



Death by Installments: The Ordeal of Willie Francis (Contributions in Legal Studies)

Arthur S. Miller, Jeffrey H. Bowman

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The principle revealed in *Death by Installments* is that the Eighth Amendment's prohibition against cruel and unusual punishment does not guarantee protection to black men who kill whites. Reading the carefully researched and well-told story of Willie Francis offers a four-decade-old view of both the society's commitment to this principle, and the Supreme Court's unwillingness then and now to challenge it.

Derrick Bell, Harvard Law School

...not just a 'good' but a splendidly written, expertly researched, grippingly told, and passionately presented tome that can proudly take its place alongside Anthony Lewis' *Gideon's Trumpet*.

Henry J. Abraham, University of Virginia

The case of Willie Francis has been scrutinized and reexamined over the past several decades, and it is still not clear whether he was guilty of the crime for which he was executed in Louisiana forty years ago. Miller and Bowman's book recounts the ordeal of this teenaged black youth who was sent a second time to the electric chair a year after repeated attempts to supply enough current to kill him failed. His tragic story raises disturbing questions not only about capital punishment itself but about the humanity of our methods of carrying out executions and our capacity as a nation to uphold fundamental rights guaranteed by our Constitution.

Miller and Bowman describe Francis' experiences from the time of his arrest, and they review the legal struggles within the Supreme Court that followed the botched execution attempt. In considering Eighth Amendment provisions against cruel and unusual punishment, the Court held that Willie Francis' previous subjection to electrical current did not make his subsequent electrocution any more cruel in the constitutional sense than any other electrocution. The authors examine the far-reaching implications of this stand in light of the many similar--but unpublicized--incidents of prolonged, agonizing executions by electrocution, gas, and even lethal injection. They contend that the Court has never faced the issue squarely and that its failure to set limits on the inflicting of pain in the Willie Francis case renders the Eighth Amendment guarantee meaningless.

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