

MR. MORRIS: Just one minute. Have you heard the testimony of Mr. Thorner saying that there was a group that studied music that met at your house?

MR. FINLEY: I haven't heard the testimony.

MR. MORRIS: Is that testimony true?

MR. FINLEY: That it was a group studying music is putting it a little formally.

MR. MORRIS: Did a group meet at your house?

MR. FINLEY: Yes. We had open house for friends of mine on Sunday evenings.

MR. MORRIS: Were you a Communist at that time?

MR. FINLEY: I must decline to answer.

MR. MORRIS: Do you know if Thorner was a Communist?

MR. FINLEY: I have no reason to believe he was.

MR. MORRIS: Yet when we asked Mr. Thorner if he was at that time, he refused to answer.

SENATOR WATKINS: When you say you have no reason, just what do you mean, "no reason"?

MR. FINLEY: I have none whatsoever, Senator. I have studied just enough logic to know that for anyone but yourself you can never answer flatly and absolutely you know of something.

SENATOR WATKINS: Did you ever hear him discuss communism?

MR. FINLEY: Not that I remember.

SENATOR WATKINS: Did you ever hear him declare he was or was not a Communist?

MR. FINLEY: I certainly have never heard him declare he was. I don't remember whether I heard him declare he was not.

SENATOR WATKINS: Was there anything in his conduct that led you to think that he was in any way a Communist?

MR. FINLEY: No.

SENATOR WATKINS: Did you ever discuss communism with him?

MR. FINLEY: In any formal sense; no.

SENATOR WATKINS: You keep that definition in mind with respect to future questions that are asked because I think maybe we will be splitting hairs on the question of whether a man is a card-carrying Communist or not.

MR. MORRIS: Did you ever see Daniel Thorner pay Communist Party dues?

MR. FINLEY: No.

MR. MORRIS: Did you ever meet Mr. Herbert Norman?

MR. FINLEY: I never met him and I never heard his name until I saw it in Wittfogel's testimony.

MR. MORRIS: Under that name or any other name?

MR. FINLEY: I can only presume that I never knew him under any other name.

MR. MORRIS: Did you ever meet Mr. Lawrence K. Rosinger?

MR. FINLEY: Yes.

MR. MORRIS: Did Mr. Lawrence Rosinger ever attend meetings at your home?

MR. FINLEY: To the best of my recollection, no.

MR. MORRIS: Did you ever meet Andrew Roth?

MR. FINLEY: Yes.

MR. MORRIS: Did Mr. Andrew Roth ever attend meetings at your home?

MR. FINLEY: I am sure not.

MR. MORRIS: Did you ever meet Mr. Cristanzi?

MR. FINLEY: No.

MR. MORRIS: Did you ever meet Mr. John Hazard?

MR. FINLEY: Yes.

MR. MORRIS: Did Mr. Hazard ever attend meetings at your home?

MR. FINLEY: No.

MR. MORRIS: Did you ever meet Mr. Wittfogel?

MR. FINLEY: Yes.

MR. MORRIS: Did Mr. Wittfogel ever attend a meeting at your home?

MR. FINLEY: I do not think so. I have no recollection of his ever attending a meeting at my home. He has been at my home.

MR. MORRIS: In the company of more than one person?

MR. FINLEY: Yes.

MR. MORRIS: Under circumstances that could conceivably be called a meeting?

MR. FINLEY: All right.

MR. MORRIS: I do not know. The difference may be whether something is formally a meeting or a collection of people discussing a common subject.

MR. FINLEY: He was there under circumstances of common discussion; yes.

SENATOR WATKINS: How many would be there at that meeting?

MR. FINLEY: Presumably four or five people.

SENATOR WATKINS: Why presumably? Do you not have a recollection of how many would be there?

MR. FINLEY: Senator, all this is 1938 and 1939, and I don't have a recollection of three or five people sitting in a living room, that precise. That is my difficulty.

SENATOR WATKINS: You say the meetings were all small ones?

MR. MORRIS: Did you ever meet Mr. William Mandel?

MR. FINLEY: I have met him very casually, maybe twice.

MR. MORRIS: Do you have any reason to know that Mr. William Mandel is a Communist?

MR. FINLEY: I know nothing about Mr. William Mandel.

MR. MORRIS: Did you ever meet Mr. Theodore Guiger?

MR. FINLEY: Yes.

MR. MORRIS: Did Mr. Guiger ever attend a meeting at your home?

MR. FINLEY: Yes.

SENATOR WATKINS: Do you know any Communists?

MR. FINLEY: I must decline to answer on the grounds previously stated.

SENATOR WATKINS: Even now, even under the present condition where you say you are not a Communist? I am asking if you know any Communists?

MR. FINLEY: I know no one now who I know to be a Communist.

SENATOR WATKINS: How far back from now would you make the same answer?

MR. FINLEY: I must decline to answer on the grounds previously stated.

MR. PANELLI: I think Mr. Morris understands our position on that. I went over it this morning.

SENATOR WATKINS: Maybe he does. Probably I do not.

MR. PANELLI: I want to make it clear.

