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### Only The Guilty Go Quietly To The Gallows.

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PAMPHLETS FOR A BETTER HUMANKIND Addressing The Micro- And Macro-Problems Facing Humankind, (world events, social issues, prison reform, et. al.) And Providing Achievable Solutions; Going Where The Politically Correct Dare Not. (While the SOLUTION offered herein may not be a panacea, and may be provocative, it is offered as a positive step to correct the problem presented.)

A METHOD OF EXECUTION THAT IS SWIFT, AS PAINLESS AS POSSIBLE, EFFECTIVE AND COST EFFICIENT  
David Scott Harrison, (c)— 2009

This Pamphlet is not about whether the death penalty is right or wrong in a civilized society, whether it reflects justice served or simply blood vengeance, nor whether the result is cruel or unusual punishment. Instead, this Pamphlet focuses on the reality that as long as the death penalty is sanctioned, the method used should be swift, as painless as possible, effective and cost efficient.

By the middle 19th century hanging was the nearly universal method of execution in the United States. Denno, Getting to Death: Are Executions Constitutional? 82 Iowa Law Review 319, 364 (1997) (counting 48 States and Territories that employed hanging as a method of execution). Perceived as less painful and more humane than hanging, New York in 1888 became the first State to authorize electrocution as a method of execution. Throughout the next century a variety of methods were used to execute human beings, e.g., hanging, firing squad and lethal gas, but electrocution remained the predominant method. Around 1977, however, there arose a clamor over whether use of the electric chair violated the Eighth Amendment of the United States Constitution, thus by 2008 thirty-six "States [had] adopted lethal injection as the exclusive or primary means of implementing the death penalty[.]" See, BAZE v. REES, 2008 WL 1733259 (United States Supreme Court) at \*5. Public outcry has now focused on lethal injection, as it once had against the electric chair. Society has yet to settle on any universally accepted method of execution as humane. Perhaps the answer can be found in centuries past.

Decapitation machines have been long in use, possibly as far back as 1066, but definitely by the 1280s. The guillotine is reviled today because of its use during the Reign of Terror that spread throughout France from June, 1793, through July, 1794. At that time, those in power used the guillotine indiscriminately and zealously on fallen politicians and rulers including, but not limited to, former King Louis XVI and Queen Marie Antoinette. It is suggested that France used the guillotine in public executions upon 40,000 persons. In time the citizenry grew weary of such gruesome displays, which were finally halted in 1939 when Eugene Weidmann was beheaded, having been convicted of six murders. Thereafter, the guillotine was moved inside prison walls where the public could not see. The guillotine was not retired, however, and was used last in 1977 upon Hamida Djandoubi, who was convicted of a torture-murder. France finally ended all executions by abolishing the death penalty in 1981. But France was not the only country using the guillotine as the preferred method of execution: There was also Belgium (1798-1856); Germany (1871-1949); Austria (1968); Sweden (1910); and South Vietnam (1959). The United States has not used the guillotine as its chosen method of execution, although in 1966 Georgia state legislator, Doug Teper, suggested that the guillotine replace the barbaric use of the electric chair. Mr. Teper saw the guillotine as a viable way to salvage the organs of executed persons, something impossible where the organs have been subjected to the cooking volts generated by the electric chair. Mr. Teper's want to use the guillotine was not readily accepted. Perhaps now is the time, because despite the centuries gone by and experimentation with various methods to extinguish life, the guillotine remains the one method of execution that meets all the requirements; swift, painless, effective and cost efficient.

The guillotine is as painless a method of execution as ever devised. The Eighth Amendment to the United States Constitution, however, does not prohibit discomfort or even pain to the person being executed. Indeed, the "punishment

of death is not cruel within the meaning of the word as used in the constitution." See, IN RE KEMMLER, 136 U.S. 436, 447, 10 S.Ct. 930, 932-33, 34 L.Ed. 519 (1890). What is forbidden is "the deliberate infliction of pain for the sake of pain -- 'superadd[ing] pain to the death sentence through torture and the like." See, BAZE, supra, at \*9. For example,

"... terror, pain, or disgrace were sometimes superadded ... where the prisoner was drawn or to the place of execution, in treason; or where he was embowelled alive, beheaded, and quartered, in high treason. Mention is also made of public dissection in murder, and burning alive in treason committed by a female."

See, WILKERSON v. UTAH, 99 U.S. 130, 135, 9 Otto 130, 25 L.Ed. 345 (1878). The Supreme Court has further expressed that "[s]imply because an execution method may result in pain, either by accident or as an inescapable consequence of death, does not establish the sort of objectively intolerable risk of harm that qualifies as cruel and unusual." See, BAZE, supra, at \*10 (internal quotation marks omitted). There need not be any pain.

When properly administered, sodium thiopental (also known as Pentathol), which is a fast-acting barbiturate sedative, renders the person in a deep, coma-like unconsciousness. Readers may be aware that sodium thiopental is the first of the three drug protocol used in lethal injection, and its use in conjunction with the guillotine would result in a virtually painless extinguishment of life. There is no unnecessary cruelty nor superadded pain, if any pain at all, to the person; as humane a method of execution as has ever been used.

Perhaps second only to the firing squad, the guillotine provides the swiftest method to extinguish life. There are, of course, those who question how swiftly death occurs. From its first use there have been debates on whether the swiftness of the guillotine in separating the head from the body actually results in instantaneous death. Implausible stories of facial expressions, eye movement, blinking eyelids, even movements of the mouth and speaking have been reported by witnesses to executions by guillotine. There is no empirical evidence to support such macabre stories of living heads; experiments have failed to provide any supporting evidence, beyond simple muscle twitching and involuntary reflex action of the immediately dead (not uncommon in animals and humans). Medical doctors and scientists of today scoff at the notion of living heads. Any pain, and concerns thereof, inflicted in the split-second between the time the blade cuts into the skin, severing the spinal cord and major arteries and, finally, the head, could be completely eliminated by the use of rudimentary drugs, as commented on above.

History records incidents of persons who have survived hanging, and electrocution, even the firing squad is not foolproof. There is, however, not a single incident in known history that the swift severing of the head from the body failed in its intended result. The effectiveness of the guillotine is absolute.

The cost to build a guillotine is a few thousand dollars. The cost to build a death chamber for lethal injection runs into the tens-of-millions of dollars. A guillotine can be used repeatedly without additional costs, no expensive drug protocols are required for each execution. Set-up, preparation and oversight are minimal, and it can be transported. Upkeep and cleaning are easy. From the standpoint of taxpayers' dollars, there can be no reasonable argument to continue use of cost prohibitive lethal injection instead of the cost efficient use of the guillotine.

SOLUTION: Swift, painless, effective and cost efficient, with the added benefit to society of, perhaps, salvaging organs -- the guillotine is the most humane method of execution ever devised. The guillotine should be put into service, at least until the death penalty has been abolished worldwide.

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