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How One Inmate Changed The Prison System From The Inside

Joseph Shapiro

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Contents

| | |
|---|----|
| Author's note | 5 |
| "Street dude, a hustler" | 5 |
| Buffalo in flames | 8 |
| In a solitary "cage" | 12 |
| A visionary judge | 14 |
| Clemency with a catch | 17 |
| My search for Sostre | 19 |

apartment. But he disagreed. "I was in the box for years," he told her. "Here I can get up, you bring me good food and all the food I want. I can walk around, watch TV. I've got my books. I have a bed and a blanket."

Sostre died at home on Aug. 12, 2015. He was 92. No newspaper, TV show or radio program marked the death of a once-celebrated pioneer of the prisoners' rights movement. But historian Felber notes: "No single figure played a greater role in securing legal rights for prisoners in the history of U.S. prisons than Martin Sostre."

Author's note

His name has been lost to history, but in the 1970s, prisoners, wardens and prison guards across the U.S. knew of Martin Sostre. He was a fearless prison activist at the dawn of the age of mass incarceration, an inmate willing to risk months in solitary confinement to fight for prisoners' rights. He was one of the first prisoners to successfully challenge his conditions in court and won his biggest victory when he crossed paths with a pioneering judge.

I met Sostre shortly after he was released from prison in 1976. He'd been granted executive clemency by the governor of New York on Christmas Eve in 1975. I was a novice reporter, and he was the subject of my first big story. That year, he had been declared a political prisoner by Amnesty International; the conviction that put him behind bars was undercut when the primary witness claimed he had been pressured by police to set up Sostre.

Decades later, I'm still writing about solitary confinement and false convictions — interests of mine first sparked by Sostre. Several years ago, I started looking for him. I found a few newspaper stories from the 1980s. I found addresses in Florida and New York that may have been his. I wrote him a letter, but didn't hear back. I didn't know if he was dead or alive. I kept looking because Martin Sostre — who did so much to protect the rights of prisoners — deserves to be remembered.

"Street dude, a hustler"

Sostre was born in Harlem in 1923. His parents were black and Puerto Rican — his father a house painter and mechanic; his mother, a seamstress. He dropped out of high school during the Great Depression to help support his family.

He wasn't political yet, but in Harlem in the 1930s, '40s and '50s, Sostre heard the street-corner radicals making speeches about black nationalism and leftist movements that promised

delivery from racial oppression. Sometimes, Sostre would walk into the African National Memorial Bookstore on Seventh Avenue, where owner Lewis Michaux let customers with little or no money for books sit in the store for hours and read. Sostre also heard his own father make speeches around the house, "always referring to the capitalists in Spanish as 'the vandals,'" he once told a reporter. "My father was a talking communist — he talked about it but never did anything."

Sostre was drafted into the Army in 1942, then kicked out after getting in a fight. He came back to Harlem in 1946 with no job skills. He was, by his own description, a "street dude, a hustler." His first arrest was in 1952 for possession of heroin. He was sentenced to six to 12 years and ended up, first, at Sing Sing, on June 19, 1953, the night convicted spies Julius and Ethel Rosenberg were executed there. Sostre remembered the lights flickering throughout the prison when the switch was pulled on the electric chair.

Life changed dramatically once he got to prison. On the streets, he once explained, "You're hustling, you're looking over one shoulder to be sure you don't get busted and over the other to be sure you don't get ripped off. Living in the streets by your wits makes you alert. In jail I decided to put that sharpened awareness to another purpose. For the first time, I had a chance to think, and began reading everything I could — history, philosophy, and law." He made a distinction between a political prisoner and a "politicized prisoner," a label he preferred. "A politicized prisoner," he explained, is "one who has become politically aware while in prison, even though the original crime that he committed was not a political crime."