SENATOR WATKINS: At the present time I want to make it clear that he is willing to say now he is not a Communist but he is not willing to answer the question with respect to other times in the past.

MR. PANELLI: Let me say this: He is entirely willing to answer a question as to the date in the past if it is one question; and put it 5 years back, he is perfectly willing to answer that question. However, if counsel is going to go on or if the Committee is going to go on and ask him 6 years, 7 years, there comes a point where his privilege evaporates, and since I have no assurance that the committee will not go on, I have advised him to answer now questions as to the past. If this committee will assure me that it will ask him one question as of a given date, I probably would advise the witness to answer.

SENATOR WATKINS: We can give no assurance whatever. We are making no agreements with any witness. We want the truth.

MR. PANELLI: That is the reason he is not answering questions of the counsel, because I do not know how far back the committee is going to go.

SENATOR WATKINS: Do you agree with the statement of your counsel?

MR. PANELLI: Yes.

MR. FINLEY: Yes, I am taking counsel's advice. I will take counsel's advice on all these matters.

SENATOR WATKINS: That is your stand, as he has just stated?

MR. FINLEY: Yes.

MR. MORRIS: Were you an instructor to the School for Democracy?

MR. FINLEY: Yes.

SENATOR WATKINS: What school and about when?

MR. MORRIS: Was the School for Democracy a Communist school?

MR. FINLEY: Not to my knowledge.

MR. MORRIS: Were there Communists teaching at the school?

MR. FINLEY: I do not know.

MR. MORRIS: Were you a member of the Communist Party at that time?

MR. FINLEY: I must decline to answer on the grounds previously stated.

MR. MORRIS: Were there people who were dismissed from the staff of City College of New York for being Communist instructors at the school, School for Democracy at the time you were instructor in the School for Democracy?

MR. FINLEY: Yes.

MR. MORRIS: There were?

MR. FINLEY: Yes.

MR. MORRIS: Who were some of those teachers?

MR. FINLEY: Benjamin Paskoff, Louis Lerman.

MR. MORRIS: I do not think it is necessary for the witness to continue adding names. The names I don't believe are people within the scope of our inquiry. The question was more to determine to what extent the witness would give testimony before this committee on that subject. So, unless you think otherwise, I will ask him to discontinue.

SENATOR WATKINS: I would like to have the question repeated.

MR. MORRIS: I asked the witness, Mr. Chairman, if he were teaching at the School for Democracy at the same time as instructors who had been at City College and who had been dismissed for Communist activities at the same time.

The answer was "yes" and he did name several of the teachers. So I am satisfied with the witness' answer on that score. I say he does not have to continue to answer questions along that line as far as I am concerned.

SENATOR WATKINS. If you want to pass it, so shall I.

MR. MORRIS: Mr. Chairman, it brings out the difficulty that a committee such as our committee would have of determining who is a Communist. Here the witness stated awhile ago that to his knowledge he does not know anybody today who is a Communist. It poses quite a problem, Senator.

SENATOR WATKINS: I wonder if he can answer a few more questions. Have you ever studied communism?

MR. FINLEY: Yes.

SENATOR WATKINS: When?

MR. FINLEY: As a graduate student of history.

SENATOR WATKINS: Graduate student of history, when?

MR. FINLEY: In the middle thirties.

SENATOR WATKINS: Do you think you would know a Communist if you saw one and heard one talk?

MR. FINLEY: Probably, yes.

MR. MORRIS: If you knew a man was a Communist a month ago and I addressed the question to you, "Do you know anybody who is a Communist?" Would you still answer in the negative? If you knew a man 30 days ago to have been a Communist?

MR. FINLEY: Would you repeat the question, Mr. Morris?

MR. MORRIS: I grant you that it is a complicated question. But suppose you knew that Mr. X yesterday was a member of the Communist Party and I asked you the question today, "Do you know anybody today who is a member of the Communist Party?"; how would you answer that question?

MR. FINLEY: I would probably say that I know somebody who I knew was a member of the Communist Party but I don't know whether he is one today or not.

MR. MORRIS: So when you answered the question of Senator Watkins, "Do you know anybody today who is a Communist?" and you said, "no", were you making such a reservation?

MR. FINLEY: I do not know anyone today whom I have ever known to be a Communist.

MR. MORRIS: Whom you have ever known to be a Communist?

MR. FINLEY: That is correct.

MR. MORRIS: I think, Senator, we have gone far beyond the purpose for bringing the witness here today.

It was in connection with that study group in his home. But I think that the witness' presence here today does raise a lot of problems that I think point up the difficulties that this committee is confronted with in determining the Communist Party members.

SENATOR WATKINS: That difficulty has been with us all the time, not only with us, but every other agency that is trying to uncover communism in the United States or anyone else that is underground.

Are those all the questions that you have?

MR. MORRIS. I have one more question. Did you ever meet Max Granich?

MR. FINLEY: No.

MR. MORRIS: That is all I have, Senator.

SENATOR WATKINS: Do you want anything more of the witness?

MR. MORRIS: That is all.

SENATOR WATKINS: You may be excused.