

Crafted and compiled
by @Anthony and Casey

w/ a new introduction
by Lorenzo Kom'boa Ervin



This pamphlet, originally published by the Coalition Against White Racism, U.B., portrays the trial of the legendary anti-fascist, Black revolutionary Martin Sostre. Told through selected letters, news articles, and an array powerful images, the lessons that present-day anti-fascists can learn from Sostre's story are innumerable.

It is from the experiences of past and present revolutionaries, we find important lessons for the future.

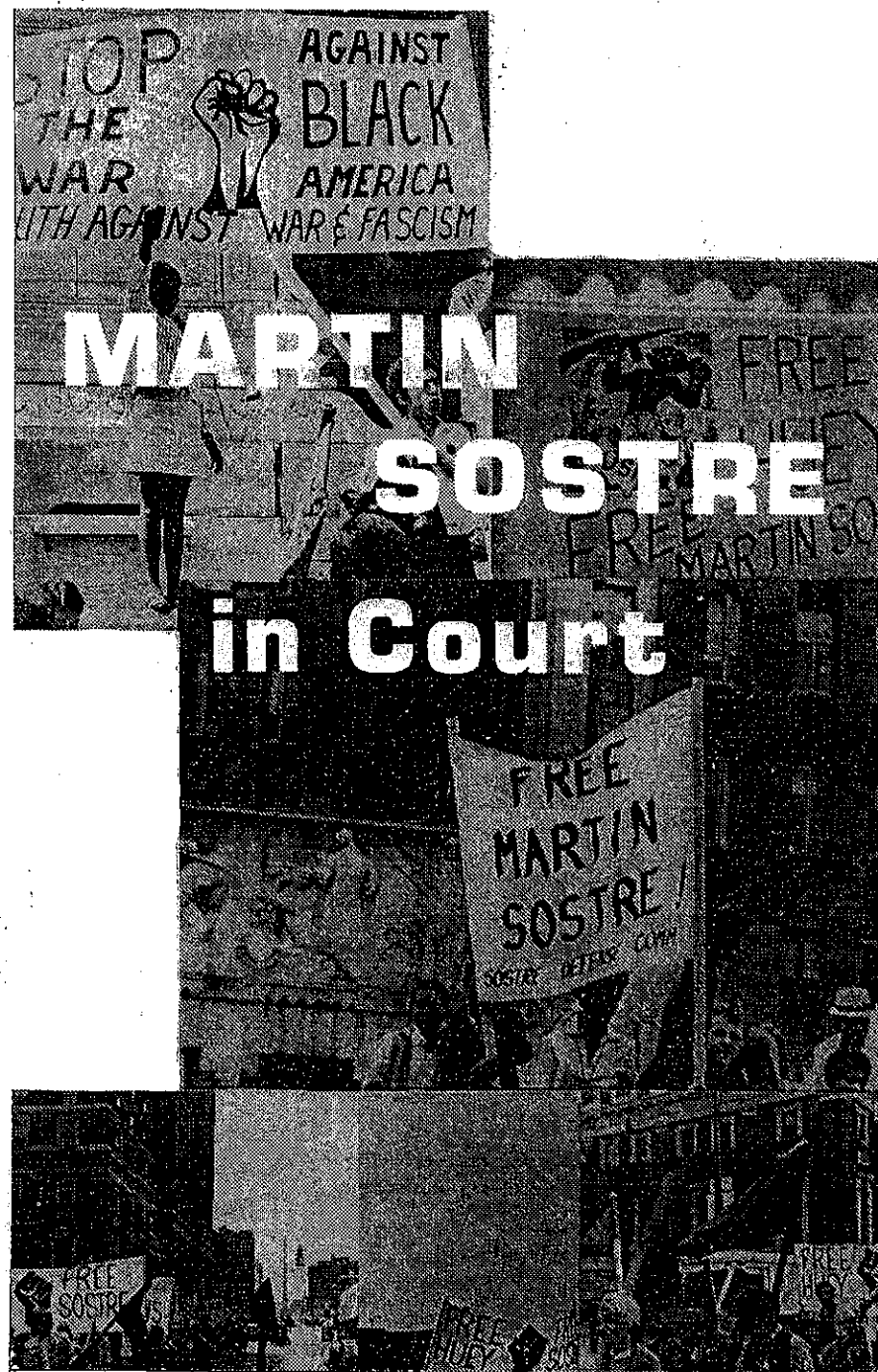
Smash the fascist state!
Let's continue to build!
All power to the People!

Printed and distributed by:

South Chi ABC Zine Distro ~ PO Box 721
Homewood, IL 60430

True Leap Press ~ PO Box 409216 Chicago, IL
60640

 **Anti-copyright | Free for prisoners**



MARTIN SOSTRE in Court

edited by Bob McCubbin

issued by the

MARTIN SOSTRE DEFENSE COMMITTEE
July 1969

Jerry, nothing could be more ludicrous. Jerry, and YAWF in general, take an uncompromising stand against the use of marijuana and other drugs as detrimental to the revolutionary struggle. So when Jerry was arrested for suspicion of driving a stolen car and the cops then changed the charges to possession of marijuana, no one was fooled. Yet the possible conviction resulting from this charge (after all, cops don't lie!), added to testimony which Buffalo Police Commissioner Felicetta gave before the infamous HUAC committee, equal the groundwork for a major dope frame-up against Jerry at some future date. Besides the pages and pages of "damaging" testimony against Sostre that Felicetta gave in Washington, he also slipped in a short, but most revealing bit of evidence concerning a white youth named "Gerry." The testimony is from an affidavit where "a youngster of 15 years of age" who knew Martin is supposedly being interviewed by a cop:

Q: Do you know anything about the narcotic activity he (Sostre) is involved in?

A: I have seen this white "Gerry" in the store and he is selling a \$5 bag of marijuana in yellow paper bags.

The threats and plots of the rulers will not succeed. As Martin has himself shown, their attempts to defend their decaying system only further exposes them. Martin's legal work under the most adverse conditions and the work of his supporters on the outside have attracted ever wider interest and concern — to the fury of the racist rulers. They would like nothing better than to never again hear the name "Martin Sostre." Tough luck for them! "Martin Sostre" is a name which is heard with increasing frequency in both the black community, the local establishment media and also in the white community.

Martin Sostre's legal appeal of his conviction, due sometime later this year, will be an event of tremendous importance to all partisans of the struggle for black liberation and an end to racism. Our cry shall continue to be:

FREE MARTIN SOSTRE!
FREE ALL BLACK POLITICAL PRISONERS!

Martin Sostre Defense Committee
July 14, 1969

Martin Sostre, Prison Revolutionary

By Lorenzo Kombo Ervin

Even in this generation, many young activists know of George Jackson aka "Comrade George," Black Panther leader, revolutionary prison writer and organizer who was assassinated in August, 1971, in the California penitentiary, San Quentin.

Yet, in the late 1960's and early 1970's, Martin Sostre (1923-2015) was every bit as well known as a prison activist, revolutionary, and jailhouse lawyer, who almost single-handedly won democratic rights for prisoners to receive and read revolutionary literature, write books, worship alternative religious faiths, to not be held indefinitely in solitary confinement, and to obtain legal rights to have access to legal rights at disciplinary proceedings. He was the one responsible for prisoners being able to organize during the prison struggle 1967-1974. These lawsuits changed prison conditions nationwide.

He had served a sentence in Attica, New York, during the early 1960's and went through a political metamorphosis from a Black Muslim (NOI), Black nationalist, and later an Anarchist. In 1966, he got out of prison, came home to Buffalo, N.Y., and started the Afro-Asian Bookstore in the Black community. Sostre's bookstore became a center of radical thought and political education in that city. A Black "riot" against police brutality of a Black youth broke out at this time, and Sostre was blamed for this rebellion since many youth visited his bookstore.

The city cops and white political establishment chafed at Sostre's organizing and political education, and decided to shut him down. They arrested him on July 14, 1967, along with a bookstore co-worker, and charged them with "sale of narcotics, riot, arson, and assault." These were totally frame-up charges, but he was sentenced to 41 years in prison. Recognizing this injustice, an international campaign was begun on his behalf by his supporters and fellow activists.

At one point, he became the best known political prisoner in the world, and his case became adopted by Amnesty International, the prisoner of conscience organization, in 1973. This was a first for U.S. political prisoners and put tremendous pressure on the state of New York and the U.S. government. Finally, his worldwide defense organization pressured the New York state governor to grant Sostre an executive clemency, and he was released in 1976.

temporary restraining order pending outcome of a federal suit attacking the whole prison system of the U.S.).

On February 7, 1969, Governor Rockefeller made one of his infrequent visits to Buffalo for a staged "Town Meeting." He was totally unprepared for the demands for freedom for Martin Sostre which "greeted" him throughout the stormy session. On February 22, a large demonstration was held outside Rockefeller's offices in New York City demanding freedom for Martin.

On Monday, May 12, 1969, Geraldine Robinson, Martin Sostre's co-defendant and co-worker, was brought to trial in Erie County Court on the frame-up charges of sale of heroin and assault stemming from her presence at Martin's store on the night of the raid. Her real crime, of course, was her unqualified support for the liberation movement of her people. During the two weeks of the trial Mr. McKinney waged a brilliant legal war against the frame-up and, at the same time, attempted to reverse the racial prejudice of the all-white jury. The D.A., however, used the jurors' racism against Geraldine in the most blatant and despicable manner. A pre-verdict indication of the success of this bigot was when, in the middle of the trial, one of the women on the jury applied for a pistol permit!

On Thursday, May 29, after deliberating for seven hours, the jury pronounced Geraldine guilty on both counts. Sentencing has been postponed until September. In the meantime, Geraldine's bail has been upped from \$5,000 to \$10,000. This courtroom defeat has been offset, however, by Geraldine's continuing courage and determination. The case will be appealed.

While the struggle to free Martin and Geraldine has continued unabated, the forces of reaction have also been active. Members of the Defense Committee have been continually harassed and threatened. In particular, Gerald Gross, the chairman of the MSDC and also of Buffalo Youth Against War & Fascism, has been repeatedly arrested on trumped-up charges. The emerging pattern is an attempt by the master class in Buffalo to lay the groundwork for another frame-up—this time with Jerry Gross as the victim.

Consider the facts: Jerry has been fingered repeatedly at political demonstrations for over a year and is one of the Buffalo Nine awaiting retrial on felony assault charges. Against this background of "violence" and "disrespect for the law" the cops have consciously attempted to link the Buffalo movement, and particularly Jerry, to illegal drug trafficking. To the hundreds of youths in Buffalo who know

Historical Importance of Martin Sostre

4

Sostre's political consciousness and legal activism opened the door for prisoners to have legal and human rights and the ability to organize at a time of civil rights, Black Power, the New Left, and the Vietnam anti-war movements. At one stage, 1970-1976, the prison movement became the central protest movement in America, especially after the August political assassination of George Jackson, and the September, 1971 Attica rebellion. The protest at Attica was put down with a bloody massacre by prison and political officials, but it opened the eyes of millions all over the world to American state violence and racism. A mass prison support movement arose almost overnight, which demanded human rights for prisoners. There is no doubt that the prior demands of Martin Sostre, in his writings and prisoner's rights lawsuits, who had been imprisoned at Attica some years previous, played a role ideologically. Sostre's struggle inside as a political prisoner was clearly bound up with what became the Attica Rebellion.

Contrary to prison officials' accounts which now claim that the so-called Attica prison "riot" had taken place because of a "gang of criminals" who took guards hostage for no good reason, the truth is New York State officials refused to listen to Sostre or even the federal courts which over the years had ordered an end to brutality, racism, and mistreatment of the men inside. The prisoners took matters into their own hands, demanding human rights and an end to racist abuse with the 1971 rebellion, which shook America and the entire world.

Martin Sostre and Me

I met Martin Sostre at the Federal Detention Center in New York City in August/September, 1969. I had just been brought back to the USA from Berlin, Germany, for hijacking a plane to Cuba earlier that year. He had sued prison officials and been transferred to federal prison to await a hearing. I didn't know who he was at the time, but someone said he was an "activist prisoner" and that I should talk to him.

A scowling, powerfully built Black man, he looked like a teacher, which in many ways he was, just a revolutionary teacher. So, I went up and introduced myself, and we started talking about prison generally, but he was interested in my case and how the CIA had captured me, and we started talking about that. He was concerned that I could be sentenced to death by an all-white Southern jury.

He knew it was a political case, and so we talked about what I could do

65

thus preventing sympathetic people from getting in). Martin himself, though knowing the severe penalties he was facing for his refusal to lick the rulers' boots, was magnificent in court. For the most part he ignored the "official" activity and addressed himself to the real questions, the bulk of which remarks are contained in this pamphlet.

Subsequent to Martin's conviction there has been, if anything, a substantial increase in the tempo of struggle. It was shortly after Martin was shipped to Green Haven Prison to begin serving his 31 to 41 year sentence that the case began to break. It is unfortunate that most of the good publicity and community interest has followed rather than preceded the conviction but it will be very useful for the appeal battle yet to come. It was Mae Mallory who introduced Martin's case to Joan Franklin, a black attorney who was, at that time, connected with the NAACP. Mae Mallory was herself, along with Robert F. Williams, the victim of a frame-up in Monroe, North Carolina for her advocacy of armed self-defense against KKK racists. She is presently fighting a conviction in Cleveland for her militant support of Ahmed Evans. Miss Franklin got the NAACP to take the case and retain her as counsel. Subsequently, she convinced the NAACP to retain Charles McKinney, another prominent black attorney, for Geraldine Robinson's case.

Perhaps the most demanding activity of the Committee in terms of time and effort has been the maintenance of the Afro-Asian Bookstore in Exile. This table-top bookstore has been operated almost continuously by Defense Committee members at the University of Buffalo since the time, almost a year ago, that Martin suggested it. Established in the halls of Norton Union on the U.B. campus, the store has provided an outlet for the literature of world liberation which Martin sold — literature unavailable elsewhere in the area. On April 15, 1968 the Student Polity, official student government at U.B., passed a resolution expressing solidarity with Martin Sostre and demanding permanent material facilities for his bookstore on the campus.

On June 25, 1968, Martin was thrown into solitary confinement in Green Haven Prison. When forced by a deluge of protest to "explain" the cruel and unusual punishment Martin has been singled out for, State Correction Commissioner Paul D. McGinnis answered in a public statement. One of the news articles reporting McGinnis' statement is reprinted on page 54. In it, the real reasons for Martin's "segregation" are spelled out (as this pamphlet goes to press, Martin has been released from solitary on a

called "little" people who, working all day, had little time to spare and, underpaid, little money to give either. Several concerts and baked goods sales as well as numerous leaf-lettings, demonstrations and mailings of appeal letters involving a great deal of effort produced good results.

The bail problem -- getting Martin out of jail so he could more easily work on his defense -- was always uppermost in the minds of Defense Committee members. But even when the absurd bail figure of \$50,000 was reduced to \$25,000, hopes were slim of obtaining anywhere near this amount. At one point, with the help of several sympathetic property owners, the figure was almost reached. Freedom through bail, however, was to remain beyond the grasp of Martin since most of the moneyed liberals had, early in the case, lost interest in its "civil libertarian" aspects.

Another problem which plagued the Committee was the legal expenses which periodically drained off large chunks of the Defense Fund while efforts were being made to meet bail. Lawyers who knew Martin to be innocent of the dope charges initially agreed to fight the case and then dropped it after 2 1/2 hours worth of work (according to an Erie County Bar Association investigation). Their legal fee (or one should say, extortion fee) was \$550. Though many lawyers were contacted at various times during the legal struggle, most proved unacceptable because of their lack of understanding of the political nature of the case. Others understood the political ramifications and were scared off by them. The few "political" lawyers who expressed interest in the case were prohibitively expensive. It was Martin's courageous stand that he would rather defend himself than have an ambulance chaser sell him out to "the Man." Certain legal actions, of course, necessitated the retention of lawyers for brief periods of time. In each of these instances the dictum, "A lawyer is an officer of the Court" (emphasis ours) was borne out by the manner in which the tasks were done: procrastination, misjudgement, exorbitant fees and utter irresponsibility toward Martin and his life or death struggle. It can be truly said that the liberal legal professionals had a hand in the lynching of Martin Sostre.