His political education began with the Nation of Islam, which found harsh prisons were a good place to recruit new members. Just several years earlier, Malcolm X had gone to prison and become a Black Muslim. "I identified with Malcolm X because he was a street hustler, like me," Sostre said. In the prison yard at Clinton prison (known as "Little Siberia"

ganized the building and formed a tenants' organization and he ran meetings. Then he began to organize other buildings on the block. We formed a block association. So he was doing that kind of organizing." And with that friend I found in New Jersey, he had bought abandoned buildings and taught neighborhood teens how to do the construction — to give them skills and potential housing. As part of the same project, he started a day care program, with an after-school program for teens. "It was a very similar atmosphere to his bookstore," says Vinny. "He would educate them as to what is really going on, how they could fight injustice, and how they could help their community."

Sostre liked his new life as a father, husband and tenants' rights advocate. And then he almost lost it all. In 1984, Sostre shot a man, a tenant he was evicting from a building he was managing. Sostre said the man and a friend threatened him and the friend had a gun. Sostre grabbed the weapon and it went off. The tenant suffered a superficial neck wound, but Sostre was charged with attempted murder. Sostre feared if he were sent to prison — where he was still a hated figure — he'd die there. So he fled New York.

Liz, now, was alone, caring for two young sons. Sostre was hiding in Florida. From time to time, the family would go to see him. Assuming the police were watching her apartment, she and the boys would leave carrying large trash bags that disguised their suitcases inside. On one trip the family — with the fugitive father— went to Disney World. After two years, Sostre was caught when he sneaked back into New York City. Someone spotted him in one of his favorite places — a law library— and called police. At trial in 1987, Sostre argued he had acted in self-defense. He was acquitted.

Over the last years of his life, Sostre had a series of strokes. His mind stayed sharp but his physical health failed. He could no longer get up and down the steps to his building. Liz worried that her husband had become like a prisoner in his own

we'd still be doing prison work," she says, "and he said, 'Nah. I'm out. I'm not in prison now.' "

For Sostre, she says, the past was the past. His son Vinny says his father talked all the time about politics and current events, cutting out stories from the *New Yorker*, the *New York Times* or the free neighborhood paper for him to read. But he didn't talk much about his own life growing up, or about prison. It's moving to hear the taped interviews Vinny made with his father a few years before he died. Vinny knows little about Sostre's prison history — or even his importance to the prisoners' rights movement. He uses his father's brief Wikipedia entry to ask me about his father's history. ("You're associated with, what is it, like Black Muslims or something like that?") In the recordings, Sostre seems at moments eager to fill in his son's knowledge but then bored — and sometimes he simply seems forgetful about things so far in his past.

But by the time he came home in 1976, Sostre was already becoming a footnote — his prison victories and significance already in the past. Solitary confinement and sentencing were no longer the primary focus of East Coast prison activists. They focused on defending the Attica inmates who were facing trial. There was less of a clear role for Sostre.

And partly it was Sostre's own personality. He was "very, very much by himself," Liz says. In some ways, it had been easier for him to work by himself, from his prison cell. He had spent nine years in solitary confinement and liked to have space to himself. "He called himself a 'revolutionary anarchist.' So he didn't like groups, committees, meetings," she says. "So he didn't work with any other groups whatsoever."

There was one exception: the groups he organized himself.

He helped organize renters, including those in his own building on the Upper West Side of Manhattan, where Liz still lives and Vinny lives in an apartment on another floor. "We had a terrible landlord and most of the apartments were vacant," Liz recalls. "There were a lot of issues in the building. So he or-

because of its location in cold and isolated Dannemora, N.Y.), Sostre would join the other inmates who gathered to teach themselves about black history and Islam.

Teddy Anderson was a popular inmate because he was the only one with a copy of the Quran. Sometimes he'd let Sostre or another prisoner borrow it for short periods. And even though Sostre would later say he was attracted to Black Muslims for their politics, and not for the religion, he insisted on buying his own copy of the Quran — which was a political act in prison. Prison officials did not recognize the Nation of Islam as an authorized religion, but Sostre demanded he be allowed visits from Black Muslim ministers, just like other prisoners could get visits from ministers and priests. In response, prison officials branded Sostre a troublemaker and put him in solitary confinement.

