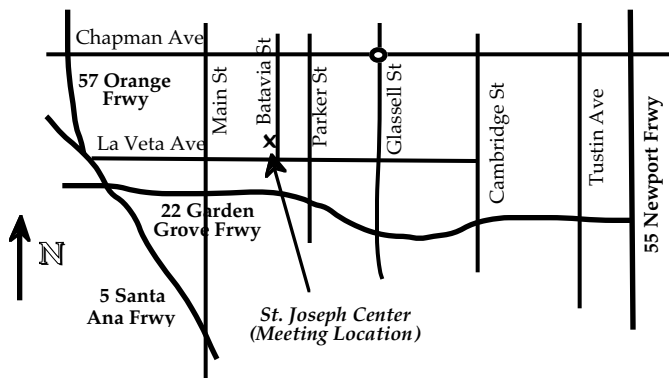
Fundraiser at Bob's Old Fashioned Ice Cream Booth at the Orange County Swap Meet at the OC Fairgrounds, 88 Fair Drive, Costa Mesa. All proceeds this weekend will be given to Amnesty International.

18 Tuesday 7:00 PM

Group #141 Orange Monthly Meeting in Classroom 3 at the Sisters of St. Joseph, 480 S. Batavia Street, in Orange. Look for the classroom/auditorium building behind the main building. Drive around and to the back. Group #141 meets the third Tuesday of each month. For further information about the group, contact Deidre Jackson at (562) 430-7381.

19 Wednesday 7:00 PM

Group #175 Long Beach Monthly Meeting at the Unitarian Universalist Church, Rooms 1 and 2, 5450 Atherton Street, Long Beach. Letter-writing from 7:00-7:30. For further information about the group, contact Norma Edwards at (562) 425-4353.



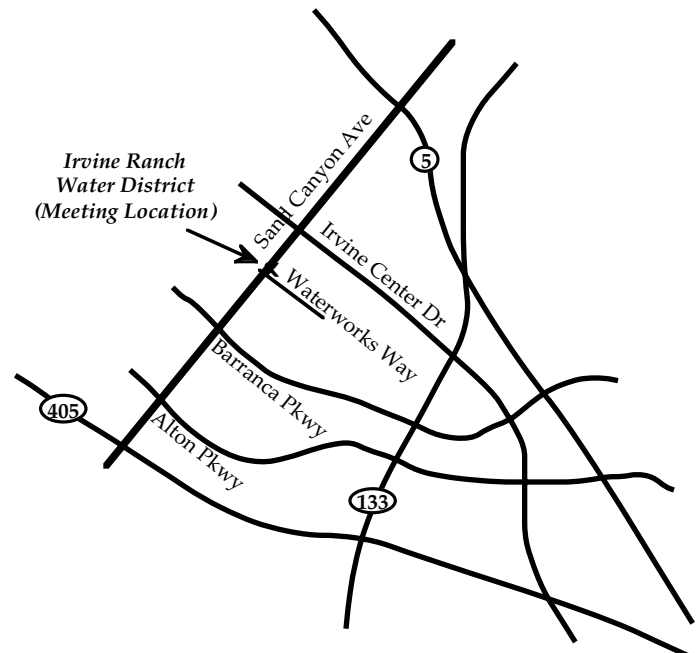
Group #141 Orange Meeting Location

25 Tuesday 7:00 PM

Group #178 Irvine Monthly Meeting at the Irvine Ranch Water District, 15600 Sand Canyon Avenue, Irvine, between the 5 and 405 freeways. **Note the new location!** See details on the web page <http://www.aiusaoc.org>. For more information about the group, contact Kris Elali at (714) 724-5811.

31 Monday 7:00 PM

Group #596 Huntington Beach Meeting at Saints Simon and Jude Church, Room 7A, 20444 Magnolia Street in Huntington Beach. Group #596 meets the last Monday of each month. For further information about the group, contact Darcie Olson at (949) 650-5375.



Group #178 Irvine Meeting Location

Amnesty International
Group 178
P.O. Box 14485
Irvine, CA 92623-4484