

## TESTIMONY OF ELLSWORTH WILLS

### Former State Legislator and Communist Party Member

MR. HOUSTON: Will Mr. Ellsworth Wills take the stand and be sworn? Mr. Wills.

ELLSWORTH CLAYTON WILLS, after being first duly sworn was examined and testified as follows:

MR. HOUSTON: Mr. Wills, you have heard the instructions to the other witnesses as to method of answering questions here?

MR. WILLS: Yes, I have.

MR. HOUSTON: Will you please state your name?

MR. WILLS: Ellsworth Clayton Wills.

MR. HOUSTON: Of what city are you a resident, Mr. Wills?

MR. WILLS: Of Seattle, Washington.

MR. HOUSTON: Have you been a resident of Seattle for very long?

MR. WILLS: About 30 years.

MR. HOUSTON: 30 years.

MR. WILLS: Except for time overseas.

MR. HOUSTON: I will ask you Mr. Wills, what your occupation is?

MR. WILLS: Right now I am a candidate for public office.

MR. HOUSTON: I will ask you Mr. Wills if you have ever served in the Legislature?

MR. WILLS: Yes, I have.

MR. HOUSTON: Mr. Wills, were you ever a member of the Communist Party?

MR. WILLS: Yes I was.

MR. HOUSTON: What year did you join the Communist Party?

MR. WILLS: 1935.

MR. HOUSTON: And when did you get out of the Communist Party?

MR. WILLS: 1939.

MR. HOUSTON: Now, Mr. Wills, during the period of time that you were in the Communist Party, you were given some very important assignments by the Communists, were you not, in the form of speaking engagements, and things of that kind?

MR. WILLS: That is correct, yes, sir.

MR. HOUSTON: During this period of time, a part of it you were a member of the Legislature, were you not?

MR. WILLS: That is right.

MR. HOUSTON: Therefore, from time to time you were given instructions by the Communists as to just what to do, and what other comrades would do to fill the program out.

MR. WILLS: Precisely.

MR. HOUSTON: Now did you ever receive any instructions from the officials of the Communist Party about Harold Eby?

MR. WILLS: Not to my knowledge.

MR. HOUSTON: About Garland Ethel?

MR. WILLS: No,—no official communications.

MR. HOUSTON: No official communications. Well, did you receive any other official communications?

MR. WILLS: Understood.

MR. HOUSTON: Understood. Well suppose you tell us just what was understood.

MR. WILLS: Well it was understood they were highly sympathetic.

MR. HOUSTON: Highly sympathetic with what you were doing to further the interests—

MR. WILLS: That is right.

MR. HOUSTON: —of the Communist Party. How about—do you know a Burton James?

MR. WILLS: Yes—yes. Not personally, no. Not too well.

### Identifies Communists

MR. HOUSTON: Well, what do you know about Burton James?

MR. WILLS: Well I know that Burton James was considered a member of the Party.

MR. HOUSTON: A member of the party. Did this information come to you while you were a Communist, in Party circles?

MR. WILLS: Oh yes, definitely.

MR. HOUSTON: Do you know Florence Bean James?

MR. WILLS: I know the name, yes.

MR. HOUSTON: You know the name. Now did the same information come about Florence Bean James?

MR. WILLS: The same principles applied, yes.

MR. HOUSTON: How about Melville Jacobs?

MR. WILLS: I can't answer that because I don't know him.

MR. HOUSTON: You can't answer that. Now Mr. Wills, I will ask you if you know a man by the name of Rachmiel—

MR. WILLS: Rachmiel.

MR. HOUSTON: **Rachmiel Forschmiedt, commonly called "Rocky" Forschmiedt.**

MR. WILLS: Yes, **"Rocky" Forschmiedt was a member of my unit in West Seattle.**

MR. HOUSTON: **In the Communist Party.**

MR. WILLS: **That is correct, yes, sir.**

MR. HOUSTON: **Have you sat in closed Communist Party meetings with "Rocky"?**

MR. WILLS: **Oh yes, he was under direction of Margaret Heglund.**

MR. HOUSTON: And there is no question?

MR. WILLS: No question in my mind whatsoever, no. I say that was then. I don't know about now.

MR. HOUSTON: That is right. Now, what occupation, what was he doing then?

