

Foster Affidavit Charges Govt. Seeks Death Warrant

We publish below the affidavit by William Z. Foster replying to the government's charge (published yesterday) which sought to railroad Foster to trial without regard for the physical consequences and at the same time to outlaw the Communist Party. Foster's affidavit, which was presented in court yesterday, follows:

WILLIAM Z. FOSTER, being duly sworn, deposes and says:

I am the defendant above named. This affidavit is made by me in answer to the application that I be again examined by physicians in order to determine if I am able to stand trial, and to the affidavit made in support of such application.

Three times since 1949 I have been examined by physicians appointed by the court, and on each occasion they have given it as their opinion that I was not physically able to endure a trial. The last time such an examination was made of me was in November, 1952, less than a year and a half ago, and only in May, 1953, less than a year ago, Judge Sylvester J. Ryan of this court, who had ordered that physical examination, determined on the basis of the physicians' reports that I was not physically able to stand a trial.

I have been disabled by a heart ailment for many years. It has been described by my doctors as a coronary artery heart disease; in addition, coronary insufficiency with angina pectoris; and cerebral arterio sclerosis with repeated cerebral vascular accidents. This condition not only enforces upon me a sedentary life, devoid of physical exertions, but requires me to avoid any emotional strain or excitement.

I am now past 73 years of age and, if anything, less able to bear the strain of a trial, than

I was in 1949 or in November, 1952. Moreover, since that examination in 1952, I suffered two cerebral vascular accidents, one in December, 1953, and another shortly afterward, on both occasions being practically confined to bed and arm-chair for several weeks.

The moving affidavit sets forth what are claimed to have been some of my activities as casting doubt upon my physical incapacity to be subjected to a trial. It states that I frequently leave my home for walks and drives, that I have met on a few occasions for what were chats with my political associates, and that I have done some writing. Actually, however, these very limited activities have had a relaxing effect upon me rather than the reverse.

Regardless of how long or

short its duration might be, the stress of a trial would be so great, that, as I am informed, I would be unable to endure it without probably fatal consequences. The proposal of the Government attorneys to get around this situation of my physical condition by giving me what they designate in their affidavit as a "short" trial—in view of the complex political character of this case, is simply an attempt to send me to jail virtually without any trial at all—which would be the grossest violation of my constitutional rights, and a frontal attack upon the Bill of Rights.

The Government knows very well from the reports of the physicians previously appointed by the Court to examine me, that I could not stand trial. They

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Plea for Rosenberg By Prominent Social

Jessie F. Binford, of Hull House in Chicago, one of the nation's leading social workers, has appealed to Surrogate William T. Collins to allow Michael and Robbie Rosenberg to remain with their grandmother, Mrs. Sophie Rosenberg.

The National Committee to Secure Justice for Morton Sobell in the Rosenberg Case learned yes-

have been influenced by her great understanding of the needs and rights of all children, wherever they are or wherever they may live. During many years as the executive director of the Juvenile Protective Association of Chicago, I had an opportunity to know the basic needs of children and the deep shadows cast in their lives when one fails to recognize these

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also know that no improvement in my condition was indicated that would warrant a renewed request for my examination less than a year and a half since the last one. The purported desire to have me brought to trial is really a desire to have the Court issue what might prove to be my death warrant. Further examination of me is only additional harassment and can only cause such stresses as I am required to avoid. The Government's attempt to force me to trial despite my incapacitated condition is nothing more nor less than an expression of the wave of cultivated war hysteria and fascistic McCarthyism that is now gripping our country.

WHEREFORE, I respectfully ask that the application to again examine me be denied.

Sworn to before me this day of
March, 1954.