In solitary, he later told the writer Arthur Dobrin, "I slept on a concrete floor with no bed and no mattress. All I had was a blanket which they gave me at night and took away early the next morning. The floor was so hard and cold that I could sleep only 10 minutes in one position. ... There was no light, no running water, no toilet." He could no longer go to the library, where he'd spent long hours reading law books. But he could write and file lawsuits — even though nothing was likely to come of them.

Prisoners, courts had ruled, lost their constitutional rights once they had been convicted. Wardens had wide discretion. A prisoner could take a complaint to state court but was not protected by federal civil rights law. Sostre read history and the Constitution carefully and believed his right to practice the religion of his choice was a fundamental freedom. He and two other Black Muslim inmates sued the warden, claiming they had been denied the right to buy the Quran and practice their religion and had been put in solitary confinement as punishment.

In 1961, they won.

In *Pierce v. LaVallee* and in *Sostre v. LaVallee*, federal judges ruled that the men had rights to practice their religion — and more broadly that even inmates had rights guaranteed under the U.S. Constitution, including the right to challenge prison conditions. Other Black Muslims around the country would bring similar suits. It would be another Black Muslim prisoner, Thomas Cooper in Illinois, whose similar lawsuit would first reach the Supreme Court. And in 1964, the high court, in *Cooper v. Pate*, agreed that inmates kept their constitutional rights in prison and could sue in federal court over prison conditions.

“Scholars describe it as sort of the *Brown v. Board [of Education]* of the prisoners’ rights movement,” says historian Garrett Felber. It was Sostre’s earlier lawsuit — and another one he won later — that set the precedents that Felber says became “the building blocks” for the Supreme Court’s groundbreaking decision in *Cooper*. Felber was helping the late Columbia University historian Manning Marable edit the papers of Malcolm X when he first came across Sostre. Felber, who recently finished his dissertation on the Nation of Islam and the politics of black nationalism, is now editing a book of Sostre’s papers. Sostre, he notes, paid a price for his court victories. He served the entire 12 years of his sentence for drug possession — four years of it in solitary confinement.

Buffalo in flames

Sostre left Attica in October 1964. He was 41 and had never held a standard job. Just months before, Malcolm X had split with Elijah Muhammad and left the Nation of Islam. Sostre followed. Now out of prison, he would have to reinvent himself. He moved to Buffalo, N.Y., where he knew he could find well-paid work at the Bethlehem Steel plant. He began to save to open a bookstore. A year later, he opened the Afro Asian

But last spring, a Facebook post put me back on Sostre’s trail. I went to a reunion of my Columbia Graduate School of Journalism class and, in the library, I looked up my original master’s thesis on Sostre. I took a picture of the opening paragraph and posted it on Facebook. A short time later, a college friend, someone from a totally different part of my life, responded: “I would love to see your thesis as I am friends with his wife.”

That’s how I ended up at a Sunday brunch on the Upper West Side of Manhattan with Liz Sostre, Martin’s widow. Sostre had died just eight months before after a series of small strokes.

Liz Sostre lovingly described her husband as a “very complicated” man. He was smart, funny and principled. He saw widespread injustice in the world, but he was optimistic that it could be fixed. He was a champion of the poor, but he dismissed people who said “money is evil” as people who usually had it. Money was a good thing, he said. The problem was that not everyone had enough of it. He even liked to play the stock market, day-trading on the computer. He was gregarious and charming. But he also liked to be alone.

His past prison activism became a faded part of his identity. Once, a producer wanted to make a TV movie. James Earl Jones would play Sostre. Martin and Liz ended up poolside at the producer’s Hollywood home. But Liz says the project died when Sostre and Jones worried that the screenwriters were “watering it down too much.”