MR. WILLS: Well he was a sanitary engineer, whatever that is. I haven't the faintest idea.

MR. HOUSTON: Do you know for whom he was working then?

MR. WILLS: I believe the City of Seattle.

MR. HOUSTON: The City of Seattle. Do you know if he is still working for the City of Seattle?

MR. WILLS: To my knowledge, yes.

MR. HOUSTON: Was "Rocky" Forschmiedt a member of the Communist Party up until you disassociated?

MR. WILLS: To my knowledge, yes.

MR. HOUSTON: Now he attended the closed unit meetings out in West Seattle, of the same unit that you did?

MR. WILLS: That is correct.

MR. HOUSTON: And no one except Communists were permitted in the meetings?

MR. WILLS: That is right.

MR. HOUSTON: Mr. Chairman, I have concluded with the witness. I certainly think that he should be excused from his subpoena. He came here at quite some sacrifice and certainly deserves the thanks of this Committee for leaving his business and attending the hearing.

CHAIRMAN CANWELL: The Committee is grateful for your appearance here, and you live in Seattle and would be on call if we need you again?

MR. WILLS: That is right, sir.

CHAIRMAN CANWELL: With that understanding you may be excused.

A VOICE: Mr. Chairman, I believe I had a conversation with you in which you promised me definitely that I would be allowed the privilege through my attorney to cross examine—

CHAIRMAN CANWELL: There was no such agreement ever entered into. Mr. Forschmiedt will be called to the stand some time. I believe today, and he will be permitted to make such statements as may be pertinent to the accusations made against him, and there has been no agreement about cross examination of witnesses—and Mr. Forschmiedt will remain quiet while he is in the back of the room, and will be called in turn. Now Mr. Wills, you are excused from the subpoena.

(Witness Excused)

## TESTIMONY OF PROF. JOSEPH BUTTERWORTH English Department, University of Washington

MR. HOUSTON: Will Joseph Butterworth take the stand, please?

MR. HATTEN: Mr. Chairman, I am C. T. Hatten, attorney for Mr. Butterworth.

CHAIRMAN CANWELL: I will instruct you as to your relationship here before we proceed.

MR. HOUSTON: Mr. Chairman, may I have just a moment?

CHAIRMAN CANWELL: Just a moment, Mr. Butterworth, you can be seated until we proceed.

MR. HOUSTON: May I have just a moment?

CHAIRMAN CANWELL: Before we proceed I want to be sure that counsel for Mr. Butterworth understands that his position here as counsel for his client is limited to the right to confer with his client, and not to make speeches, not to object to the procedure, not to perform any other function here than to confer and advise his client quietly and now we will proceed and Mr. Butterworth will be sworn.

MR. HATTEN: Mr. Canwell—

CHAIRMAN CANWELL: Stand and be sworn.

MR. HATTEN: —I insist on—

CHAIRMAN: You will be seated or you will be removed. Now just retain your proper position. After Mr. Butterworth is sworn we will give you any further instructions that are necessary.

MR. HATTEN: Legal objections—

PROFESSOR BUTTERWORTH: Under duress I will be sworn.

CHAIRMAN CANWELL: We are not interested in your qualifications, but do you solemnly swear that the testimony you are about to give here will be the truth, the whole truth and nothing but the truth, so help you God.

Now I wish to avoid any further difficulty here, and I want to instruct you, Mr. Hatten, that if you persist in voicing legal objections, or whatever you may term them, to our procedure or the questions, you will be removed.

I would like to have Mr. Butterworth have the benefit of counsel if it be of benefit, and if you think your services are of any value to Mr. Butterworth I suggest that you conform to the rules of procedure as laid down by this committee. Now if that is not understood we will have to do precisely what I said—remove you from the hearing room. That must be the rules of procedure here.

MR. HATTEN: I do not wish to disrupt the meeting in any particular. I merely would like the record to show that Mr. Butterworth is testifying under legal objections, and I would like the opportunity to state that they are under the federal and state constitutions.

CHAIRMAN CANWELL: We are not interested in your legal objections as to his testimony. He is here under subpoena by a legislative committee. We have certain questions we wish to ask him and we will proceed to ask those questions without interference.

Proceed, Mr. Houston.