The attempt by the judge and prosecution to handle this case like an ordinary dope case was unsuccessful. The court was packed each day of the trial. Each morning there was a picket line in front of the Court House. Supporters had to out maneuver about 120 cops and 15 or 20 clerks and secretaries (sent in to fill the courtroom seats

about it. Almost every day that I saw him, we would go over my case, and he would give me legal advice. Somewhere along the line, we started talking about revolutionary politics generally, and he bounced a new word on me: "Anarchist Socialism." I had no idea what he was talking about at the time. I had just come from Cuba, Czechoslovakia, and East Germany, which called themselves "socialist republics," so I thought I knew all about it. I was wrong. He explained to me about "self-governing socialism," which he described as free of state bureaucracy, any kind of party or leader dictatorship. Almost every day he regaled me about "direct democracy," "communitarianism," "radical autonomy," "general assemblies," and other stuff I knew nothing about. So I just listened for hours as he schooled me.

5

The initial ideas for Black autonomy, within the overall Anarchist movement, came from these sessions. As a Black Puerto Rican, Sostre felt alienated from his community, and since much of the analysis about Black oppression and Socialism was by white radicals, he had originally gravitated into Black nationalism. It was only later during his time in prison that he gravitated into Anarchist Socialism. He told me endlessly that Socialism and Anarchism were for all people, not just Europeans and well-to-do intellectuals. It was universal. At first, I had serious doubts about all this, as it seemed just more white radical student ideology. They were not sympathetic to the Black struggle, and they were not working class or poor. Sostre's ideas, however, were that Anarchists of color must build their "wing" of the Anarchist movement. He didn't call it Black Autonomy, but that is what it was.

I did not even consider myself at the time as an Anarchist, and did not fully understand what he told me. But I had seen first-hand "Soviet Socialism" and was not impressed. It was elitist, authoritarian, and oppressive. I could say the same thing about "Marxist-Leninist Maoism", which helped to destroy the the 1960's New Left, and the radical wing of the Black Power Movement, with cult of personality, middle class snobbery, manipulation, and opportunism.

Even before meeting Martin Sostre, I was definitely already looking for something new, and willing to consider Anarchism. But only years later, serving life in prison, is when I really started into Anarchist political education, as Sostre suggested. I started reading Anarchist books and papers, and started corresponding with Anarchist figures and groups all over the world.

These discussions with Martin Sostre were invaluable in broadening my thinking about a radical political alternative. I also found out about many "unknown revolutions" in Africa, Russia, China, Spain and other parts of the world, as well as early Anarchist labor/radical tendencies among

6
Eastern European immigrants, especially in the USA (1860's-1900's). Yet the stickler is that the Anarchist movement generally, had no ties or solidarity to the Black population in the USA, the UK, or the colonized people of color in the Third World. It was essentially a white European movement.

Like Sostre had said, we must manufacture our own Anarchist of Color school of thought and revolutionary practice. Nobody can truly speak for us and fight in our name. Black Autonomy means independence of thought, culture and action. We are not racial separatists, but we must be sure that we are strong enough to insist on our politics, leadership, and respect within any broader universal movement. We have been sold out, left out, betrayed, and tricked too many times by internal racism inside majority white coalitions and movements. Black voices matter! That is why I wrote a small pamphlet in 1972, "Anarchism and the Black Revolution" while I was in prison in 1979.

Conclusion

Martin Sostre has been lost to history because the White Left and Anarchist radical tendencies have had no regard for him or his legacy. He literally opened the doors for radical prisoners, Anarchist tendencies of color and radical praxis, yet not one institution or movement today is named after him. This is an outrage which must be recognized or corrected now.

Groups of jailhouse lawyers should name themselves after the man who more than anyone, successfully fought for prisoners' democratic rights, was an activist who provided an example of a revolutionary political prisoner, and who prefigured the Black-led revolutionary prison movement, including the Attica rebellion and prison labor and activist movements of the 1970's-80's.

I became an Anarchist, a jailhouse lawyer, and a prison activist during the 1970's because of Martin Sostre. In fact, it was a result of observing Martin's international defense committee and seeing how he was able to put pressure on the government, that encouraged me to create the "Free Lorenzo" movement, which resulted in my own freedom in 1984 from two life sentences. I owe him a tremendous personal debt. I spoke to him less than a month in a prison cell, but it changed my life. He had a similar impact on many others who never met him, but benefited from him standing up for their rights.

We don't have him here today in the flesh, but we can at least honor his memory and never let it die!

A POST SCRIPT

63

The Martin Sostre Defense Committee (MSDC) was formed at the beginning of August, 1967, in an atmosphere of reaction and repression almost unprecedented, even in the right-wing, banker-dominated city of Buffalo, New York. The black community in Buffalo had exploded in late June -- there was a great deal of back pay due for the hundreds of years of exploitation they had suffered, living in the Birmingham of the North, and consequently, the rulers trembled. They immediately ordered a merciless counter-attack in the form of indiscriminate terror. Pigs with guns, tear-gas, clubs, dogs and high-pressure water hoses were used to try to terrorize the black population back into submission. There were numerous arrests and beatings. All this, however, didn't satisfy the bankers and industrialists. They gave orders to the police to find a scapegoat. That they themselves had caused the rebellion by their continuous looting of the poor over many generations must not be found out. A big lie was necessary and they decided, with all the brainwashing power of their newspaper, radio and TV monopolies, to tell it. They blared it into every home on the Niagara Frontier: Martin Sostre Caused the Rebellion.

Martin's friends, though fully cognizant of the seriousness of the attack on Martin and the determination of the ruling forces to see the lynching through to its wretched end, rallied to his defense. In these first weeks the going was particularly rough. Several of Martin's closest friends were arrested with him. Not all were as strong as Geraldine Robinson, who, though facing very serious charges for having worked with Martin to spread the message of liberation, fought defiantly by taking the story of the frame-up to the black community. Several other friends were beaten and threatened with long prison terms if they didn't stop their efforts on Martin's behalf. One friend was forced to move to another city to escape abuse and threatened punishment for aiding Martin. In addition to all the attacks on individuals, a huge propaganda assault was unleashed in the local media. It was said, for example, that Martin had been engaged in a \$5,000 per week business in narcotics traffic (strange then, that he lived so humbly and couldn't afford to bail himself out or even hire a lawyer).

In spite of this, the MSDC was formed and quickly swung into action to publicize the case and raise funds. Tremendous contributions of time and money were made by many so-

to the spectators. "He went along with the program. He was looking right there while it was happening and yet didn't say a word. This shows the kind of court, the racist judge and jury, we have here, how court officials frame all militant voices that oppose oppression!"

Judge Marshall once again breaks in, "You are a vicious and violent person, motivated by nothing but hate." Martin ignores this comment and demands to be allowed to go to the Supreme Court chambers. Marshall, without even answering the demand, proceeds to pass sentence on Martin: 25 to 30 years on the first count, 5 to 10 years on the second count, 1 year on the third count and 30 days for contempt of court.

Martin turns and smiles to the supporters and members of his Defense Committee. As the court guards lead him out, the handcuffs once again in place, Martin raises his clenched fists. "Keep resisting," he says, and then he is gone. It is only later discovered that one hour after the sentencing Martin is already being rushed by car to Attica. A day later, a second official vehicle whisks Martin further from his supporters. Martin is transported four hundred miles to Green Haven Prison outside Poughkeepsie where he has been in solitary confinement since June 25th, 1968.



INTRODUCTION

Martin Gonzales Sostre was born in Harlem N.Y. on March 20, 1923. The years between this date and his long prison term from 1952 to 1964 were not unlike the early years of Malcolm X, Eldridge Cleaver and millions of other oppressed youth of the black colony within America. Survival and temporary escape have been the key words for how many millions of the world's poor under the conditions of abject poverty imposed on them?

While in Attica State Prison, Martin, along with many other black prisoners, became aware of a bold new force at work in the grass-roots of American society. Its first manifestations were in the Muslim newspapers smuggled into the prison, in the whispered suggestions of a Black Brotherhood and the strange but surprisingly sensible attacks on the decadent white society outside the prison walls. Martin was able to fit these ideas together with those he had picked up in Harlem as a youth. He was able to see the power of these ideas and the way they united the vast majority of mankind against the infinitesimal few who ruled.

On his release from prison he came to Buffalo, a mere 35 miles away, and got a job as a steelworker. Once on the streets, Martin saw that the youth were ready for *action* to test and refine the new ideas. And Martin himself listened with growing excitement to the reports of world-wide struggles, ever expanding, of the oppressed against the oppressors: Vietnam, the Arab world, Latin America, China, Africa, Cuba. Everywhere, in the middle years of this decade, the poor were rising up.

So Martin, on his earnings as a steelworker, rented a storefront in the heart of the black community of Buffalo and stocked it, as best he could, with writings on this global revolt of the poor against the rich. He called his store the Afro-Asian Bookshop.

To the rich of Buffalo, the store did not go unnoticed. The visits by local and federal cops began almost immediately. After the Buffalo rebellion at the end of June in 1967 the harassment was stepped up. Martin had not been idle during the rebellion. The sale of literature had increased greatly under the influence of "events". To those who could not pay, he lent it and sometimes gave it away. He kept the store open all night and spoke to crowds, using pictures from magazines and the white cops, running hog-wild in the streets outside, to illustrate his points about white colonialism and the need for black self-determination and socialism.

Several days after the rebellion subsided, as an answer to his

activities, the cops smashed the front windows of the store and firemen hosed down the inside of the store, destroying most of the offending literature. When Martin turned this attack to his advantage by plastering political wall posters on the boarded-up windows, the cops tried to rip them down. The long black Cadillacs of city officials passed, slowing to a crawl as they passed the store. Martin informed several friends that the store was under surveillance from a window across the street.

The final attack came on the evening of July 14th. Several car-loads of non-uniformed white cops stormed the shop, arrested Geraldine Robinson, Martin Sostre and three young men in the store at the time.

The subsequent legal struggles, setbacks and gains, are described at length in an earlier pamphlet, *Letters From Prison*, and cannot be repeated here. For a copy of *Letters*, send \$1.00 plus \$.25 mailing cost to the Martin Sostre Defense Committee.

* * * * *

The present work concerns the court appearances surrounding Martin Sostre's conviction on the frame-up charges of sale and possession of heroin. The testimony has been reproduced from court records and extensive notes taken by Defense Committee members. There are three main parts to the story. First is the so-called "psychiatric hearing" which is preliminary to the main trial but provides an introduction to the drama yet to unfold.

The second part concerns the main trial itself. It might be expected that this trial would be the central event since a determination of Sostre's innocence or guilt was to be made here. However, it cannot be stressed too strongly, particularly for the reader with no previous acquaintance with the case, that the guilty verdict was a foregone conclusion. Therefore, the important thing here was not the testimony but rather Martin's periodic comments to the courtroom spectators during lulls in the trial action. Martin chose not to participate in the trial since the cards were so stacked against him as to render the proceedings a complete travesty of justice. Among other things, he was without counsel, having been fleeced and double-crossed by those retained for his defense.

The third part of what follows concerns the "second trial" or trial to establish identity. In order to convict Sostre as a second offender, thereby doubling the possible sentence from 20 to 40 years, it was necessary to make a determination that this was the same Martin Sostre who had been convicted in 1952. Martin chose to remain mute

inciting to riot and arson. The four persons in the shop besides me were also charged with crimes. These are the fascist methods that the fascist-racist power structure must employ in order to silence the voice of dissent. It follows a pattern all over the country where dissenters are being framed.

"The show here this morning in which a police official was deliberately hiding documents while right on the witness stand shows the methods they have to use. All the witnesses were previously coached as we saw. We actually saw the fascist methods that had to be employed in order to obtain a phoney identification. It was the same in the trial. The D.A. and all the witnesses, except for the stool-pigeon who, everyone knows, would testify on his mother, outside of him, all the ones who have accused me were police officials, state officials. Not one independent person, not one citizen of Buffalo not on the payroll of the government testified against me. All those self-serving witnesses had an interest in the case. They all had a job to do, an interest in seeing a conviction. So on these grounds, so manifest to all here, in addition to the fact that all my pleas to have my bail lowered to the same level as given to other prisoners were refused, that the judge would sign a show-cause order and then, later, skirt the issue that the people of Buffalo wanted to hear, namely, why the D.A. had set such exorbitant bail. Even now this has never been exposed and at the last minute the judge arbitrarily denied a hearing to have the show-cause order argued, thus covering up for the D.A.

The reason is clear. If they could have identified me they would have. The fact that I have resisted, this forced them to utilize fascist tactics. I have uncovered this. If we don't expose these tactics, they will never be exposed. We have to resist them in the streets, in the schools and in the homes. In court we must resist them. Otherwise, their lies and contradictions will not come out. If we all follow the law blindly, and the issue of law is clear on that, the fascist take-over will come about with no opposition. The Nazis had received the official German seal from the duly constituted government. Yet this excuse was rejected at Nuremberg. It is our moral obligation, on all these grounds, which are all well-known and are on record, and on laws that were handed down most recently, to oppose racism and fascism.

"So on all these grounds, I move that the sentence be suspended and that I be allowed to go to the Supreme Court chambers for the Justice's signature on a certificate of reasonable doubt, so that he can review the kangaroo frame-up this court is trying to pass. Judge Marshall, when witness Cochrane was on the stand, not once did you admonish him not to read those hidden documents." Martin turns back

'Custody Situation'

State Official Denies Sostre in 'Solitary'

State Correction Commissioner Paul D. McGinnis denied on Tuesday a charge by the Martin Sostre Defense Committee that Sostre is in "solitary confinement" in Green Haven Prison, Stormville.

Martin Sostre, 45, formerly of 1412 Jefferson Ave., who has been called by local police "a prominent figure in the East Side disorders of 1967," is now serving a 31 to 41 year prison term for possession and sale of narcotics and second-degree assault on a policeman.

Rocky Hears Charge

The Defense Committee told Gov. Rockefeller last week at a town meeting in Kleinhans Music Hall that Sostre was being kept in solitary confinement without an opportunity to rejoin the "population" of the prison.

McGinnis said Sostre was in a "custody situation," which he termed as "segregation."

McGinnis explained that the stem involves putting prisoners in special sections. Those who are segregated, the commissioner declared, may have an hour's fresh air exercise a day, if he requests it, in a segregated yard.

Offenses Claimed

"Sostre tries whenever the opportunity permits to incite other Negro inmates at Greenhaven," said McGinnis. "He shows no indication that he wants to abide by the rules of the prison."

The commissioner reported Sostre committed prison offenses of illegally participating in legal counseling and refusing to answer questions about his involvement in a black militant group.

McGinnis said that Sostre also was placed in segregation for illegally lending law books to other inmates within the prison.

The Correction Commissioner said Sostre has refused to either participate in group counseling, or in recreational activities.

In Segregation Again

He asserted Sostre had been placed in segregation in March 1968. However, he said, Sostre returned to the "population" three days later.

"Sostre was placed in segregation again on June 25, 1968," the commissioner said, "where he still remains today." He was placed in segregation for repeatedly trying to incite the inmates, McGinnis said.

McGinnis explained there are 18 other inmates in segregation at the present time in Green Haven.

