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Iron of Martin Sostre

Tom Wicker

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It would be ironic indeed if Martin Sostre, of all people, should win a new trial on grounds that he had been convicted on a trumped-up charge for which the sole supporting witness has now recanted his testimony. But just that will be argued tomorrow in Federal Appeals Court in New York.

Since he went to prison in 1968, Martin Sostre has persistently and boldly sought to establish standards of prisoners' rights, to unite other inmates behind these efforts, and to improve the harsh and brutalizing conditions in which most of them exist. He has become the symbol of the prisoners' rights movement, a constant legal and personal challenger to wardens and guards at four New York State prisons.

Teaching himself law while behind bars, he has organized prison unions, published a prisoners' newspaper, and won a court victory against censorship of Inmate' reading material. In one of the most celebrated prisoners' rights cases, Federal Judge Constance Baker Motley awarded him \$13,000 damages for cruel and unusual punishment, stemming from his having been kept unlawfully in solitary confinement. One of his offenses had been an effort to maintain unrestricted communication with his lawyer.

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For that and for other heinous offenses—refusing to submit to rectal examinations, for example, or to shave off a beard—Martin Sostre was kept in solitary confinement for five of the seven years he has been imprisoned. His defense committee says that he has been beaten six times.

It may well be that the New York State Corrections Commission wishes it had never heard of Martin Sostre. Because of his imprisonment and subsequent activities, prisons in America and particularly in New York can never again be quite the dark pits of repression and despair they once were. If after all that, Martin Sostre can prove that he was wrongfully charged, convicted and imprisoned, the irony will be rich but the shame of the state will only be compounded.

This squalid story begins with the race riots in Buffalo in the summer of 1967—referred to gingerly by police and news media in that city as “the east side disorders.” Martin Sostre had previously served twelve years at Attica prison for selling narcotics. During his term he had kicked his drug habit, become a political radical, and adopted the personal disciplines of the Black Muslims, although not continuing in that faith. In 1966, he opened a politically oriented bookstore in the Buffalo ghetto.

On July 15, 1967, on the testimony of one Arto Williams, a drug addict, that he had made a \$15 purchase of heroin from Martin Sostre in the bookstore, police arrested Mr. Sostre for possession and sale of narcotics. He was charged also with resisting arrest, arson and inciting riots.

In their stories at the time, local newspapers freely reported that police believed Mr. Sostre had been a “leading figure in the east side disorders.” A grand jury brushed aside defense complaints that these statements were prejudicial but indicted Mr. Sostre only on the narcotics and resisting arrest charges. In 1968, he was convicted on these, and for contempt of court (he frequently referred to judges as “crackers” and “bigots in judicial robes”), and was sentenced to thirty to forty years. He was then 44 years old and had

received, in effect, a life sentence—although no one had Oer established that Martin Sostre actually organized or led “the disorders.”

IN THE NATION

Six years later, Arto Williams—by then rehabilitated through association with a drug program in California—made a sworn statement that he had not bought any heroin from Martin Sostre after all. While in the Erie County jail in 1967 on a charge of stealing an air-conditioner, he said, he had agreed to help Buffalo police “to get Sostre” in return for police help with his own case.

But only Arto Williams could have seen both the money and the drugs pass between him and Mr. Sostre. He now swears it didn't happen. He also swears that in 1967, he got off with probation on the theft rap, as welts a second charge of theft, with the help of police witnesses in his behalf —after Martin Sostre's conviction.

Neither the State of New York nor Federal Judge John T. Curtin in Buffalo chose to accept Arto William's recantation. Now the validity of his second statement is to be ruled upon by the Appeals Court, which will hear oral arguments tomorrow. Like most of Martin Sostre's cases, this one could be a landmark—the first in which changed testimony became grounds for a new trial without the consent of the prosecution.

He said he was then given police money to buy heroin, plus \$15 in cash. Going to the Sostre bookstore with both, he gave Martin Sostre the \$15, ostensibly to keep for him, made a gesture toward one of his pockets as if to put something in it, then walked out. Police standing outside watched the money change hands, confiscated the previously purchased heroin, and arrested Martin Sostre for the possession and sale of narcotics.