MR. HOUSTON: Mr. Butterworth, I will ask you as you testify to speak directly into the microphone, as this is being recorded, and that you answer audibly and not with a nod of the head, or wave of the hand.

Will you please state your name?

PROF. BUTTERWORTH: My name is Joseph Butterworth.

MR. HOUSTON: Do you have a middle name, Mr. Butterworth?

PROF. BUTTERWORTH: No, sir.

MR. HOUSTON: Where do you live, Mr. Butterworth?

PROF. BUTTERWORTH: I live at 1305 East 43rd Street.

MR. HOUSTON: Are you a resident of King County?

PROF. BUTTERWORTH: Yes, sir.

MR. HOUSTON: How long have you been a resident of King County?

PROF. BUTTERWORTH: I have been a resident for 19 years.

MR. HOUSTON: Where were you born, Mr. Butterworth?

PROF. BUTTERWORTH: I was born in Fall River, Mass.

MR. HOUSTON: What is the date of your birth?

PROF. BUTTERWORTH: 1897.

MR. HOUSTON: The month and day?

PROF. BUTTERWORTH: August 18.

MR. HOUSTON: What is your occupation, Mr. Butterworth?

PROF. BUTTERWORTH: I teach on the University campus,—University of Washington.

MR. HOUSTON: What do you teach?

PROF. BUTTERWORTH: I teach English.

MR. HOUSTON: How long have you been employed by the University of Washington?

### Butterworth Refuses to Answer Question Pertaining to Party Membership

PROF. BUTTERWORTH: 19 years.

MR. HOUSTON: Mr. Butterworth, are you, or have you ever been, a member of the Communist Party?

MR. HATTEN: I object to that question, Your Honor.

CHAIRMAN CANWELL: You will make no further vocal objections, Mr. Hatten. If you do you will be removed.

Now Mr. Butterworth may answer the question.

MR. HATTEN: I advise you not to answer the question.

PROF. BUTTERWORTH: Mr. Chairman, because of conscience and because I should not be required to testify against myself, I will decline to answer that question.

CHAIRMAN CANWELL: Before we proceed I—we will refer back to this question—but because there were personal things said about you, I do not wish to restrict you in making some reply, but we will then go back to this question just asked you, and require that you answer it. I wish to advise you that, but that because certain personal things were said about you, which were not the intent of this Committee, we have no—we have no control over that sort of thing. If you wish to make some statement about that I will be glad to have it in the record.

MR. HATTEN: The right of cross examination—

CHAIRMAN CANWELL: Will you remove Mr. Hatten from the room.

The man just ejected from the room is the law associate of Mr. Caughlan. It was our wish that he represent his client. We stated the terms on which he could do that. He wished to prejudice the position of his client before this hearing by rejecting the instructions of this committee, and—however, the only question we wish to ask Mr. Butterworth, he has been instructed by his counsel not to answer. We will put that question to him again so he is not being deprived of counsel. He already has counsel's instructions on that question, and as I said before I want Mr. Butterworth to make any reasonable statement here as to personal charges about his appearance, or that sort of thing. We are not going to enter into a discussion of the witness' testimony or the pertinency of his testimony as to his association in the Communist Party with Mr. Butterworth, but if he wishes to make some statement about the accusations—or the personal things said about him, I certainly think that he should have this opportunity.

MR. CAUGHLAN: Mr. Chairman, there is nothing on the record to show—

CHAIRMAN CANWELL: Mr. Caughlan is not to return to this hearing room again while this hearing is in session. If he does I am instructing the State Patrol to put—place him under arrest.

PROF. BUTTERWORTH: Mr. Chairman, I am not represented by counsel.

CHAIRMAN CANWELL: Then we will, if you do not wish to proceed to take advantage of permission given you to reply on things said about you formerly, I will refer to the question of counsel as to your having—as to your being—having been a member of the Communist Party.

Will you ask the question again, Mr. Houston?

PROF. BUTTERWORTH: Mr. Chairman, if Mr. O'Brien is in the room I would be very glad to have him represent me.

CHAIRMAN CANWELL: I would be very glad to have Mr. O'Brien.

MR. O'BRIEN: I will do what I can at Mr. Butterworth's request, Mr. Chairman, but it is not a very pleasant position for counsel to be in.