Asked how long can Sostre be kept in "segregation," the commissioner stated:

"Whenever he agrees to stop breaking prison rules and agrees to cooperate with prison officials, he will be placed back with other inmates in the prison. But, he has expressed no desire to cooperate or to refuse advising other prisoners on legal matters."

regarding this determination so a trial was necessary. At no time does Martin deny he was that person. What he does is to ignore that question in favor of the more salient fact that the proceedings to sentence him as a second felony offender are merely a continuation of the police frame-up, making further use of paid cop witnesses, racist jurors, a bigoted judge and faulty evidence. Martin's keen mind is never idle during this trial as he skillfully exposes the racist venom which the white jurors try to conceal and as he picks apart the ill-rehearsed testimony of the oppressor's cops.

The bourgeois press and the pigs have accused Martin Sostre at various times in the past two years, of two "heinous crimes". On the one hand it is charged that he had a \$5,000-a-week drug business behind a radical bookshop front. On the other, it is said that he was a "Black Power fanatic", the principal agent behind three nights of "riot" on Buffalo's East Side. **NEITHER CHARGE IS TRUE!** Martin Sostre is a disciplined militant, dedicated to the liberation of his people and an end to racism and militarism in the U.S. His victory will be the victory of all the oppressed of the earth.

NO MORE FRAME-UPS! FREE MARTIN SOSTRE NOW!

Martin Sostre

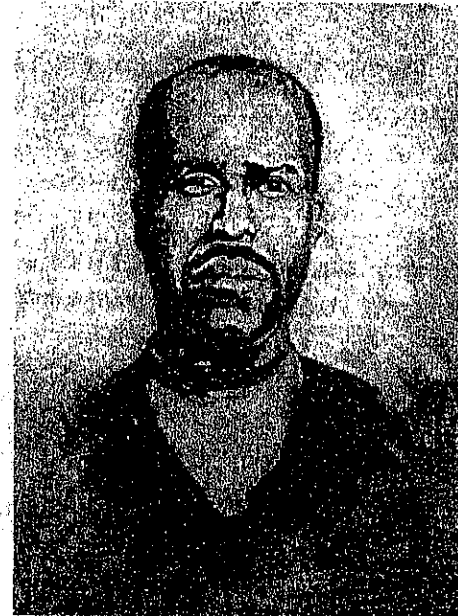


photo of Martin Sostre as a young man by Jerry Ross (painter)

10
19 FEBRUARY 1968

THE USE OF PSYCHIATRY AS AN INSTRUMENT OF REPRESSION

With this hearing, called by the Court to set the stage for a much more momentous event, the reader is introduced to the two main figures who will dominate all that follows. On the one hand, Martin Sostre, thrust by his bravery and wisdom to the very forefront of the struggle against his people's oppressor. On the other hand, Judge Frederick M. Marshall, a man whose own words condemn him: "[I am] sick and tired of the long hairs, beatniks, the ultra-liberals, the unwashed, the exhibitionists. And I despise their marching, their singing, their bleating, rabble-rousing, placard-carrying and card burning." And it may be seen that this pamphlet is not only about two men. It is also a part of the much larger story of two historic classes and two nations. The one, looted and decimated for generations, the other powerful, arrogant and morally bankrupt are here locked in combat. Viewed in this way, the story you are about to read is part of the global struggle now unfolding against U.S. imperialism.

Martin's technique in this hearing was to question at length the psychiatrists who were responsible for fabricating the report on Martin's mental state. At the very start he questioned a reference to his race on the first page of the psychiatric report. He asked the doctor (one of the psychiatrists who had written up the report) what bearing race had on his evaluation. The doctor replied that, "I took into consideration that you were a Negro in relation to a multiplicity of other events that related to your background as you explained it."

Martin was not very satisfied with this obscurantist answer. He asked whether the doctor had taken into account the real condition of the black people as an oppressed minority living in a white racist, hostile environment. At this point the assistant D.A. jumped up and objected that this was *irrelevant* (as he did some twenty or thirty more

59
is short and his voice is so low that Judge Marshall has to ask him to speak up. Next, Marshall charges the jury and they are sent out to deliberate. After lunch the jury comes back out to see the photos and fingerprints which they pass around to each other. They then go back into deliberation and shortly afterwards return with their verdict. The foreman announces their finding: the prosecution has proved beyond a reasonable doubt that the information was correct concerning the identification.

Marshall now advises Martin to make any constitutional motions or forfeit the right to do so. Martin moves for dismissal of the information of the 1952 conviction on the grounds that at the time the guilty plea was taken, October, 1952, the D.A. Blatt had violated the Code of Criminal Procedure and the decisions in *The People vs. Codarre* and in *The People vs. Brossit* which emphatically state that the failure of the D.A. to follow the correct procedure does not nullify a plea. Blatt had used this trick as grounds for rejection of Martin's plea in the 1952 case. "This outright misrepresentation is in violation of the 5th amendment. I ask that the Court take judicial notice of the exhibits in this case and move that the information be dismissed because that conviction is founded upon unconstitutional methods."

Marshall immediately snaps, "Objection overruled!" and denies the motion. He then asks Martin whether he has any legal cause why the judge should not now pass sentence. Martin states that he has many reasons. "This conviction, if it can be so called, is founded upon the most flagrant maneuvers, unscrupulous methods and outright fascist tactics from self-serving state witnesses to the denying me my right to witnesses by means of exorbitant bail, higher than anyone else in Erie County Jail, thereby denying me my right to prove my innocence. This was so flagrant that the Appellate Division wants to review the fact that I was denied fair bail, held eight months in the jail without being able to reach my witnesses, forced to trial without my witnesses. The reason for all this is clear: Because I opposed the power structure of this city, I was the owner of the Afro-Asian Bookshop which sold anti-war and black nationalists and liberation literature. I had been visited by the Subversive Squad, the FBI and local police who had told me to stop selling this kind of literature. I refused and continued to disseminate it even after the contents of the shop were destroyed by the Fire Department who, on the pretext of putting out a fire, broke in the windows and turned their high-power hoses on the literature even though there was no fire. After I disregarded this intimidation and attack, my shop was raided by the goon squad and I was charged with

information, but the more serious implications involved, issues of humanity and conscience. We must expose fascism. Dissent has come to the courtroom, just as it has come to all levels of society: in the streets, in the universities, in the homes. This is the *real* issue. How to stamp out fascism and fascist methods. Spock, Ferber and Goodman were indicted because they dissented. In addition, black militants and their white allies have been framed-up because they dissented from the rule of fascist goon squads . . ." Marshall once more butts in, yelling, "I will waive your right to summation!" Martin replies, "Of course you would, Judge. You waived my right to get my four witnesses. All this will be light stuff compared to that!" Marshall again yells, "Sit down!" Martin continues his summing-up. Ignoring the judge's threat, he turns to the jury and the spectators. "The racist tyrannical Court is just an instrument of the police goons. They frame you and then bring you here. State officials are brought in to complete the frame-up. I want to expose it for all Buffalo to see. The goon had hidden photographs and records and was reading from them. Judge Marshall saw the whole thing from where he was sitting and said nothing. That, in itself, speaks volumes. I exposed it for all of Buffalo to see. It has all been worth it just to expose the methods that state officials will go through in order to frame a man who opposes them. Your own common knowledge, your own conscience, these are the sole determiners that will tell you whether or not this issue should be dismissed.

"If you do not oppose these laws, you will be helping the fascists to take power. Even if they send me to Attica, you are going to see more of the same. After I go there will be more of the same. In fact, right now there are several prisoners in the Erie County Jail who will defend themselves and will oppose you right here . . ." "Stick to the issues, Mr. Sostre!" yells Judge Marshall. "This is the law, this is the issue!" Martin shouts back. "Argue facts!" shouts the judge. "This is a higher law than the jury has a right to decide. The issue is a man's natural rights. The laws of the tyrant do not rule over the natural rights of man . . ." "I will waive your right to summation!" Marshall screams again. Martin replies, "Waive my rights, just like you are waiving the rights of the other dissenters, framing-up those who oppose the rule of fascism." Marshall retorts, "Stick to the rules, Mr. Sostre!" "I'm not following any fascist rules!" Martin insists.

Beyond a reasonable doubt

At this point, Marshall orders Burke to sum-up. Burke's summation

times during the hearing when Martin raised this question). Judge Marshall quickly sustained this objection as he did almost every other that came from the Assistant District Attorney. Martin retorted that Marshall was trying to block the hearing into his own illegal actions and demanded to know whether there was to be a hearing or not. Sostre accused Marshall of trying to protect the doctor's racist actions in refusing to let Martin ask him perfectly legitimate questions pertaining to racial oppression of Blacks in America. It is most revealing to watch how American "justice" works out in *practice* in the American courts. In this case, Judge Marshall was, in practice, passing judgement on his own misconduct, Sostre thus remarked that, "Even Thomas Dodd could not preside over the hearing against his misconduct! It's no wonder," Martin continued, "they call you 'Mad Dog' Marshall."

Martin then returned to his interrogation of the doctor. He asked the doctor if it was possible for a court order to be used to have people who are opposed to racism and militarism committed to mental institutions. "Isn't it possible," he asked, "that a perfectly normal person, opposing the political power structure, could be committed by a judge who is controlled by the politicians and the power structure?" Martin asserted that he himself had been railroaded by the white power structure, that Marshall's order to have him committed was an attempt by a racist and bigoted judge to coerce and intimidate a black man opposed to the power structure. The doctor answered in a tone of professorial condescension that "This was possible".

Martin had been characterized in the psychiatric report as having a "paranoid personality." Since this is a label often employed to slander those who express systematic opposition to oppression, Martin wanted to set the record straight. Martin documented, in his argument, the very real nature of the oppression used by the rich to maintain their privilege and power. He explained how, in his case, political pressure had been applied to the law firm which first took his case to drop it, prejudicial statements made by Police Commissioner Frank Felicetta and Assistant Chief of Detectives Michael Amico had been given prominent coverage in the press, the Afro-Asian Bookshop had been destroyed by the very cops supposedly paid to protect property and the bail had been kept at \$50,000 despite its obviously exorbitant character given the charges.

Martin questioned the objectivity of the doctor and his "science." Since no scientific tests were used during the examination of Martin - according to the psychiatrist's own admission - was not the paranoid personality label merely a subjective and perhaps even racist opinion of the white doctor? Martin further asked what standards of objectivity

were actually used by the psychiatrist? The doctor answered, obviously flustered that his twenty-five years worth of schooling had not prepared him for such direct and "disrespectful" questions, that there were no such standards of objectivity. It was mainly a subjective evaluation. He insisted, however, that there were a group of factors which characterized a paranoid. One of these, he said, was hostility feelings toward a person or persons.

12

Not paranoid - Oppressed!

Martin asked the doctor if it were not true that feelings of hostility toward persons or institutions may or may not have some real basis in fact? Was it not true that a Jewish person in Nazi Germany would manifest "paranoid" traits because of the oppression suffered there? Was it not also true then, that an oppressed black man in the U.S. would normally manifest such "symptoms?"

Martin quoted part of an article from the *American Journal of Psychiatry* on the effects of racial oppression on the mental health of Negro troops overseas. The article condemned the too loose application of the word "paranoid" to black people and implied that it was *normal* for the oppressed to feel hostility toward their oppressors. The doctor, faced with this documented evidence, had to admit that Martin was quite correct - in a racist society it would be normal for the oppressed black minority to manifest hostility. "Then why didn't you take this into consideration in your report, doctor?" asked Martin, visibly angered. The D.A. objected and his objection was sustained.

Martin then asked whether a concern about the war in Vietnam, the senseless slaughter of our youth, would not be considered abnormal in the eyes of the ruling structure which sends the young men there? "If a person happens to be an oppressed black man in this racist society and he fights back strenuously against these evils with literature, speeches and demonstrations, would not he, in the eyes of these racists, be thought abnormal?" Again the D.A. and Marshall interrupted and prevented Martin's presentation from being completed. They ruled all of this irrelevant!

Next, Sostre called upon another doctor who, like the first, had found Martin sane, but characterized by a "paranoid personality." Under questioning this doctor admitted having heard of the black rebellion in Buffalo the previous summer, the subsequent arrest of Martin, the newspaper slanders against him, etc. However, the doctor testified, all this was only of "epiphenomenal interest." The escalation in pseudo-intellectuality was thus immediately evident.

Martin was determined to expose the racism of this stuffed shirt.

Eichmann was tried and executed for following blindly the duly constituted authority. Nazi Germany gave him the official seal of the state but the Israeli Courts threw out that argument. The War Crimes Tribunal at Nuremberg originally affirmed that it is one's duty to oppose unjust law. Why even the most vicious goon would be blameless if that defense, that I was 'just following orders' were to be accepted.

"Even the government itself breaks the law. It has violated the Constitution by sending our boys over to Vietnam to be killed and to murder innocent peasants in a war that has not even been declared. *They* broke the law but they want *you* to go by the law. Very nice! We are all robots! We are supposed to follow the law blindly regardless of humanity, regardless of the consequences. 'Let us oppress these black people. Let us send more cannonfodder to Vietnam.' Very nice! Six million Jews perished . . ." Judge Marshall again interrupts by yelling "Get to the evidence!" Martin answers, "The evidence speaks for itself! We all saw what happened! The law is a law of tyranny. Even the Bill of Rights - the highest of all law - laid down the principle of opposition to law and advocates rebellion when law becomes oppressive and tyrannical. If the Declaration of Independence had not laid down these principles, then British law, the law at that time, would have never been opposed and there never would have been a revolution! So what is this 'law' that you are supposed to follow? That you must follow blindly? These are issues of conscience.

"You can't go along with these fascist tactics unless you go along with the program. That's what the Nazis did. But this has already been rejected. The Nuremberg Tribunal states that it is the duty of every individual citizen to oppose unjust law. This was already handed down by the U.S. Constitution which states that a man must be given liberty - liberty of thought - and has the right to a trial by an impartial jury, a jury with conscience and humanity, not one that will follow an unjust law. This country will not last long if it follows unjust law. The gold drain, the war in Vietnam and the black rebellion are evidence of this.

"The fascist goon squads have MACE, which is chemical warfare for use against the black people. The ghetto youth, however, have LACE, which is lye-in-the-face. If you are going to use chemical warfare on us, we are going to use chemical warfare against you." Marshall interrupts and says that the race issue is not important to the jury and that, "We are not going to argue it." Martin quickly retorts, "That's what all the racist and fascist judges say. We all saw the phoney evidence, caught the goon in the act. We all saw the frame-up. This is something everybody saw. These are the issues in this case, not just this

Eichmann by the Israeli Courts, the decision of the Cuban Courts to execute the fascist goons of Batista, and all these reaffirmed by "The Doctrine of Legitimacy of Purpose" which states that we have the right to fight against tyranny. This law says that I have the right to resist a tyrannical law and any other used to oppress the people."

Judge Marshall finally broke in and told Martin to stick to the law in making his motion. Martin retorted that, "I am asserting a multitude of laws . . ." Marshall interrupted, "We will not argue any social questions here." "This is a social issue." Martin asserted. "Stick to the law." Marshall demanded. "But law itself is part of this case. Issues of law are involved here. The Nuremberg decisions are a higher law than yours . . ." Marshall demanded that Martin begin his summation.

56

Martin's summation

Martin walked over to the jury and began. "You have just heard the evidence and have seen the methods the fascist state uses to destroy all those who oppose it. You have seen the crude methods used by the racist white power structure to frame-up black men. This has to be exposed because that's how they frame-up innocent people. This is no hearsay. We all saw it. The D.A. representing Bronx County and all the other self-serving officials were the only witnesses, all of whom have an interest in common with the prosecution. That is the way they frame people. They either plant dope or a pistol or anything to get rid of the dissenters against the state. These are the methods Hitler used in Germany in order to destroy the Jews and all those who opposed fascism . . ." Judge Marshall interrupted the summation to tell Martin to stick to the evidence. Martin replied that he was getting to that, he was establishing the foundation for the remainder of the summation.