Sometimes people who knew his role in the prisoners’ rights movement, maybe a journalist or an academic, would send a letter. He’d ignore it, maybe not even open it, and just put it on a pile of mail. That’s probably what happened to the letter I’d sent a few years before. He would only ever get back to other inmates he had known in prison.

Liz Sostre had been a member of Prairie Fire, the “above-ground” support group for the Weather Underground. She had been doing prison reform work when she met the famous prisoners’ rights advocate shortly after he was freed. “I thought

And just a few days after leaving prison, he had eagerly started a job in her office. The prison revolutionary who had described himself as a "revolutionary anarchist" was now working within the system. He was accepting invitations to visit college campuses and tell his story and talk about prison. And he focused on the chance to do a new kind of civil rights work on behalf of tenants. "The battlefield has changed from the dungeon to the streets," he'd told me. "But the repression is the same."

It was an adjustment to freedom after all those years in prison. He didn't trust state officials, who he expected would find a way to send him back to prison. (In fact, a state prison official had told me: "Martin Sostre is going to have to walk a very careful tightrope because they'll try to slam him for the slightest infraction.") Sostre had shown me the copy of his parole agreement he kept in the breast pocket of his denim jacket. He called it "a blank check ... a contract with a gun to your head." He couldn't marry, buy a car or quit his job without the permission of his parole officer. And some conditions of his parole were open to interpretation — like his promise that his behavior would not be a "menace ... to society." He told me he worried that his criticism of government and the prison system — when he gave speeches — could be seen that way.

More recently, over the past several years as I wrote more about false convictions and solitary confinement, I thought more, too, about Sostre. I'd ask prison reform advocates I interviewed if they knew the name Martin Sostre. They didn't. He hadn't left much of a trace once he left prison. I found a story from the 1980s about a community education program he had started with a friend in New Jersey. I tracked down the friend, but he had split bitterly with Sostre in a fight over money. I found addresses for Sostre in Florida and in New York. In 2014, I sent him a letter, but I didn't hear back and didn't know if the letter even reached him.

Book Shop and stocked the shelves with leftist literature, from Malcolm to Mao. Those books didn't draw customers at first.

Buffalo didn't have the charged political atmosphere of Harlem. But things turned around the day Sostre got the idea to buy a \$20 record player at a pawn shop and then \$50 worth of jazz and rhythm and blues records. He put a loudspeaker outside the store, and the music brought young black men inside. Sostre enjoyed playing the role of mentor. "I taught continually — giving out pamphlets free to those who had no money," he later wrote. "I let them sit and read for hours in the store."

There was another group that gravitated toward him — white students at the nearby State University of New York at Buffalo. "A lot of white students went into the ghetto in Buffalo" for the jazz bars and "to see what was interesting," recalls Jerry Ross, who was a leader of the campus anti-Vietnam War group. Sostre's bookstore was interesting "because it was so unusual," a place dedicated to leftist political literature. "But what was really interesting was Martin himself," says Ross. "He just had this charisma. He always had this broad smile and a glow. He just was an unusual human being; he obviously was very intelligent."

Ross says police were suspicious of Sostre. Once, Sostre said, a detective came into the store and asked why he was selling "commie literature" and left with a warning: "This kind of stuff can get you in trouble." When a tavern next to the bookstore burned in the spring of 1967, firefighters deliberately put their hoses into Sostre's shop, Ross says, destroying his book collection. So Ross and his friends "just basically took our own bookshelves and all our radical books" — the ones they had bought from Sostre — "and took them down there" to restock the store.