CHAIRMAN CANWELL: The position of counsel is merely in conferring with his client, and advising him whether or not to answer.

MR. O'BRIEN: I understand your instructions fully.

CHAIRMAN CANWELL: Now will you ask the question again, Mr. Houston?

MR. HOUSTON: Mr. Butterworth, are you, or have you ever been a member of the Communist Party?

PROF. BUTTERWORTH: Well, Mr. Chairman, I have had no opportunity to confer with my new counsel, Mr. O'Brien.

CHAIRMAN CANWELL: We are not going to extend this beyond just a very brief discussion with him here. The question is proper—it is one that one should not need benefit of counsel on, as to whether to answer or not. You certainly know whether you were or not. Truth should be its own defense, and we will proceed with the questioning, and I wish to advise you that upon your refusal to answer, and answer directly,—the question may be answered by "yes" or "no," the committee will take the position taken on other witnesses, and will move to cite you for contempt, and I am sure you are familiar with the possible penalty.

Now if you will ask the question again, Mr. Houston, and the question may be answered by "yes" or "no," and not by any deviation from that.

MR. HOUSTON: Mr. Butterworth, are you, or have you ever been a member of the Communist Party?

PROF. BUTTERWORTH: **Because of conscience, and because I—this body has no right to force me to testify against myself, I refuse to answer the question.**

CHAIRMAN CANWELL: **You refuse to answer the question?**

PROF. BUTTERWORTH: **I do.**

CHAIRMAN CANWELL: You refuse to answer the question our interrogator and the question of our committee, and you understand fully what the penalty may be?

PROF. BUTTERWORTH: I do.

CHAIRMAN CANWELL: You may step aside, Mr. Butterworth.  
(Witness Excused)

CHAIRMAN CANWELL: We will now be in recess until 2:00 o'clock this afternoon.

## TESTIMONY OF MR. JAMES J. SULLIVAN

(2:15 P. M.)

CHAIRMAN CANWELL: The hearing is in session.

MR. HOUSTON: Will Mr. Sullivan take the stand?

JAMES J. SULLIVAN, called as a witness, after being first duly sworn was examined and testified as follows:

MR. HOUSTON: Mr. Sullivan, I will ask you as you testify that you speak directly into the microphone because it's being recorded and that you answer audibly the questions and not just nod or motion because the transcription can't record that.

MR. HOUSTON: Will you please state your name?

MR. SULLIVAN: James Sullivan.

MR. HOUSTON: Are you a resident of the City of Seattle, Mr. Sullivan?

MR. SULLIVAN: Yes, I am.

MR. HOUSTON: How long have you lived in the City of Seattle?

MR. SULLIVAN: About twenty years.

MR. HOUSTON: What is the name of your father, Mr. Sullivan?

MR. SULLIVAN: He is James T. Sullivan.

MR. HOUSTON: That's Mr. Sullivan, senior, I presume.

MR. SULLIVAN: Well, my middle initial is "J," his is "T."

MR. HOUSTON: Now, was your father active at one time in the affairs of the Washington Commonwealth Federation?

MR. SULLIVAN: He was active at its beginning—for some time he was a member of the State Board of the W.C.F.

MR. HOUSTON: And you accompanied your father on many of the—his speaking engagements and induction business that way?

MR. SULLIVAN: That's correct.

MR. HOUSTON: This was primarily during what years?

MR. SULLIVAN: I would say between 1936 and about 1940.

MR. HOUSTON: Now, you attended various meetings from time to time there, didn't you?

MR. SULLIVAN: That's right; both the W.C.F. and the Pension Union.

MR. HOUSTON: Now do you recall attending a meeting at which Jesse Epstein presided?

MR. SULLIVAN: It was more of a seminar sub-meeting of a W.C.F. convention.

MR. HOUSTON: It was a fraction meeting, you might say, of the W.C.F. convention?

MR. SULLIVAN: I hate to use the word fraction meeting. The—after the convention we used to break down into smaller groups to discuss—oh, civil liberties, pension issues, taxation, labor, specialized interests.

MR. HOUSTON: Now, did you attend any of these meetings?

MR. SULLIVAN: Well, the ones that Jesse Epstein was presiding, were taxation although I attended others than just those.

MR. HOUSTON: Now, would you describe that meeting for us—in general what went on; what was said and done.