Martin continued, "These are the methods the racist-fascist state must use and employ because it has no real proof with which it can jail the oppressed. The use of hidden photos, no independent witnesses, only self-serving state officials being coached with hidden documents. If this is U.S. justice, we might as well be in Nazi Germany. We are fortunate to see it for ourselves. I am facing thirty or more years because I had a bookshop that sold literature against the system. I am facing thirty years because I went against the system. You all read about the case. Now the D.A. is trying to give me double the sentence by making a phoney identification. None of you have taken into consideration common factors of humanity. Only one man stated that he would not go along with the duly constituted authority. But Adolf

He asked the doctor to recall a conversation concerning mace that they had had previously. On that occasion the doctor had asserted, "Well, mace is better than a club, isn't it?" Martin had answered, "It is not a question of mace replacing the club but of its being added to the club, the dogs and the gun as another terror weapon." Martin asked the doctors whether people's moral positions and stands on issues of conscience had an influence on the psychiatric evaluation they were given? "Doesn't one's position on the pertinent moral issues besetting our society - such as the vicious war in Vietnam and the oppression of the weak by the rich - have great significance? If one's stand on these issues conflicts with the norm of society and its rulers - would it not be labeled abnormal? Supposing I am fighting racism so that, instead of remaining apathetic, I raise my voice - would I not be considered abnormal by the powers that be? Doctor, do you know that the two biggest issues confronting this country are war and racism?" At this point, the D.A. and Marshall cut in again, almost in chorus. Sostre quickly shot back that Marshall was nothing but a political goon for the power structure. A young woman in the gallery was, at this point, signalling approval of Sostre's remarks. "Get that woman out of here!" Marshall screamed to the court guards, "That's right, get your goons, Judge. You will have to use violence to cover yourself. You will have to escalate just like the warmongers in Washington. You're another Hitler - but we will use violence to answer your violence!"

"Get your goons, Judge!"

The young woman threw a kiss to Martin as she was removed from the court by guards. Then Martin continued, "There are two moral issues facing this country - war and racism. What are your stands, Doctor, on these two social matters?" The doctor used a well-worn psychiatric trick to try to avoid the question. Instead of answering concerning *his own* feelings, he tried to place Martin's ideas into question. He said he recalled that Sostre had denounced the American industrialists for the war in Vietnam and that Martin considered the Negro oppressed, put down and exploited and that Martin had seen ulterior motives behind these social evils as well as behind his own arrest. The D.A. again objected to the irrelevancy of the questioning but Martin interjected that it was his anti-racist and anti-militarist activities which had singled him out in the minds of the power structure as the perfect scapegoat for the vast social injustices of the ghetto which the power structure had need to find excuses for.

Then Martin asked, "Does the individual have a moral obligation and duty to mankind as a whole?" Objection! Sustained! "Would you not consider it normal for a person of conscience to oppose an unjust war?" Objection! Sustained! "Would you not consider it abnormal for a society to spend money transplanting hearts while at the same time they are stopping the hearts of nineteen and twenty year old youths in Vietnam?" At this, Marshall again interrupted. Martin angrily shot back, "Get your goons, Judge! This is a kangaroo court!"

14

In a surprise move, Martin then called for Judge Marshall himself to take the stand. Marshall refused and, sensing defeat, ruled the hearing over. He further ruled that Sostre would stand trial. The guards began to chain Sostre in the special manner reserved for him. Handcuffs on his wrists were attached to shackles around his waist. In a last defiant gesture as he was led out, he clenched his fists and raised them as high as they would go. His supporters returned the salute.

commented that he desired to sum up to the jury when they returned. In his motion for dismissal of the "information," Martin stated, "I move to dismiss because of the parade of phoney witnesses, the hidden photographs utilized, the self-serving witnesses, all prison officials. Not one independent witness has been brought forward to positively identify me. I have strong objections with respect to law and especially in regard to the jury." Martin asserted that the jury had been intimidated and that questions of conscience were at issue. He said, "There have been issues of conscience and morality that the jury has been precluded from hearing."

"The Tribunal at Nuremberg, of which the U.S. was a party, ruled that if the law goes against one's humanity and conscience, it is the duty of each individual citizen to oppose this law, especially when it is used by tyrannical governments to oppress the masses. This decision was reaffirmed by the courts of Israel that tried the Nazi, Adolf Eichmann. Eichmann also was repudiated when he stated that 'I was just following orders.' Eichmann had been given the seal of approval from the state, the duly constituted government of Germany. Yet all this was repudiated. The Declaration of Independence tells us we must oppose and resist the unjust laws of the government. In the courts of Cuba, after they overthrew Batista and his fascist goons, the goons repeated the pleas of the Nazis that they were 'strictly following the law.' But this was not accepted. In New Rochelle, N.Y. the Federal Court ruled in a case which concerned an Afro-American group picketing to integrate a segregated school. They had been enjoined by the city not to picket, but they disregarded this order. The judge ruled that, according to the Doctrine of Legitimacy of Purpose, it is the right of a person to break the law in order to exercise one's preferred constitutional right to dissent."

The U.N. Declaration of Human Rights states that a government can no longer hide behind sovereignty when they are committing crimes against humanity. This is why Malcolm X was assassinated. He tried to go to the U.N. to bring this racist-fascist country before world condemnation. According to the 5th, 14th and 16th amendments to the U.S. Constitution, one is guaranteed his liberty and, according to the 6th amendment, has the right to trial by an impartial jury. This right has been precluded in this case when Your Honor had the only freethinker yanked out - a worker - a person who was going to make up his own mind. He was taken out. The other was made to change his mind by the coercion of the D.A. and the other jurors. In view of all these decisions, the International War Crimes Tribunal at Nuremberg that told the Nazis they could not hide behind the law, the trial of



Buffalo Evening News, June 21, 1968

Felicetta Links Red Group To Disorders in Buffalo

By ROLAND POWELL
Buffalo Evening News Bureau

WASHINGTON, June 21 — Persons linked to a Communist splinter group were active in encouraging last June's racial disturbance in Buffalo, Police Commissioner Frank N. Felicetta testified Thursday before the House Committee on Un-American Activities.

Mr. Felicetta said that Buffalo police photographed a number of persons handing out literature which he said encouraged the rioting, and later picketing Erie County Jail, where alleged rioters were being held. He said they were identified as being connected with an organization known as Buffalo Youth Against War & Fascism (YAWF).

Chester D. Smith, general counsel of the committee, placed in the record a statement by FBI Director J. Edgar Hoover that YAWF is a youth group of the Workers World Party, a Communist "splinter" organization.

Mr. Felicetta also told the committee that members of the

Black Muslims and other black nationalist groups were active in encouraging the rioting and he labeled Martin Sostre as a leader of the pre-disturbance agitation, including instructing youths in the use of Molotov cocktails. Sostre recently was convicted on narcotics charges.

Mr. Felicetta said that flyers distributed by members of YAWF "told the Negroes that life held no future for them except poverty and service in Vietnam."

"These leaflets charged that Buffalo city officials and police were involved in an organized repression of Negroes in the city," the commissioner continued.

4 AND 5 MARCH 1968

A FINAL HEARING ON BAIL REDUCTION AND THE MAIN TRIAL

On March 4th, 1968 Martin Sostre appeared before Judge Marshall to demand action on a show cause order Martin had initiated the previous week. The order called on the D.A. to show cause why Martin's disproportionately high bail should not be reduced. The court convened shortly after 10 A.M. and Judge Marshall was quick to dispense with the show cause order by vacating it and denying it (although Marshall himself had signed the order). Martin observed that in not allowing the order to be argued, Marshall was actually acting on behalf of the D.A.

Martin then turned to the spectators in the courtroom and urged them "Watch racism in America. This is an example of a kangaroo court in fascist America. Everyone remained silent in Germany but I don't intend to make the same mistake. I want to be a personal example of how you can resist a legal lynching. They will not succeed when you resist and expose them! I am being held in a dungeon. They put a harness around me. This is done to no other inmate. They took all the staples out of my legal material. I am isolated inside the prison. There are sympathetic inmates so I am forced to shave downstairs in the guards' locker room. The goons have insulted the few visitors I am allowed and at least one has been physically intimidated.

"But we are not going to the ovens like the Jews did. They were taken unaware. We have learned from their lesson. They did not die in vain. The poor Jews in Germany didn't believe what fascism could do. It is up to us to resist oppression and racism in all its facets, with all our weapons. All the U.S. superiority in armaments - it can't prevail against will and determination. Racism and militarism are two claws of the same hawk!

"They tried to make me the scapegoat for last summer's rebellion. But they have admitted in the so-called riot report the actual causes of the rebellions. Even though little credence can be given to that whitewash report, they did admit that they could not point to any scapegoats, that conditions were the real causes. I have been vindicated

by even this whitewash report."

While Martin continued to speak, Judge Marshall left the courtroom. Martin read a list of some thirty cases of inmates with lower bails than his for much more serious crimes, including murder and manslaughter. He pointed out that the stool-pigeon and police informer to be used against him was a man named Arto Williams, a known drug addict, up himself on charges of robbery and grand larceny.

Martin then said, "No more cooperation with our oppressors! We are going to resist them! What do they expect me to do? Say, 'Yes, boss, give me a rope and I'll put it around my own neck.'? Racial strife is created by the munitions manufacturers who are having a field day with the war in Vietnam and the city uprisings. Remember the example of Nazi Germany, of what happened to the Jews, of how the Nazis got to power. We don't have to make that same mistake. From now on we are going to resist. It's people that count, not money and machines, not power and guns. We must challenge the entire rotten foundation. We must challenge everything they do, everything they say to cover their crimes.

"The glare of national publicity scared them when Brother Dick Gregory came last Monday. The court calendar is a very precise thing. Yet my case was postponed last Monday when Gregory was here and again last Thursday." Martin then compared the position of the oppressor to that of a murderer who must cover his crime. The murderer is forced to compound his crime by the fact that he must eliminate those who witnessed it. "Then he must get rid of the guy watching in the window who has seen these new murders."

Martin also related the situation here to the Vietnamese struggle. "Everyone they shoot in Vietnam is called a Viet Cong. The Viet Cong are the people. Like in Vietnam we have our Uncle Tom generals in the black community too, the equivalents of Tshombe in the Congo. They are just like those militarist generals, the sellout men, in Saigon. Not one of our "leaders" in Buffalo has raised his voice to challenge the insult of Felicetta! Felicetta insulted the entire black community when he lied before the racist Eastland Committee in Washington, D.C. Every one of those so-called black leaders went along with the bail of \$50,000; they chickened out!"

Martin recalled the viciousness of the local press in July and August of 1967 when they made hay of the "outside agitators" and "fanatics tied to June violence" and "Martin X," etc. Martin asked, "What happened to all these outlandish arguments? Either the 'riot report' out of Washington is wrong or I am right. I am vindicated. I have to have some sort of redress. Now that the black community and the

times" they brought prisoners "from upstairs down."

Martin persisted. "What was it in all the thousands, what distinguishing feature in this face stands out among all those thousands?" The witness decided that it must be Martin's receding forehead. Martin found this assertion a little more unbelievable, "But this is quite a common feature. In fact, right here in this courtroom we have a balding jury, judge and stenographer." Brzyeyl then explained that the *shape* of Martin's balding head was what was so distinctive. "What shape?" Martin demanded. "We understand that no two foreheads are identical." Brzyeyl said that it was the "roundish" character which made the balding forehead so distinctive. Martin retorted, "Roundish! Would other heads be square? All heads are roundish." Faced with this elementary observation, the witness soon became totally unresponsive. Martin turned from the "witness" and demanded of Judge Marshall that the documents be thrown out as totally worthless. Marshall, as before, refused.

The next witness was assistant D.A. Peter Notaro who testified that he had been the prosecutor during the earlier trial. He was present on March 7th when the verdict found Sostre "guilty as charged." Martin asked Notaro if he worked out of the same office as Burke, whether or not they both had occasion to prosecute the same case, and handle the same files? Notaro nodded that this was true. The last witness called by Burke was the assistant Chief I.D. Officer in the Buffalo Police Department. Martin objected to the introduction of a set of prints taken in Buffalo and in Attica that Burke offered the Court. During questioning, the officer stated that it was true that he had no way of estimating the age of a given set of prints. It was impossible, from the print itself, to tell when it had been obtained. "In other words," Martin reasoned, "These prints [supposedly from Attica and Buffalo] could just as well have been taken simultaneously. As to how far apart they are in time, you would not be able to testify. Any date could be put on this card." "That is possible," the officer admitted.

Martin moves for dismissal

Martin moved to have the documents thrown out. Marshall immediately overruled him. "The People" then rested its case. The jury was excused by Marshall who then said, "We are going to hear any motion the defendant may have." Martin began his motion to dismiss for failure of proof. The prosecution had not proved its case. He also

The next witness called by the prosecution was a Mr. Brzyeyl, senior I.D. Officer at Attica Prison. He testified for Burke that he was in charge of fingerprinting. Burke produced a set of fingerprints and handed them to the witness. Brzyeyl stated that these had come from Clinton Prison to Attica. Also produced were two sets of photographs. The witness stated that the photos were pictures of Martin Sostre who, he said, was "Sitting over there." as he pointed at Martin.

Martin first examined the exhibits and then began to ask questions concerning them. He first stated, however, that he objected to the introduction of the photos and the fingerprints in that they were the same identical set that Mr. Cochrane had used. They were only "copies of copies," not the Sing Sing originals. "These records came to you from Clinton Prison, right?" The witness answered that this was true and that pursuant to Mr. Burke's request he had had copies made. He said that he had compared the two sets of prints and they were identical. Martin asked him if he was a fingerprint expert. He said yes. Martin then got him to admit that he was not present when the prints were made and that the only reason he knew the prints were Martin's was that he had read the records in front of him earlier that morning and the name "Martin Sostre" was affixed to them. He did not know who had received the prints from Clinton and could not be absolutely certain they were received in Attica since he had no personal knowledge of such reception and had only read the notation. He also admitted he was not present at Sing Sing or at Attica when they were made.

A "photographic" mind

Next, Martin asked the witness if he had gotten the photos out of the file upon the request of Burke and Brzyeyl admitted the photos were the same as those of Mr. Cochrane. "How many photographs have you taken?" Martin asked. "23,000" was the answer. He asserted that he had remembered "quite a few" of the 23,000 faces. "Mine stood out in your mind over all the other thousands?" Martin asked. Brzyeyl replied that he had been late that morning and had had to take other photos and that was why he remembered Martin. Martin helped him remember, however, that this situation had occurred many times and there was nothing really distinctive about it. So Martin returned to the original question. What was it that stood out about him that was responsible for the witness's remarkable memory? Brzyeyl said that he recalled that the guards had brought Martin "from upstairs down." This was another dead end, however, since he then asserted that "a lot of

enlightened people in the white community see that I am vindicated, they want to know, why the continuing frame-up?

"They said that black fanatics started it. If all this is a lie, according to the 'riot report', they have to give me justice! Look at how they tried to bug me! If it wasn't for my Defense Committee I probably would have been committed to the State Hospital by now. This is the same tactic they used on the officer who questioned the Gulf of Tonkin attack. They bugged him. They take you to a psychiatrist who puts dope in your brain. They destroy you in the nut house. They were not playing around when they had me over there! You should see the vicious beatings the Nazi goons give the inmates over there at the hospital.

"The goons are an instrument used by the power structure. This is incipient fascism and we are here to expose it. You on the outside and me here in jail, from the dungeon. We will fight it everywhere. We have to do something to expose it." Martin then described the photograph which had recently appeared in all the media showing the police chief of Saigon executing a Viet Cong youth. "This is a photograph of outright murder used by the oppressor to subdue the people. But in every act of wrongdoing they show that they are murderers. I am going to fight everywhere. This court is an arena. It is a battlefield - one of the best. We will use these same torture chambers, these same kangaroo courts, to expose them."