Racial tensions were high in Buffalo in the summer of 1967. Young black men complained that police harassed or arrested them unfairly. That same summer, there would be riots and

disturbances in more than 100 black urban neighborhoods, notably in Newark, N.J., and Detroit, all places with similar conditions of high unemployment, friction with police and racial discrimination. In Buffalo, over several days and nights at the end of June, groups of teens and young black men set fires, turned over cars and clashed with hundreds of police in riot gear. Neighborhood stores closed early. But Sostre's bookstore stayed open. "Needless to say, I made political hay in denouncing the police brutality going on outside to large crowds in the store," he explained in a letter from prison to his supporters. During the uprisings, he took books and pamphlets off the shelves, maybe writings by Malcolm X, and read aloud. "With interest stimulated, I would make several sales and create several new freedom fighters."

Police suspected that Molotov cocktails were being made in the basement of the store and that Sostre was directing people to loot and burn. On July 14 at 10:30 at night, several police officers rushed into the Afro Asian Book Shop and arrested Sostre and Geraldine Robinson, the woman who worked behind the counter. Sostre was charged with arson, riot and selling heroin. The main witness against Sostre was a drug addict named Arto Williams who had come into his bookstore and, police said, bought \$15 worth of heroin. Police found the marked bills in the cash register. Sostre insisted he'd been framed — saying Williams had simply asked him to hold on to the money and that he had done similar favors for him before, once holding a suit Williams had brought back from the cleaners.

Bail was set high at \$50,000 because, police said, Sostre made thousands of dollars a week selling drugs. The judge curtly told Sostre he could raise bail through his "connections" with "Hong Kong and the Viet Cong and Black Power."

Sostre sat in jail.

On Aug. 4, Buffalo Commissioner of Police Frank Felicetta went to Washington to testify before a congressional committee investigating riots that summer around the country. Sostre

My search for Sostre

My story on Sostre for my graduate school master's thesis was due a few weeks after he came home. My adviser told me to rip up what I'd already written and rewrite it to tell the story of Sostre's readjustment to life outside prison. I resisted. It would mean asking for a lot of his time. I doubted Sostre wanted to spend his first days of freedom with me. "You're a journalist," my professor told me. "And your job is to get the story, even if that means sleeping on his doorstep." I countered with "I'm not a journalist. I'm a journalism student. And he just spent nine years in prison."

My professor insisted. So I found ways to be useful to Sostre. He needed an apartment. I looked through the want ads in the *Village Voice* and reported back to him. He held his press conference, I went. He made speeches. I went. He went to housing court as part of his new job as a tenant advocate on State Assemblywoman Marie Runyon's staff. I went. Sostre didn't complain. I think he liked being able to share his views about prison, justice and the legal system, especially with a student.

The last time I saw Sostre was on April 8, 1976, a warm spring day when I walked from Morningside Heights to his office on the ninth floor of the state office building at 125th Street in Harlem. From his window, he pointed out the neighborhood he grew up in. He talked about his new apartment and his surprise at the recent verdict in the Patty Hearst case, and that she had gotten any prison time at all, given that "she had everything going for her" in money and power. He was striking in the uniform he had adopted for himself: a blue denim jacket and jeans, a blue T-shirt and hiking boots. His head was shaved — as it was in prison — and his pencil-thin goatee was graying.

I walked with him to a print shop where he picked up flyers for a fundraiser for his boss. She had advocated for his release.

sides, when his staff looked into it, they realized there was merit to Sostre's claims.

Still, it was a surprise when news leaked out in December that Carey was thinking seriously about freeing Sostre. In Buffalo, law enforcement and city officials reacted with anger. Sostre was still remembered there as an instigator of the 1967 uprisings. The judge who had sentenced Sostre wrote to say Sostre was not a political prisoner but a drug dealer and a dangerous political extremist who "has expressed, time and again, disregard for our laws, public officials and system of jurisprudence."

On Christmas Eve, Carey granted Sostre executive clemency. He used parole and clemency to free Sostre without saying whether Sostre had been falsely convicted of the drug crime in Buffalo. Sostre had spent all but 2 1/2 years of the previous 22 in prison, spread over two prison sentences, the last one for nine years. When I spoke to him by phone while he was imprisoned, he worried about whether he would be able to live freely once he left prison. "Prison is a closed society with 40-foot walls and the public can't see in," he explained. That made it easy to violate someone's human rights. But they could be violated outside prison walls, too. "I consider the outside only a minimum security and inside prison is sort of a maximum security."

