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### And Justice for Doc Sam

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## AND JUSTICE FOR DOC SAM

JOEL JAY FINER<sup>1</sup>

*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*.<sup>2</sup>

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

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<sup>1</sup>Copyright, 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.

<sup>2</sup>277 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.