The murder of a Viet Cong youth

18 MARCH 1968

THE LAST DAY IN COURT

Marshall began the proceedings by directing assistant D.A. Burke to call his next witness, Burke called Mr. Emmett Cochrane of Attica, N.Y., an employee of the Attica Prison. The prosecutor moved to enter a photostat copy of fingerprints and some records marked as People's Exhibit No. 6. Cochrane identified them as commitment papers from Sing Sing Prison that had been sent to Clinton Prison and then to Attica. He also stated that he knew Martin Sostre, had had conversations with him and that he could identify Sostre in the courtroom as being the same person in the records.

Martin asked to examine the records. After doing so for several minutes, he stated that he objected to the introduction of these documents and that he had some questions to ask Mr. Cochrane with regard to them. Martin then asked Cochrane when the photographs were made. Cochrane said they had been done some time the previous week. Martin asked, "Persuant to request by whom?" Cochrane answered, "Mr. Burke." "You received a call from Mr. Burke?" "Yes." replied Cochrane. He continued that a Mrs. Smith had received the original document June 28th, 1960. "Is she in the room?" Martin asked. "No" replied Cochrane. The dialogue continued as follows:

Sostre: *All you can say is that you got a call from Mr. Burke and got the documents photocopied. Can you say with absolute certainty that I am the same person in those documents?*

Cochrane: *I am certain but I can't say with absolute certainty.*

Sostre: *The certain knowledge you do have comes from reading this document, isn't that right?*

Cochrane: *Yes.*

Sostre: *You have read the document? You have seen the photographs and the fingerprints?*

Cochrane: *Yes.*

As the afternoon session drew to a close, Martin admonished the spectators - many of whom were Afro-American youths from the community and student activists from the University - "Pay careful attention! This is a farcical trial. They are trying to get rid of black militants all over the country. Remember, if it can happen to me, it can happen to you. When you oppose them, this is the treatment you get! Continue to resist!" A middle-aged Afro-American raised his voice and spoke for all friends and members of the Defense Committee. "We're with you 100%, Martin!" As Martin was led out to be taken back to jail he received a standing ovation. An attorney in the court at the time, obviously moved by Sostre's courageous stand and the show of sympathy and solidarity he had received from the spectators said that in his many years of law practice he had never before seen such a display of support for a defendant in the courtroom.

March 5th

When Court convened at 10:05 a.m. Marshall's first action was to threaten the spectators with expulsion from the courtroom for so much as talking. He said he would not stand for "indications of attempts to disrupt these proceedings by gestures and talking . . ." The prosecution then presented four more cop witnesses. They all knew at least the general outline of the concocted story, that the stoolie and the black cop had entered Martin's store just before midnight on July 14th, the stoolie had purchased heroin from Martin and Geraldine, they had then had a rendezvous with more cops and returned to the store, arresting the people inside (accounts varied on the number arrested as they did on many other details). The prosecution then rested.

Marshall was now faced with a serious problem. How could this stage play of which he was principal architect and director have any semblance of a real trial if there was to be no defense? To head off total catastrophe, a phoney effort of some sort was needed. Marshall decided to have two of the youths arrested with Martin contacted as possible witnesses for the defense. Martin reminded the Judge that it was not these youths who were crucial to the case but rather the four people in the store at the time the alleged sale took place. Marshall then announced that Court would be recessed until Thursday, March 7th, for the purpose of finding witnesses.

When Court convened on Thursday, the first order of business was the status as regards the so-called "defense witnesses." Mr. Mintz, the "public defender," was the first to report:

Mr. Mintz: Your Honor, pursuant to your instructions, the resources of the Erie County Bar Association Aid to Indigent Prisoners Society were made available to the defendant and Mr. Maloney and for the purposes of investigating and securing or attempting to secure witnesses or statements from witnesses on behalf of the defendant. Donald Dade, of the Legal Aid Bureau, made an investigation and I expect him to be in the courtroom this morning. I cannot state first-hand what the results of that investigation were. I did talk with Mr. Blumberg. Harold Blumberg, the defendant's first-retained attorney, in an effort to secure the names and addresses of witnesses and he indicated to me that they had no names or addresses. He is not present in the courtroom but I am sure he could be available, if necessary. I don't know if the Court is interested in anything further with reference to investigation. I do know that Mr. Dade indicated also that he did make contact with and had an interview with one of the two possible witnesses for the defendant, a Charles Howard and Darrel Groves.

Marshall: He mentioned those to the Court the other day. Have you spoken with the defendant?

Mintz: No, I have not. I intended to when I was originally assigned and he chose not to talk with me.

Marshall: Mr. Maloney, can you tell us anything new other than what you told us the other day?

Mr. Maloney: The only additional thing is that I spoke with Mr. Mintz and Mr. Dade, and one of the witnesses that I had seen the night before was here after the Court adjourned and Mr. Dade proceeded to take his statement. I haven't seen Mr. Dade since. I have also talked with the defendant and he said that he is not interested in those witnesses and they are not his witnesses and that is that. I mean, that was his attitude on the whole thing.

Sostre: In regards to these witnesses, Mr. Dade at about six-thirty last night was at the jail and this was the first time I had seen him with regard to the witnesses. I gave him the same detailed description of these four witnesses, not the ones that the Court, that is the two witnesses that the Court is trying to obtain. These are the Court witnesses, I imagine, this Darrel . . .

Marshall: I am not trying to obtain those two witnesses. Go ahead.

Sostre: I have never subpoenaed any witnesses, but the Court has employed a means outside of the scope of the Code of Criminal Procedure to obtain witnesses which I have not requested and the Court has made much to do about appointing investigators and statements, I believe, were taken from these witnesses, a copy of which I have here. One of them, by the name of Darrel Groves, who incidentally is under

Blatt: Yes.

Sostre: And every District Attorney in the State of New York, it would be incumbent upon him to answer a call of another one in a similar capacity, would it not?

Mr. Burke: I object to that, Your Honor, on the basis this witness wouldn't necessarily know whether it is incumbent upon every District Attorney in the State to render such assistance.

Marshall: I would like to hear the answer, because I hope the answer is yes.

Blatt: Yes, it is incumbent upon every citizen to answer a subpoena to come to court, and in my case, he could have subpoenaed me, but he extended the courtesy of calling me.

Sostre: This is different from a subpoena?

Blatt: If I said no, he would have subpoenaed me.

Sostre: Well, now that is a supposition - that didn't occur. The fact is that you were sent up here and that this is a County expense and trip. Now would you get time off for this in your job, as a District Attorney?

Burke: I object to that, Your Honor, as having no bearing.

Marshall: Sustained. This is a little remote.

Sostre: No, it is not, because he said, "voluntarily". I want to know just how he gets paid, or whether the District Attorney's Office has allowed him the expenses, his pay - will his pay go on or what? Whether this is on his own, is he trying to make out like this is on his own. I want to know if his salary is still going on.

Marshall: You are still being paid by Bronx County?

Blatt: I am still being paid by Bronx County.

Sostre: In other words, you are acting in the capacity of a District Attorney, is that correct?

Blatt: An Assistant District Attorney, that is correct.

Sostre: You are not just "doing your duty" like an ordinary citizen, who would not get a full day's pay for their day's work - is that correct?

Blatt: I don't follow your question.

And so it continued, with Blatt dodging and ignoring the pointed questions. Finally, at five p.m., Court was recessed to ten o'clock the following Monday morning.

18 MARCH 1968

THE LAST DAY IN COURT

Marshall began the proceedings by directing assistant D.A. Burke to call his next witness, Burke called Mr. Emmett Cochrane of Attica, N.Y., an employee of the Attica Prison. The prosecutor moved to enter a photostat copy of fingerprints and some records marked as People's Exhibit No. 6. Cochrane identified them as commitment papers from Sing Sing Prison that had been sent to Clinton Prison and then to Attica. He also stated that he knew Martin Sostre, had had conversations with him and that he could identify Sostre in the courtroom as being the same person in the records.

Martin asked to examine the records. After doing so for several minutes, he stated that he objected to the introduction of these documents and that he had some questions to ask Mr. Cochrane with regard to them. Martin then asked Cochrane when the photographs were made. Cochrane said they had been done some time the previous week. Martin asked, "Persuant to request by whom?" Cochrane answered, "Mr. Burke." "You received a call from Mr. Burke?" "Yes." replied Cochrane. He continued that a Mrs. Smith had received the original document June 28th, 1960. "Is she in the room?" Martin asked. "No" replied Cochrane. The dialogue continued as follows:

Sostre: *All you can say is that you got a call from Mr. Burke and got the documents photocopied. Can you say with absolute certainty that I am the same person in those documents?*

Cochrane: *I am certain but I can't say with absolute certainty.*

Sostre: *The certain knowledge you do have comes from reading this document, isn't that right?*

Cochrane: *Yes.*

Sostre: *You have read the document? You have seen the photographs and the fingerprints?*

Cochrane: *Yes.*

As the afternoon session drew to a close, Martin admonished the spectators - many of whom were Afro-American youths from the community and student activists from the University - "Pay careful attention! This is a farcical trial. They are trying to get rid of black militants all over the country. Remember, if it can happen to me, it can happen to you. When you oppose them, this is the treatment you get! Continue to resist!" A middle-aged Afro-American raised his voice and spoke for all friends and members of the Defense Committee. "We're with you 100%, Martin!" As Martin was led out to be taken back to jail he received a standing ovation. An attorney in the court at the time, obviously moved by Sostre's courageous stand and the show of sympathy and solidarity he had received from the spectators said that in his many years of law practice he had never before seen such a display of support for a defendant in the courtroom.

March 5th

When Court convened at 10:05 a.m. Marshall's first action was to threaten the spectators with expulsion from the courtroom for so much as talking. He said he would not stand for "indications of attempts to disrupt these proceedings by gestures and talking . . ." The prosecution then presented four more cop witnesses. They all knew at least the general outline of the concocted story, that the stoolie and the black cop had entered Martin's store just before midnight on July 14th, the stoolie had purchased heroin from Martin and Geraldine, they had then had a rendezvous with more cops and returned to the store, arresting the people inside (accounts varied on the number arrested as they did on many other details). The prosecution then rested.

Marshall was now faced with a serious problem. How could this stage play of which he was principal architect and director have any semblance of a real trial if there was to be no defense? To head off total catastrophe, a phoney effort of some sort was needed. Marshall decided to have two of the youths arrested with Martin contacted as possible witnesses for the defense. Martin reminded the Judge that it was not these youths who were crucial to the case but rather the four people in the store at the time the alleged sale took place. Marshall then announced that Court would be recessed until Thursday, March 7th, for the purpose of finding witnesses.

When Court convened on Thursday, the first order of business was the status as regards the so-called "defense witnesses." Mr. Mintz, the "public defender," was the first to report:

What Martin succeeded in doing through the many pointed questions he asked Blatt was to put in bold relief the collaborationist and mercenary nature of the "State's" witnesses. He undoubtedly would also have demonstrated this lesson in the earlier trial had he not decided to refuse to cooperate in his own lynching as he aptly put it. When things not ordinarily questioned are challenged, the results are sometimes instructive. Martin's questions exposed the mercenary heart beating beneath Blatt's "law and order" breast:

Sostre: *So this is just like you prosecuting another case in Bronx County only a fellow District Attorney asked you to come up here and give him a hand, and as a District Attorney, this would be your duty to do that, would it not?*

Blatt: *That is not so. I don't come up to give a man a hand, and I think you know me well enough, from your contacts with me in Bronx County, I don't do that.*

Sostre: *I don't know you. I am asking you, is that correct?*

Blatt: *That is not correct, no.*

Sostre: *Who paid for the trip up here? Was this out of your pocket or*

...

Burke: *I object to that, Your Honor.*

Marshall: *Overruled. It might be interesting. Go ahead.*

Blatt: *The District Attorney of Erie County.*

Sostre: *Did you eat today?*

Blatt: *Did I eat? I had lunch.*

Sostre: *Is that part of your expense account?*

Blatt: *I wouldn't know what they are going to allow me.*

Sostre: *But you would bill the state for that?*

Blatt: *I expect to be paid for my fare.*

Sostre: *And your food?*

Blatt: *What food is there?*

Sostre: *If you ate lunch and whatever other expense you may have, to stay overnight - suppose you have to stay overnight in a hotel room - wouldn't this be a County expense?*

Blatt: *You don't expect me to pay for it myself, if I have to stay overnight? I take it for granted the District Attorney of Erie County would pay for it.*

Sostre: *That is what I am asking you.*

Blatt: *I don't want to stay over.*

Sostre: *So all of this is part of your duties and you will be paid for it - Mr. Burke; he sent for you like you say, Erie County will bear the expense of this, is that correct?*

indictment for the past eight months, has been under indictment as well as the other, charged with Section 1533, subdivision 4 of the Penal Law, which relates to frequenting a place where narcotics were sold, and his statement here is very revealing. He states here that there was a beating in the shop by police, that somebody was blackjacked, namely me, that one of the persons in the shop, Geraldine Robinson, was thrown on a couch. He also states that he was taken to police - that there was an officer that pulled some narcotics out of his pocket and said, "Ah ha, here it is." He also states that when he was taken to the Police Station, that Chief Amico stated, "If you know any information on anything about Sostre, tell it and we will let you go." There are a lot of things here that weren't brought out by the parade of detectives here. They didn't mention any ...

Marshall: *Are you addressing me or the audience?*

Sostre: *You, Your Honor.*

Marshall: *All right then, look at me.*

Martin then continued speaking. Though the statement taken from the youth was a straightforward testament to Martin's innocence, Martin's main concern was to show how he had been prevented from locating the main witnesses and how the Court was using these youths, who had, undoubtedly, been under considerable police pressure since their arrests, to hide the gross injustice being perpetrated.

Sostre: *I don't think the defense is bound by any witnesses which the Court may secure, particularly since the main witnesses have not been sought, and all of the efforts that the Court has made outside of the scope of the Code of Criminal Procedure, since there has been a lot of maneuvering in the Judge's chambers. There were conferences with Mr. Maloney and the Court and the District Attorney in the Judge's chambers on the question of witnesses. Yesterday, after the jury was taken out, it was brought out here when Your Honor made statements about this investigating. The jury does not know anything about this because they were already out. So all this maneuvering behind the scenes and these fellows that were charged with narcotics for eight months, now charged with frequenting a place where narcotics were sold. How can they be charged with that when I haven't even been convicted of a narcotics sale. There was never any narcotics sold at 1412 Jefferson Avenue. So you can see that the police were used in order to frame black people in our neighborhood and silence all opposition. This is why I am here. That is why I am resisting, to show these things up, to unfrock the fraud and the dirty double-cross and*

frame-ups that the racist white power structure employs to subject or subdue all dissenters and militants, black and white.

Marshall: *We have heard all that.*

22

Sostre: *No you haven't.*

Marshall: *These baseless and unfounded accusations you made, we have heard before. If you want to stick to the issues, go ahead. If you don't, sit down.*

Sostre: *This is the issue here. So now I don't know what position the Court is going to take. The Court is going around in circles, trying to ostensibly aid me, when all it has to do is reduce my bail, because I could recognize the witnesses. It would not take me any time to find the witnesses who had been in the shop several times and whom I have seen in the neighborhood but, because of the excessive bail, I have been prevented from finding them.*

Marshall then begins to ask Martin more questions about the four main witnesses, feigning a concern never before evident in all the months of Martin's incarceration.

Marshall: *How many are there? Three?*

Sostre: *Four.*

Marshall: *Are there four descriptions there that you gave?*

Sostre: *Yes.*

Marshall: *Where would you go to find them?*

Sostre: *Right to the neighborhood where I see them. They shop up and down Jefferson Avenue. They have been in the bookshop several times.*

Marshall: *You don't know the addresses?*

Sostre: *No. I can recognize them by sight plus they have been in my shop to purchase records on at least two occasions before this last time.*

Marshall: *All right, that is all. Thank you.*

Sostre: *And so, as I was saying, I don't know if these are your witnesses or maybe Notaro's, the D.A.'s witnesses. Evidently he doesn't want them because he never brought them up.*

Notaro: *Your Honor, I object to this.*

Sostre: *I don't know whose witnesses these are.*

Notaro: *I object to this continued reference that he makes to these witnesses. These witnesses are out here. They are available if he wants them, and any other witnesses he wants us to subpoena, we will be happy to subpoena them.*

Marshall: *All right.*

Sostre: *I did not ask for these witnesses without the other four.*

Marshall: *Let's have Mr. Dade's report. He is here now.*

things I may be able to testify to, that do not appear in the minutes of your plea and the minutes of your sentence. On the other hand, I only read them hurriedly to refresh my recollection.