Sostre walked out on Feb. 9, 1976. The next day, he held a press conference at the United Nations. Sostre praised the governor's "courage" to release him, but explained: "I know it's fashionable to say I'm not bitter. Of course I am. I lost nine years of my life. I'm a human being. I'm bitter this sort of thing goes on in a so-called humane society."

had not been indicted yet, but a grand jury was meeting to consider the charges against him. And although Felicetta did not say the name Martin Sostre, he did tell the members of Congress about a "Martin X" who ran a school to teach young black men how to make Molotov cocktails and that Martin X had instructed the young black men to break store windows and start fires and that Martin X, himself, had thrown some of the homemade bombs. Felicetta's testimony was front-page news in Buffalo.

Sostre always insisted he hadn't sold drugs and had been set up by the police. Ross says the bookstore was known as a place to buy leftist books, not drugs. "Martin was a very upstanding and moral kind of person and never smoked weed or drank and was not a drug user or pusher," says Ross. Sostre maintained a healthy diet, a practice he had picked up from his days as a Black Muslim. He exercised regularly and practiced yoga, a discipline that helped him get through his earliest years in solitary confinement.

By the time Sostre's trial started in March 1968, prosecutors had dropped the arson and riot charges and were focused on the alleged drug crime. But the prosecution had already turned into a wild political spectacle. During pretrial procedures, Sostre was brought to court in chains. He denounced the judge as a "racial bigot in judicial robes." The judge ordered him bound and gagged. This was two years before a similar scene would famously play out in a Chicago courtroom with Black Panther Bobby Seale.

Sostre acted as his own lawyer. On March 4, he thought he was coming to court to argue for a reduction of his bail. The judge denied his request and the trial started immediately. Sostre didn't query prospective jurors, who very likely had heard the press reports that had depicted him as radical Martin X. He refused to cross-examine prosecution witnesses or call defense witnesses of his own. An all-white jury was selected at 10 a.m. and the jury was deliberating by 12:15. They

took lunch at 1 p.m. and returned a guilty verdict by 3:15 that afternoon.

Judge Frederick Marshall sentenced Sostre to 30 to 41 years in prison. It seemed disproportionate to the crime. The same judge, a year later, sentenced another black man, convicted of stabbing his wife to death, to a five- to 15-year prison term.

In a solitary "cage"

In June 1968, Sostre ended up in solitary after dropping an envelope addressed to his attorney in the prison mailbox. Inside was a motion for a change of venue for the woman who had been arrested in the bookstore with him. Sostre had written it out by hand, in tiny print, because paper was hard to come by in prison and expensive in the commissary. When the warden called him to his office, the document was on his desk. "Do you have a license to practice law?" the warden asked. Then he sent Sostre to solitary confinement, charged with breaking a prison "rule" about practicing law.

Sostre would spend six years in solitary for violating rules like that one. The hardest part of life in solitary, Sostre said, was being removed from contact with other people. He was entitled to an hour a day in a small, enclosed recreation yard. But every time he left his cell, guards made him strip, bend over and submit to a rectal search. They knew they wouldn't find anything, he argued, since he was allowed few personal items, other than toothpaste and a toothbrush. "Now they know you don't have anything in your rectum. They just do this to dehumanize you," he told filmmakers of *Frame-up! The Imprisonment of Martin Sostre*, a 1974 documentary by Pacific Street Films. To be naked and searched with "two or three hacks leering at you," Sostre said, "that's a sign, of not only of submission, but it's symbolic of being sodomized. And a lot of prisoners submit to that, but I'm not going to submit."

would grow sharply — until 1996, when Congress passed a law making it harder to bring those lawsuits.

