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AND JUSTICE FOR DOC SAM

JOEL JAY FINER¹

*The greatest dangers to liberty lurk in insidious
encroachment by men of zeal, well meaning but
without understanding.*

Mr. Justice Brandeis in *Olmstead v. United States*.²

There are more ways to kill a man
than silencing his flesh.
More ways to die than by
needle, volt,
gas or rope.

And so many ways to lie
at the awful game of proof.
For those rewarded convictions -
a supremely satisfying truth.

And so many ways to transgress
rights
held by courts
spelled by ethics
compelled by morality.

The law is for protection of the people
and rules are rules as any fool can see.

Tools to bring to justice
the guilty and the guiltless
for the game's name
is still
the thrill
of victory.

Let's more closely look
at the doctored tale of Dr. Sam.

Scalpel, scalpel, where art thou?
Such tool for cutter or carver
in the whole world cannot be found,
yet Coroner Gerber's fantasy

¹Copyright, 2001. Professor of Law, Cleveland State University, Cleveland-Marshall College of Law. B.B.A., City College of New York; M.A., LL.B., Yale University.

²277 U.S. 438, 479 (1928).

sealed Sam's guilt forever
in Cleveland's memory.

And no other-imposed injury
state doctors sought to find,
while the best in every specialty
who hadn't closed their minds
saw traumas quite external.

But—said brainwashed jury
your docs lack a kernel
of any truth to doubt
what's on our-made-up minds.

Minds
made up
made up
minds;
invented,
created
let no mere facts deny.

While defenders of the People
sought tracks to whisk poor Sam
to the living tomb, which they had assumed
would kill mind and spirit of this man
they never chose to know.

Not made flesh-dead, forever dead
(yet no dead man walking either).

A victory for mercy
dispensed by Cleveland's best
who saw guilt, guilt, guilt
in the tunnel they had built.

Sam, Sam your life and death
some differences have they made,
at least
in law's theory
violations have they stayed.

No questions without warning,
no searches without PC;
no public denunciations
by accusers of you or me.

Yet still we pretend innocence
while embracing guilt at start.

For we've not yet sought justice
from deep within our hearts and
Walter Winchells still entertain
in guise of stating news
while innocence locked up
still soulfully moan the blues.

Oh cry cry Miss American Pie.
He got the same justice as you or I.

Oh somewhere birds are singing
and guiltless people rest.
No fear of falsehoods ringing
or persecution's zest.

Somewhere honest prosecution
is practiced not lip-spoke.
Somewhere children cheer and bands explode
as Caseys of judges
hit home run truths.

But here in liberties' sweet land
justice blinded in ways not meant
strikes out and out and out
her bat all crooked and bent.

Sam, Sam you'll never die
as good son fights
the good good fight.

And as dreamed by Dr. King,
justice will one day live
the true word and see
the true light.