Sostre: *But you did read them?*

Blatt: *Yes, and I remember this case personally. This is one of the cases I remember personally.*

Martin pursues the elementary point that Blatt's memory is really irrelevant since he has the documents. Blatt stubbornly defies simple logic as Martin asks:

Sostre: *Mr. Blatt, regardless as to what reason you read them for, you read these minutes, so therefore you would know what is in them, whether you had remembered or not, is that correct?*

Blatt: *That is not so. No, that is not correct.*

Sostre: *Now, you read the minutes, you familiarized yourself with the contents of the minutes. Did you see any other documents or photographs that would also refresh your memory as to my identification?*

Blatt: *The only thing I looked up were the papers in the file.*

Sostre: *Did they include a photograph?*

Blatt: *No, they did not.*

Sostre: *Is it usual for a defendant - is it usual for a defendant to be photographed at the time of his arrest?*

Blatt: *That would be with the police department. I didn't think it was fair to you, to look at a photograph of you before I came to identify you.*

Sostre: *But the District Attorney has access to the police photos, does he not?*

Blatt: *That is his business. I wouldn't look at any photograph. I came up to identify you.*

Sostre: *I said, the District Attorney has access to the photograph?*

Blatt: *That is right.*

Sostre: *And had you wanted to, you could have had the photograph of Martin Sostre?*

Blatt: *Yes, I could have gotten a photograph of Martin Sostre, yes.*

Sostre: *And also, you could have gotten fingerprints, is that correct?*

Blatt: *Yes.*

Blatt: *I don't believe I have it with me here. Just a letter requesting me to come up and testify.*

46

Martin continued his questioning to show that Blatt might not have actually remembered him since Blatt had had the opportunity to examine and review court materials which would have familiarized him with the case.

Blatt: *As to the trial, I brought up the indictment, the minutes of your plea, and the minutes of your sentence.*

Sostre: *Have you read any of those minutes?*

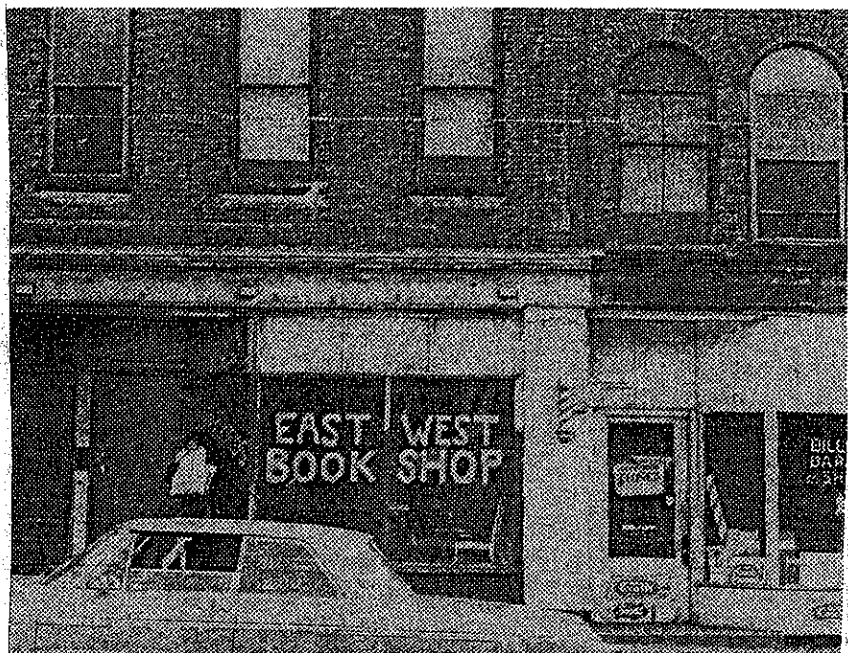
Blatt: *I reviewed them before I came up; yes, I did.*

Sostre: *So you would be familiar with their contents?*

Blatt: *I refreshed my recollection from them, yes.*

Sostre: *So, therefore, you would not need any memory, now that you have read those documents, to state what they said, what is in them, right?*

Blatt: *Well, I would testify to my own memory. There may be certain*



The East West Bookshop - Martin had rented this storefront and begun to fix it up as a branch store when he was arrested.

23

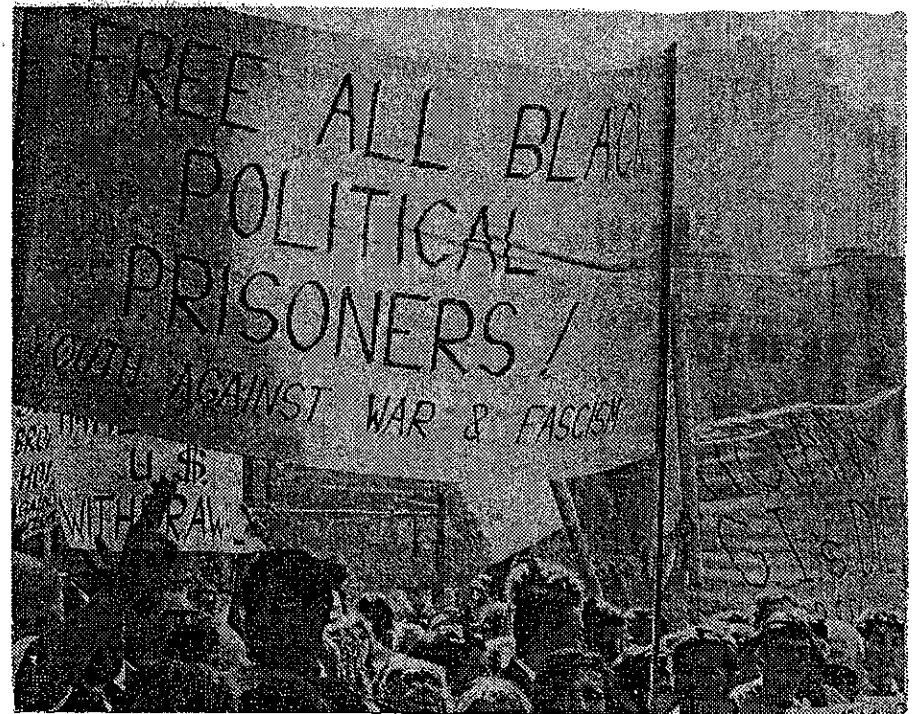
Dade's report

Mr. Dade: *Your Honor, first of all I would like to apologize for being late in the court. I was out until four o'clock this morning trying to complete this investigation and when you called or when your office called I was in the process of writing it up . . . Pursuant to the request of the Court and also a request by Mr. Maloney, Clarence Maloney, who advised me that he was assisting Mr. Sostre in this matter before the Court now, I was asked to conduct an investigation with respect to some witnesses for the defendant. In line with this, I interviewed Mr. Sostre at Erie County Jail commencing at six o'clock yesterday afternoon and concluded at eight twenty-five p.m. yesterday afternoon. Mr. Sostre confided to me that there were factors with respect to this matter that indicated from the police raid that he was framed and that certain illicit drugs that were allegedly found in his bookstore were planted there and that there were four persons present in his bookstore at 1412 Jefferson Avenue on July 14th, 1967, sometime prior to the police raid of the store. Mr. Sostre indicated that these witnesses were not present when the raid occurred. These witnesses were customers in the store shopping for phonograph records. The witnesses as given to me are described as follows: the first one, a man about forty-two years old, six feet tall, one hundred-eighty pounds, dark-skinned, deep sunken eyes and keen features. No name or address was given nor was there any other distinguishing items as to scars, facial characteristics or any other distinguishing features given of any of these. The second witness as indicated, a woman, light-skinned, curly hair, slim, five feet six inches, skinny legs, approximately twenty-eight years old. The third, a man, five feet nine inches, medium brown skin, thick mustache, one hundred sixty pounds, twenty-six years old. And the fourth witness, a girl, light-brown skin, five feet two or three inches, one hundred fifty pounds, large breasts, twenty-two years old, smiles frequently and wears a natural bush hair style. The defendant indicated that sometime after the four witnesses, these customers, left, members of the Buffalo Police Department and other law enforcement officials rushed into the store and immediately commenced beating Geraldine Robinson and when he went to her rescue he then was attacked by the police. The defendant claims that police found no illicit drugs in the store nor did they witness any sale or attempted sale. Defendant said that this is a police frame-up. Defendant indicated that Charles Howard, Darrel Groves and a Johnnie Junior were present in the store when the police*

entered. He further said that they were also phonograph record customers. According to Defendant, Charles Howard received a brutal beating from the police causing severe swelling of Howard's arm. Defendant states that the police wanted to coerce Howard to confess that he, Defendant, had been manufacturing Molotov cocktails. Defendant stated that he did not want these three persons as witnesses for the defense. He said that he wants the four witnesses that I have already mentioned. An investigation which included a thorough search of the business places, residences, and streets in the surrounding area of Jefferson, Glenwood, Woodlawn and Dupont Avenues in an effort to locate Defendant's four witnesses - Defendant desired and requested that this be done - for a period commencing at 9:30 p.m. - I might indicate here, Your Honor, I haven't written it in, but Mr. Sostre indicated that this could best be done by him if he were out on bail. For a period commencing at 9:30 p.m. on 3/6/67 to 3:30 a.m., 3/7/68 - I am sorry, 3/6/68 to 3:30 a.m. on 3/7/68, approximately two hundred persons were interviewed at taverns, poolrooms, residences, service stations, restaurants, liquor stores and the streets in the area indicated above. No one interviewed or questioned relative to the four witnesses of the defendant knew of anyone either fitting the descriptions of the witnesses indicated nor did they indicate seeing anyone in the area around the date of the raid on the Defendant's store. Defendant stated during the interview that only he could round up these witnesses.

Darrel Grove's statement

Defendant gave no names nor addresses and no other information relating to the witnesses. The descriptions given by the defendant of his witnesses from the interviews that I have had could fit any number of persons frequenting the general area where the Defendant's store is situated. Prior to the interview with Mr. Sostre, I did interview a Mr. Darrel Groves who gave a statement relative to the events on the evening of July 14th, 1967. The statement is as follows: "Darrel Groves, being duly sworn, deposes and says that he is nineteen years of age. Date of birth, October 16th, 1949. Residing at ... Statement taken at Erie County Hall, Part I, Erie County Court, by Donald Dade, Investigator, Legal Aid Bureau. I do not know Martin Sostre but I know Martin Sostre from my presence in his bookstore located on Jefferson Avenue near Woodlawn in the City of Buffalo, New York. I was in this store on July 14th, 1967, at about 10:30 to 11:00 p.m. I went to the store to purchase a phonograph record. Mr. Sostre was conducting a fire sale on records. I noticed a young boy who



Burke: I ask the Court to direct Mr. Sostre to refrain from that type of opening. The opening, as I understand it, is limited to what he intends to prove.

44

Judge Marshall: That is correct.

Sostre: I am going to tell them what I intend to prove.

Judge Marshall: Start on it then, sir. The other jurors that have not been selected to sit are excused at this time. I will ask you to report at ten o'clock tomorrow morning, to the jury selection room. Go ahead.

Sostre: The recent disturbance of last year, the government has admitted by the riot report, (which, incidentally is merely a pacification program for the black ghettos which is not going to work, just like the pacification program is not working in Vietnam) was caused by conditions.

Burke: I object to that, Your Honor.

Judge Marshall: Yes, it is sustained. I will give you one more opportunity to get to the opening statement. The proper procedure of an opening statement is to outline what you intend to prove, if you are going to prove anything.

Sostre: I am going to outline that.

Judge Marshall: All right. start now, or else sit down. I will give you one more chance.

Sostre: I am taking this chance, if you will just let me. The real issue, everybody here knows, is racism in America, that has split our country ...

Judge Marshall: All right!

Burke: I object!

Judge Marshall: Sustained.

Sostre: Militarism ...

Judge Marshall: Mr. Sostre, you are going to tell us what you are going to prove.

Sostre: That is what I am trying to get to.

Judge Marshall: You are not going to be making speeches here.

Sostre: These are the facts I am trying to get to the jury.

Marshall: One more time and that is the end.

Sostre: Well, as I said before, the main issue here is whether this racism that has our country split is going to continue.

Burke: I object, Your Honor!

Marshall: Sustained. Sit down, Mr. Sostre! You have waived your right to make an opening statement.

I know, who I knew to be Johnnie Junior who lives somewhere on ... Mr. Sostre was present in the store. I did not know who Mr. Sostre was until a time later while we were both in police custody. Also present in the store was a girl named Geraldine Robinson who I know only by sight, having seen her from time to time. Charles Howard, who lives at ... , was also present with me when I went into the bookstore. Charles Howard also went into the store to purchase phonograph records. To the best of my knowledge, these were the only persons in the store when I entered: Charles Howard, Martin Sostre, Geraldine Robinson and Johnnie Junior. While Charles and I were in the process of looking through a stack of records and after about three minutes from the time we entered the store, several members of the Buffalo Police Department entered the store. The police rushed into the store and shouted, 'Get up against the wall'. Some of the police officers were in uniform and some were in plainclothes. I don't recall exactly how many there were. Charles and I got up against the wall at the first command. I did not see the others because I was facing the wall and did not turn around until I heard a lot of noise and screaming by the girl. I looked around and I saw the police attacking Martin Sostre. I saw one police officer grab Geraldine Robinson and push her down into a couch; I observed a blackjack being



Geraldine Robinson - co-defendant of Martin Sostre

used by a police officer. I saw a police officer with upraised - upraised hand and swinging the blackjack. I cannot be sure that the officer with the blackjack actually struck Martin Sostre. No one else present was attacked by the police. At one point during the confusion the police took Sostre into a back room and out of my sight. During the time from when I entered the store until the time I and the others were taken out by the police, no one else entered the store. The police had closed the door. While the police had Sostre in the back room they subdued him and handcuffed him and threw him on the floor in the front of the store. A police officer asked me my name, age, and what I was doing there, and for identification. I told the officer my name, address, and what I was doing in the store. I did not have any identification. The same questions were put by the police to Johnnie Junior and to Charles Howard. I heard Sostre ask the police to show him a warrant. Sostre was handcuffed and on the floor at the time. I saw a police officer show and hand a warrant to Sostre. I heard Martin Sostre say, 'You're trying to catch me selling pornography.' I don't know whether Geraldine was questioned in the store or not. The police conducted a thorough search of the store, I did not see the police find anything illegal. I did hear an officer say, 'Aha, here it is.' I observed the officer, who was standing right in front of me, pull a packet of what I assumed to be a drug of some kind out of his pocket. The officer stated that he had found it in the back. Sostre remarked, 'If you found something, you put it there.' I and Charles Howard were handcuffed by the police and taken to a police van where we were ordered to enter. Martin Sostre was brought out and put into the same police van. I don't recall what happened to Geraldine Robinson except that a police woman was brought in to search her. I cannot say what happened to Johnnie Junior. Charles, Sostre and I were taken to Police Headquarters. At Headquarters all of us were searched. We were taken to the Narcotic Squad Room. The police told Sostre - the police took Sostre to some other place. After Charles and I were in the Narcotic Squad room, a man known only to me as Lennie, was brought into the Squad room. Chief Amico took me into the room where he stated, 'If you know any information or anything about Sostre, tell it and we will let you go.' I told Chief Amico, 'I don't know anything.' I told Amico essentially the same things as I have indicated herein as regards why I was in the store. At this, the Chief ordered me to be booked. I was then booked and charged with frequenting a place where narcotics was being sold and used. Charles and Lennie were also booked and charged. We were all arraigned in City Court where the cases are still pending. I am not a narcotics addict and I do not use illicit drugs. I never had any

guards to remove Martin from the court. But Martin was not immediately silenced. He continued speaking to the courtroom spectators as he was led out. "We have got to bring it out into the open, expose it all to the public. It is the people who will decide in the long run, not those in power now. See - they can't even control their own courts!"