Clemency with a catch

In 1975, Sostre's case was still a cause just on the political left, but there were signs that could change. A key moment came in June, when a federal judge ordered Sostre transferred to a new federal prison in Manhattan, because his life seemed to be in danger after beatings by guards in New York state prisons. Sostre's move to the city "electrified everything," Daniel Berrigan, the activist priest told me then, because it made it easier for nearby advocates to visit him. That summer, Berrigan started "The Committee to Free Martin Sostre," with his brother Philip Berrigan and other political activists and civil rights leaders, including Angela Davis, Ralph Abernathy, Julian Bond and Ramsey Clark. Their work started gaining attention. Amnesty International named Sostre one of seven political prisoners in the United States. And in early December, Soviet dissident Andre Sakharov, who had just won the Nobel Peace Prize that year, called for Sostre's release.

And another case — across the river in New Jersey — helped Sostre. At the time, the idea that sometimes innocent people end up in jail was not widely understood. But the case of Rubin "Hurricane" Carter was sparking a new national interest in false convictions. Carter was in prison, convicted of a triple homicide in a Patterson, N.J. bar. But he said he had been mistakenly identified by a witness. Carter, an ex-boxer, was a more romantic figure than Sostre, a political radical. Bob Dylan had just released a popular and stirring ballad about Carter and played a benefit concert. (Eventually, Carter's conviction would be overturned.) New York Gov. Hugh Carey worried that Sostre's case could get similar attention. And be-

Indeed, for prison officials, Baker Motley's decision felt like the ground was crumbling under their feet. Courts had generally given prison wardens wide discretion to run prisons how they saw fit to keep order and safety. Now a judge was telling the warden at Green Haven that he would have to change the way he used solitary confinement for one of his biggest troublemakers in prison. An appeals court later overturned much of Baker Motley's ruling and reduced the damages awarded to Sostre.

Still, Thompson says Sostre's victory was so momentous that prisoners and wardens across the country paid attention. It gave prisoners "the belief that if they take their story to the courts, that someone will listen to them and that human rights can, in fact, be had if you're heard in the court of law." But it also frightened prison officials — and they would want to crack down on inmates who tried to assert these newfound rights.

This would play out a year later, in 1971, when more than 1,000 inmates at New York's Attica Correctional Facility took over the prison. The Attica prisoners considered Sostre a hero and demanded the kinds of rights and better prison conditions that Sostre had sought: legal representation at parole hearings, better medical treatment, the right to read political newspapers and to form labor unions (Sostre had led strikes at a prison license plate shop), better food, regular showers and more than one bar of soap and one roll of toilet paper a month. They asked that Baker Motley be sent as an observer.

But Gov. Nelson Rockefeller — who had sought the Republican presidential nomination and still had ambitions to the White House— sent in state troopers to retake the prison, with a deadly hail of gunfire. Rockefeller reacted harshly, says Thompson, in part because he feared what Sostre had started: He had inspired prisoners to stand up for rights — whether that meant taking over a prison yard or going to court. Litigation by inmates claiming violations of their constitutional rights

"Because Martin Sostre refused to submit to the rectal searches, he has been beaten, not once, but 11 times," his attorney Lynn Walker, of the NAACP Legal Defense Fund, told me. "I've personally seen him after such a beating. All bruises, cuts and scratches along his body." After one of those fights, Sostre was charged with assaulting the guards and, after a trial in 1975, more time — up to four years — was added to his sentence.

To Sostre, the prison system was a racist place, where guards, who were almost all white (only 2 percent were black or Puerto Rican, according to later trial testimony), controlled inmates who were mostly — and increasingly — African-American or Hispanic (70 percent in all New York prisons, according to the testimony). "It is a white-run concentration camp for black people," Sostre said.