"Sit him down!"

When Martin was brought back after the recess he addressed himself to the Afro-American youths in the audience. "Sock it to them. Let them know how you think, especially now that SNCC and the Black Panther Party have merged. With this development, it will not be long until they are through." Martin then resumed his examination of the jury. A juror who Martin had been drilling before recess had stated that he knew of no discrimination in the U.S. Martin had been insisting that this was very odd. He took up from this point in his examination:

Sostre: *It is very odd that this man, living in this racist society, has seen no discrimination. It is our duty to show him that, contrary to his view, white racism does exist. He stated that he was not aware of any discrimination!*

Judge Marshall: *Sit down Mr. Sostre!*

Sostre: *That's right, Your Honor, get your goon squad. That's how you are trying to gag the dissenters. But its not going to work!*

After completing his examination, Martin told the court that he would challenge the entire jury except for jurors No. 1 and No. 6 for cause. He stated, after Marshall refused to grant his challenge, that he wanted to make an opening statement to the jury. Martin began by stating, "The fact that I was not allowed to challenge the jury - this is the issue . . ." At this point Marshall interrupted and told Martin to make his opening statement "in accordance with law." Martin replied, "The Nazi's had their 'law' too. You see what I am up against here. Even the most racist person can see that this is a kangaroo court. The issue in this case, as a lot of you have read, although you have not admitted it; you know it, I know it, everybody knows it; is the scapegoat the white power structure here has tried to make me into as the cause for the riot. They refuse to admit . . .

Marshall: Sustained!

Sostre: You stated that you work in an all-white office with one hundred persons. Is it the policy of this company to exclude Afro-Americans?

Burke: Objection!

Marshall: Sustained!

Sostre: But this is a very important issue!

Marshall: It is insignificant to me.

Sostre: At least make a little show, Your Honor! Everyone knows it's a frame-up but you ought, at least, to make a little show of conducting a trial. [turning to a juror] In your determination of the issues of this case you said you would go along strictly with the law instead of using your own conscience. You would go strictly by law regardless of conscience?

Marshall: That's his duty and his obligation!

Sostre: That's where we differ, Judge, because a person's conscience and morality transcends the law. [turning again to the juror] You would go along with the Judge and what he told you? Suppose the Judge is a racist judge?

Marshall: You can't ask that question!

Sostre: You are so touchy about your racism that you are jumping the gun. No wonder the black community is angry at you as well as the entire enlightened segment of the white community. You can't use indictments to intimidate us any longer. We are bringing resistance into the courtroom. You are finished with your fascist tactics. We are opposing you. We have to do this in order to bring out all your racism. We have to oppose all these racists or otherwise they will continue to oppress us. Now we are preventing them from hiding behind judicial robes, playing the role of the benign judge.

Martin resumed his examination of the jurors and their deep-rooted racism but each time his questions began to evoke their inevitable reaction Marshall would block it. After one such interruption, when Marshall told Sostre to either ask different sorts of questions or sit down, Martin retorted, "Your Honor, you are the one who wants to continue with this farce. You would like me to sit down and stop asking the embarrassing questions which get at the racism and fascism here. Why don't you gag me again like you are trying to gag the anti-war militants, the other dissenters?"

Marshall felt the need for a recess at this point and signalled the

knowledge that drugs of any kind was ever sold in Martin Sostre's bookstore, or by Martin Sostre. I have freely and voluntarily made the foregoing statement without threat of any kind and without promise or reward of anything. No force or threat of force was used to elicit this statement from me. I have read and understand the statement and I find it to be true in every respect." And signed, "Darrel Groves." I conducted an investigation into the criminal record of Darrel Groves and have a certified copy from the Police Department that he has no record outside of the case now pending against him in the City Court, and this is as far, Your Honor, as I have gotten in the two days that I have been assigned to do this investigation.

Sostre's rights denied, Notaro's affirmed

Marshall: Thank you. All right, Mr. Sostre, do you have any other witnesses other than these four that you claim?

Sostre: No. All I have are the four witnesses that I have been asking for and asking for reasonable bail to find them.

Marshall: Do you desire to call any other witnesses?

Sostre: I do not have any witnesses at this time.

Marshall: Do you desire to take the stand?

Sostre: At this time my attitude is the same. I am objecting to the whole frame-up deal and I cannot participate in this, because I am being denied opportunity to present a defense by being deliberately held under bail higher than anybody else's for the purpose of covering this frame-up. This is what the Court uncovered accidentally just now. So you know why I can't be allowed out there.

Martin is then asked if he wishes to take the stand himself or to sum up. He repeats his refusal to participate in the staged farce and the Judge threatens him with contempt of court. Martin replies, "Your Honor, not only have I invoked my constitutional right to a fair trial, and the constitutional right to be afforded the compulsory process of obtaining witnesses, the right of reasonable bail, the right to a fair trial, but I am also invoking the right to self-defense in order to defend myself from being lynched." Marshall attempts to interrupt but Martin continues, "I have letters here that state they took five hundred dollars from us and withdrew from the case after doing two hours' work. So if the firm of Lipsitz and Fahringer can do that, I cannot put my freedom in the hands of anybody else." Marshall then declares that Martin has waived his right to summation. He orders the jury returned and then signals Notaro to begin his summation.

Notaro's summation is short. After a brief review of the "evidence" he concludes: "Now, on behalf of the People of the State of New York, I demand from this jury, from you, Mrs. Matthews, and Gentlemen, nothing more than justice. I demand a verdict from you, the type of verdict that will have a message in it for this defendant, the message being that Mr. Sostre, we don't believe your story that you were framed; the message being further, Mr. Sostre, we don't believe your suggestion that police officers would come into this courtroom and prostitute themselves for the likes of you and Mr. Sostre, after we can't buy those stories, we can't buy the idea that you were framed, but we buy, Mr. Sostre, the fact that Arto Williams can and did buy, Mr. Sostre, dope from you. That is the kind of a verdict the People expect from you and we expect the verdict to have a message which continues further and says, Mr. Sostre, after he bought your dope and after the police officers came into your premises, you exhibited to us, Mr. Sostre, a pattern that has continued throughout the course of this trial and up to today, a pattern of complete disrespect for law and order; you, with impunity, Mr. Sostre, picked up this knife and cut a law-enforcement officer. Now, it should be obvious to you by now, Mrs. Matthews and Gentlemen, that the People of this State have not been intimidated by the actions and outbursts of this defendant, nor has this Court, and I am convinced that you, as responsible members of this community, also have not been intimidated. It takes courage to render any kind of verdict and I am sure that your verdict will contain the courage in co-response, in co-relation to the oath that you took when you were sworn in as jurors, to well and truly try and true deliverance make, not only for this defendant but for the People of the State of New York. Good luck and God bless you in your deliberations."

Two trials in one

Marshall then gives his charge. It is fantastically long-winded. He repeats the charges over and over, spends long minutes on the fine points of law which have never been raised and with which no one has been the least concerned. But never once does he mention Martin's objections, never once the points of moral law and conscience, of racism and militarism which are the real basis of the proceedings. At the conclusion he asks if there are any objections. Minds are spinning from the thousands of words of legalistic jargon they have just been forced to endure but Martin quickly rises to the query:

it isn't." Martin insisted, "Race and discrimination are the issues here. They're the issues which have got the country split apart. They're why fascist police officers stopped me and framed me. They're the real issues." Martin turned to the jurors once more:

41

Sostre: *From your knowledge of black people in this country, are they discriminated against?*

Burke: *Objection!*

Marshall: *Sustained.*

Sostre: *Are there black people in your neighborhood?*

Juror: *I live in an integrated neighborhood.*

Sostre: *In other words, black people are moving in and white people are moving out?*

Juror: *Yes.*

Mr. Hitler has to go

Shortly after this, following a series of questions, all of which Martin was prevented from asking by D.A. objections, a black woman in the audience started to voice her objections at the way in which Marshall and the D.A. were blocking Martin's examination of the jurors. Marshall shouted to the court guards to put the woman out. Martin turned to Marshall, visibly angered, and leveled a finger at him. "Racist goon! Mr. Hitler! Mr. Hitler has to go! These are police state tactics! This is the only way the racists can rule! The Jews were killed, but we aren't going to the ovens! Whitey, we aren't going to take this stuff any more! You've got to go!"

After more objections and a lunch recess, Martin again continued his questioning. But now Marshall was blocking almost every question: Sostre: *You have stated that you never lived with a black person, never socialized with a person of Afro-American descent, other than on the job. You stated that on a social basis you have never been to any black person's home. I am asking you now how you can judge a person of Afro-American descent when you don't know anything about black people?*

Burke: *Objection!*

Marshall: *Sustained!*

Sostre: *Do you consider yourself the peer of any Afro-American?*

Burke: *Objection!*

Marshall: *Sustained! Let's not bring in social issues, Sostre.*

Sostre: *This case is a social concern. It is racism we are fighting, white racism.*

40

Martin continued examining the jury in this manner. He often asked whether they had read the Presidential Commission's "Riot" Report, whether they thought the Negro was discriminated against, was there such a thing as white racism, and did they think the black man qualified for civil rights? Most jurors stated that they did not know of the report, they did not think there was any discrimination, they didn't know about any white racism, and had no opinion on civil rights. A typical exchange went as follows:

Sostre: *Do black people have the same rights as white people?*

Juror: *No opinion.*

Sostre: *Have you read any of the official reports stating that it is white racism in this country that has the black man in an oppressed condition?*

Juror: *No.*

Sostre: *Have you heard of the civil rights laws to give the black man equality?*

Juror: *I don't know.*

Sostre: *Why should the government have to pass civil rights laws if the black man is already equal?*

Juror: *No opinion.*

Martin turned to the spectators and asked how he, a poor person with black skin, could get a fair trial from such an assemblage of robots? To his assertion that this was not a jury of his peers Marshall retorted, "It doesn't make any difference."

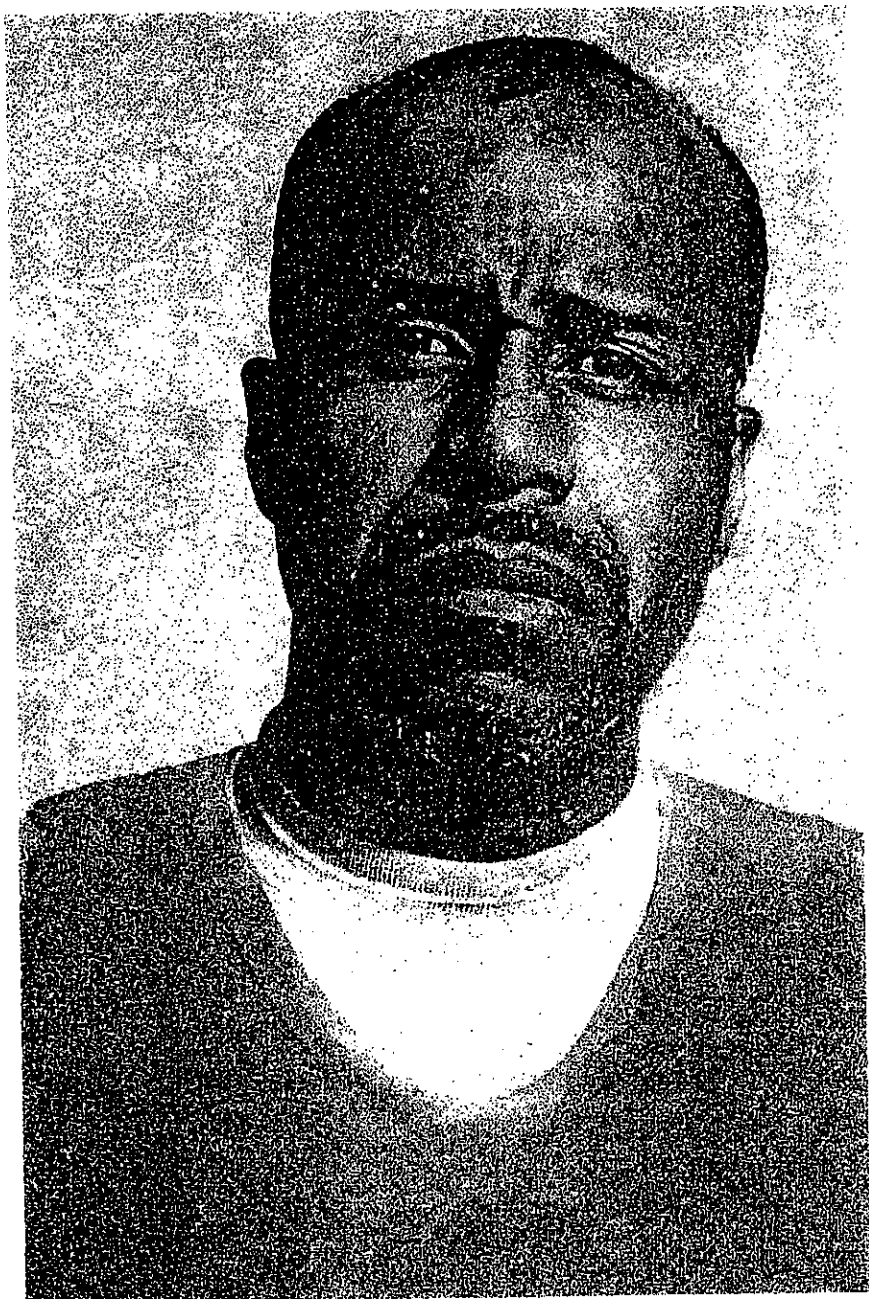
Martin continued his examination. He asked whether or not they knew of the poverty in which most black people were forced to live, whether they had friends who were black, whether they felt any prejudice toward black people, whether they knew the problems of being black in this country. Most of the jurors had had almost no contact with blacks, yet all claimed the insight to be able to fairly judge a black man. These proceedings reached a point where the assistant D.A. was objecting to almost every question Martin asked. Finally Martin turned to Marshall and said, "This question [about race and discrimination] is very important." Marshall replied, "Not in this court

"I greet you from prison and thank all of you who are supporting me 29 in my defense against the frame-up designed to destroy me and the bookshop which some of you are familiar with which they, the power structure, say is inflammatory and Marxist, etc.

My position is that, although the literature may be objectionable to some, and I have had threats to cease the sale of this type of literature, I have the constitutional right to sell all literature which promotes freedom of thought and discloses facts which are hidden from us by the controlled news media.

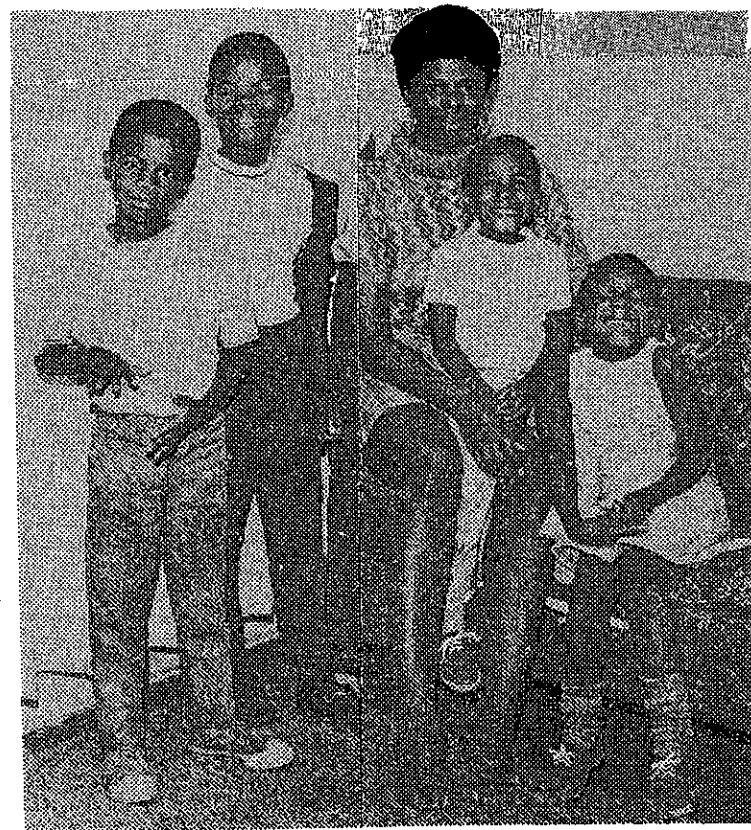
If this is a crime, then I must always be a criminal because as a bookseller who believes in freedom of thought in this so-called democracy, I feel that it is my duty to always bring this literature, not only to my own people who need it the most, but also to you students of the white community and to all people who are seeking knowledge and other opinions, other than those projected by the controlled press."

-- August 1, 1967



Martin Sostre - Black Freedom Fighter

Geraldine Robinson
and her five children



Six victims
of a racist frame-up

Juror: *One works for us.*

Sostre: *Where does he live?*

Juror: *In an integrated neighborhood.*

Sostre: *Have you been there?*

Juror: *No.*

Sostre: *Do you have any objection to black people living in your neighborhood?*

Juror: *Not if they are law-abiding.*

Sostre: *Do you believe Negroes should receive their civil rights?*

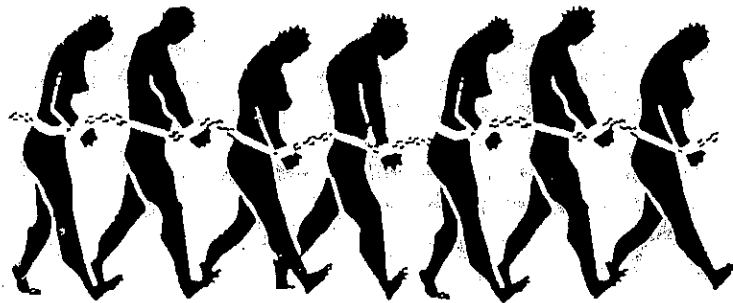
Juror: *Yes, when they prove themselves capable of working.*

Sostre: *What do you mean? You believe they haven't proved themselves - the black people built this country!*

Juror: *Those that have proved themselves capable of working have what they want.*

Sostre: *Do you believe that there is white racism in this country?*

Burke: *Objection!*



Assistant D.A. Burke: *Objection!*

Marshall: *Sustained. You will be stopped when I consider questions improper.*

Sostre: *Have you had any other personal relationships with Negroes, other than that one?*

Juror: *No.*

Sostre: *You don't socialize with any other black people?*

Juror: *No, just that one.*

Sostre: *[turning to another juror, a businessman] Where do you live?*

Juror: *Williamsville. [one of Buffalo's poshest suburbs].*

Sostre: *Are there any black people in your neighborhood?*

Juror: *Yes, yes! Ernie Warlick. [well-known sports announcer, businessman and former football player].*

Sostre: *Any others?*

Juror: *Two more. The neighborhood is predominately white.*

Sostre: *Do you have any other relationships with black people?*

38

31

14 MARCH 1968

THE TRIAL TO ESTABLISH SOSTRE'S IDENTITY FOR CONVICTION AS A SECOND OFFENDER

On March 14th, Martin Sostre appeared before Judge Marshall on an attempt by the Court to sentence him as a second felony offender. Sostre was to be sentenced today for the conviction handed down on March 7th. Martin, however, had appeared before Marshall earlier in the week and had stated that he was going to challenge the constitutionality of the present conviction and the earlier 1952 conviction.

While the testimony which follows speaks for itself, it is important to note that during this trial Martin was able to take a much more active role than during the main trial. More for purposes of educating his supporters than in any real hope of obtaining justice, he examined the jurors and cross-examined the State's witnesses at length. The brutal racism of the jurors and the collusionist and deceitful character of the cop witnesses which Martin uncovered show the tremendous talents this "high school drop-out" has developed in his years of struggle against oppression.

The gag-prone judge

When the Court had been convened, Judge Marshall indicated that he had provided Sostre with a statement accusing one Martin Sostre of a 1952 narcotics conviction in Bronx County, N.Y. Marshall said that with respect to the statement, Sostre had the right to admit the information, deny it or remain silent. In either of the latter two events, he was entitled to a trial to establish his identity. Martin said, "I remain mute insofar as I am that person in that information." Marshall then called for a jury to be panelled.

Marshall then asked Sostre if he intended to envoke a challenge of the constitutionality of the first conviction. Martin said that there was no law requiring the raising of the question of identity and of constitutionality simultaneously. Marshall, however, ignored Martin's assertion and simply kept repeating the question, implying that, if Martin was going to do it, he must do it immediately. The exchange continued until Martin pointed out that Marshall was trying to intimidate him and said, "I have the right to be tried by an unbiased judge." Marshall turned blue at this and threatened to hold Martin in contempt of court if he didn't stop. Martin then said, "I have the right to be tried by an unbiased judge and I will always ask for that. You cannot intimidate me by using Nazi tactics." Marshall repeated his threat. Martin said, "Get your goons, Judge! I want everyone to see what you're doing. We will fight you right here in the courtroom!" Marshall then called Sostre in contempt of court and said he would pass appropriate sentence at the conclusion of the proceedings.

Martin continued to speak. "We are resisting. This is war and you know it. You are going to get another Vietnam right here!" Marshall ordered Martin to sit down and shut up. The court guards surrounded him but Martin resisted them and they, surprised by Martin's lack of fear of them, stood motionless, unsure of what to do next, in full view of the courtroom audience. Martin continued, "The fact that you are getting resistance in the courtroom means that you are in trouble. We are not going to let you intimidate us. This is war!" Marshall screamed, "Get a gag!" to the guards. Martin continued, "You are a gag-prone judge. But none of those gestapo techniques will work here. In Germany, six million Jews were killed by Nazis like you. Too many people there remained silent. But we are resisting you. Your system is going! This is war!" Again Marshall screamed, "Gag him!"

The court guards had, at this point, somewhat regained their bearings after the colossal affront of being defied and hurriedly led Martin from the courtroom. But not before Martin was able to turn to the spectators and say, "You show me a racist and I'll show you a militarist. We are resisting fascism. Just like the partisans fought Hitler!"

When Martin was returned to Court a short time later there was a towel tied across his mouth and, after they sat him down, six guards surrounded him. Of course, to proceed with the trial, Marshall shortly had to order the gag removed. As this was being done, Marshall asked Martin whether or not he was the same person who was convicted in Bronx County in 1952? Martin retorted, "I want to challenge this jury. I don't see any black faces here among these prospective jurors. I

ever socialize with black people, etc.? One juror, after admitting that he lived in an all-white neighborhood, tried to cover his rather obvious racism by stating that he had associated with blacks while he was in the Navy during the Second World War. Martin, however, forced the man to admit that at that time in the U.S. Navy, segregation of blacks was the official policy.

In reply to a white businessman who said that he had one "Negro employee," Martin said, "It is impossible in this country not to come into contact with "them" even if you would like to avoid them. You can't help having occasional brushes with them. But I want to know if you ever socialized with black people?" The juror said that he did not. Judge Marshall called a recess.

"Do you believe there is racism in this country?"

After recess, Martin continued his interrogation in an unquestionably successful attempt to bring out the subtle and sometimes not so subtle racism of his so-called "peers". What follows is some of the rather revealing testimony of these people:

Sostre: *You stated that you didn't live with Negroes. Would you object to living in an integrated neighborhood?*

Juror: *Some.*

Sostre: *What?*

Juror: *It depends on the type of Negro. Some aren't nice.*

Sostre: *Well, isn't that the situation in your all-white neighborhood? It has some people who are "nice" and some not so "nice".*

Juror: *No. everyone in my neighborhood is nice.*

Sostre: *If your neighborhood were colored and so-called "nice", would you have any objection to living there?*

Marshall: *The lady already said no.*

Sostre: *Do you believe in open housing?*

Marshall: *Let's not get into philosophical discussions:*

Sostre: *Do you think you know about the problems, habits, situation and circumstances of the black people?*

Juror: *I worked with "one" so I know the problems.*

Sostre: *You mean you had "one" under your jurisdiction, working for you. You knew one "nice" Negro and therefore you know all the problems. Do you judge all the Negro people from this?*

power. That is fascism!" As the independent-thinking juror was leaving Martin said, "There's a good man. He thinks for himself. But under the police state you can't think for yourself. Under fascism it's not allowed."

Then Marshall asked Martin if he had any objection to the remaining jurors. Martin answered, "I object to these illegal proceedings. This jury, in addition to being all-white, has had everyone with independent thinking taken out. Even the one who originally said he wouldn't go along, because of the mass coercion and the coercive pressure of the rest of the jurors, was forced to change. [Martin was referring here to one juror who changed his mind about "the law" when reexamined by Burke]. The only man with the guts to stick it out against the pressure was taken out."

The Court called for a new juror to replace the one who had been removed. After he was seated, Martin was given the opportunity to question him. Martin asked, "Sir, suppose your life were at stake because a law you were following blindly placed your life in jeopardy. Would you continue to follow this law blindly or would you use your own thinking?" The juror said he would "... follow the law." Martin then said, as he turned to the audience, "Watch this closely! This really shows what we are up against, the seriousness of the massive coercion utilized against us."

Martin then stated that he wished to make further challenges and proceeded to ask a juror, "Do any black people live on your block?" The juror replied in the negative. "How do you feel about the racial strife?" The juror said, "Don't know." Martin asked if he had read anything about Felicetta's or Amico's statements about who was responsible for the "riots?" The jurors said, almost uniformly, "I don't recall." Martin asked jurors if they recalled hearing of a man named Martin Sostre who was supposed to be responsible for starting the rebellion? He asked if they read the newspapers regularly, if they recalled a police raid on the Afro-Asian Bookshop after the "riots." Many jurors admitted reading articles about the rebellion and some, rather reluctantly, admitted hearing about the Afro-Asian Bookshop and the police raid. Many of the jurors were extremely evasive and, of course, Marshall only encouraged this. One juror denied being in town during the rebellion but, when Martin pinned him down about dates, admitted having been in town and having read the slanderous newspaper articles.

Martin then began to ask questions almost exclusively about race and discrimination. He asked individual jurors if they had lived near any "colored" people, did they live in integrated neighborhoods, did they

demand to be tried by my peers, by my own people and those of similar economic background to me, which is my constitutional right. These are not my peers!" he said, motioning to the prospective jurors. "Although there are over 100,000 black people in this area, there is not one black juror. This points out the racism here and shows that the black people are systematically excluded from everything. We have here a white judge, a white stenographer, an all-white jury.... What kind of justice is this? No wonder racist Buffalo is going to burn!"

33

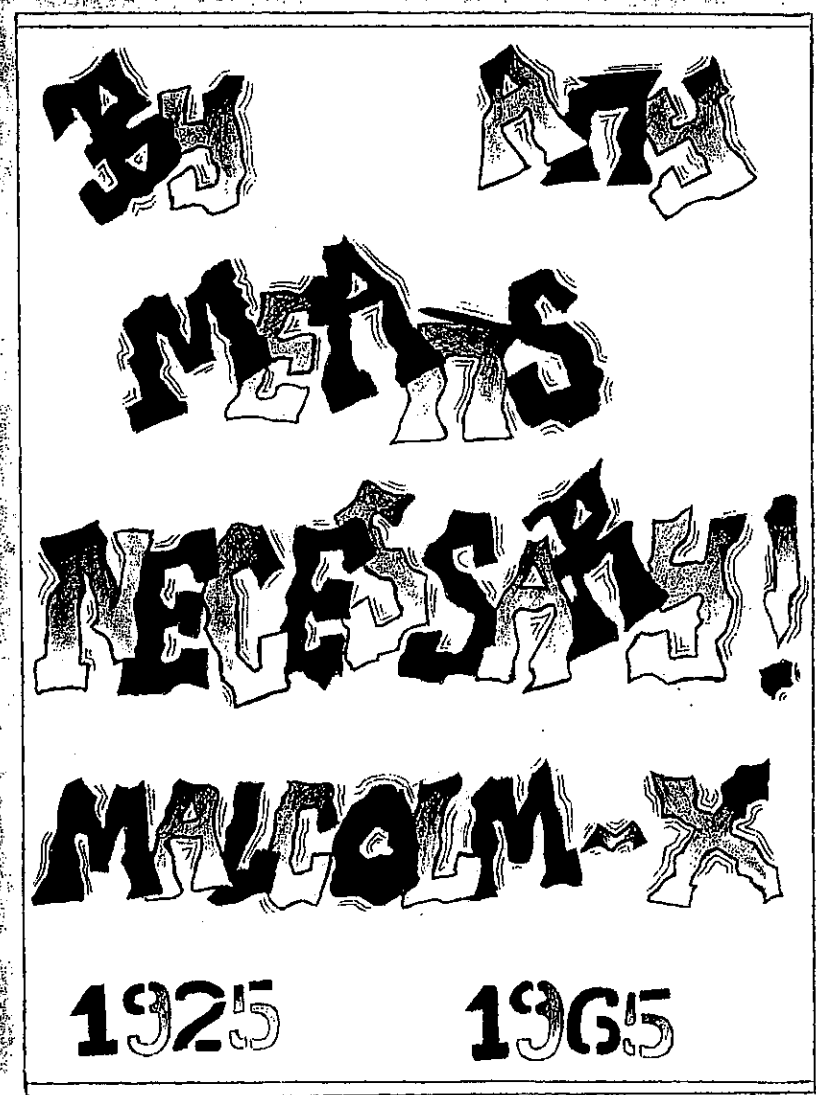
Conscience or "law"

Marshall and the assistant D.A., whose name was Burke, began to question the jurors, one at a time, as to whether or not they would take the law the way the Court saw it or the way they personally felt. All but a few said that they would follow the Court's dictation. Next, Martin examined the jury. He took an approach diametrically opposed to that of Burke. Martin asked the first juror, "Now, if you are dealing with a situation, let us say, a situation dealing with conscience, and your humanity tells you that the law is different than the judge's interpretation, would you go along with the judge or use your own head? For example, take the Vietnam War. Let us say we got an order from the Pentagon to send another million men over there, and then another million, and another. Are we to obey this order because it is given by the powers-that-be? The federal government says yes. But you are an individual. Let us say that because of that law your own life is placed in jeopardy and that all your resources are eaten up, that the law is causing racial strife in the cities because the revenues are being used for war instead of being fed into the cities to pay for the reparations due to the black people for the long-inflicted injustices. Would you obey the law to the letter in this case or go along with your own conscience? Would you blindly go along with the law or follow your own common sense and humanity?" The juror replied, "I feel that a person should obey the law to the fullest extent."

Martin asked the same question of all the jurors, getting the same type of reply again and again. Most stated, "I would go by the law regardless." or "I would obey the law." Finally, one juror, the only one dressed in work clothes (he had previously identified himself as a carpenter), stated, "I would apply my own thinking." Burke immediately stood up and asked that this juror be dismissed. Marshall told the man to leave the jury box. Martin commented, "This shows that anybody who thinks independently, not like a robot, who doesn't go along with the program, is not wanted. That's how Hitler got to



PKM THE PITT PANTHER ART ATTACK *P*



PKM THE PITT PANTHER ART ATTACK *P*