Sostre had chances to reduce his time in solitary. Once a guard suggested he join a new group therapy session. It was run by guards who had received just a week of training, according to court testimony. Sostre refused to participate. "How can you help me," he asked the guard, "if you are the one who is oppressing me?" Sostre was given more time in solitary for refusing to participate in prison programs.

From his prison cell, Sostre kept filing legal motions. He challenged solitary confinement, the rectal searches, the insistence that he shave off his neat goatee and mustache (prison officials said the facial hair let him hide his identity; Sostre argued it made him stand out since he was the only one), and the refusal of prison authorities to let him receive political literature.

And Sostre tried, but failed, to get a new trial on the drug charges that he said were a frame-up. Three years after his trial, Williams, who had been the main witness against Sostre, was in a drug rehab program in California. He recanted his testimony against Sostre. In an affidavit, he explained he'd been in jail when a detective asked him if Sostre sold drugs. He wanted

to get out of jail so he said yes although he wasn't aware of any drug-selling at the bookstore. The next day, police sent him to Sostre's store, with the \$15 in marked bills, to make a drug buy. He said what police then found in his pocket was heroin he had bought earlier in the day, but not from Sostre. A federal judge called Williams' new version "unworthy of belief" and denied Sostre a new trial.

A visionary judge

The singular prisoner advocate was about to cross paths with an extraordinary judge. U.S. District Court Judge Constance Baker Motley was a symbol of a nation changing. She was the first black female appointed to the federal bench. And she had come directly from the civil rights movement, having been a lawyer with the NAACP Legal Defense and Education Fund. She helped write the original complaint in *Brown v. Board of Education* and was the first black woman to argue a case before the U.S. Supreme Court. In that one, she won the right for James Meredith to attend the University of Mississippi; she went on to win nine of the 10 cases she argued before the high court.

On July 2, 1969, Baker Motley ordered Sostre released immediately from solitary confinement at Green Haven prison. She then held a trial and, the next year, issued a scathing ruling, in *Sostre v. Rockefeller*, about the conditions of Sostre's solitary confinement. He had been punished, she ruled, "not because of any serious infraction of the rules of prison discipline, or even for any minor infraction" but for his legal and "political activities and beliefs." The ruling set the boundaries for the fight against solitary confinement that continues to this day. In her ruling, Baker Motley called Sostre's solitary confinement "physically harsh, destructive of morale, dehumanizing in the sense that it is needlessly degrading, and dangerous

to the maintenance of sanity when continued for more than a short period of time which should certainly not exceed 15 days."

Baker Motley's ruling from 47 years ago is still relevant in the current debate over the use of solitary confinement. Today, human rights groups and others that oppose solitary confinement still push for the 15-day period as a maximum someone can safely stay in solitary. But no state nor the federal system, by law, currently recognizes that as a limit.

"What was really striking," says Heather Ann Thompson, a University of Michigan historian who won the 2017 Pulitzer Prize for the nonfiction book *Blood in the Water*, about the uprising at Attica prison, "was how a federal judge would essentially say to a state prison system, 'You are out of line. You can't treat someone like this.' " In addition, Baker Motley awarded Sostre \$9,300 in compensatory damages (\$25 for each day in solitary) and \$3,720 in punitive damages (\$10 for each day).

Bob Brown, who was finishing a sentence for armed robbery and murder when he met Sostre in prison, once told me how frightened prison guards were after Sostre's victory. One older guard told him: "The judge gave him everything he wanted. We might as well close up this place. ... Brownie, it's all up to you white guys now. You've just got to do something." Brown, who when he told me this story was out of prison and teaching at the City University of New York, said the guard "was instigating a race riot." But the white prisoners knew that what Sostre had accomplished helped them, too. And they didn't trust that guards wouldn't take it out on them, too, if they fought Sostre and other black prisoners. "But I guess the significance of the story," Brown concluded, "is that here was a guard who ... had a sense of powerlessness and outrage, that this black mother***** could sue him if he stepped out of line. ... That was a sense of outrage that they just couldn't cope with."