

Mr. LUCE. Yes.

Mr. ROMNEY. Can you really have a doctor-patient type relationship? Isn't there something that is basically different between the relationship of an employee and a consultant, for example, and the relationship of an employee and a physician?

Mr. LUCE. I don't think so. When an employee applies for a job with the Federal Government, or with a private employer, he is often required to take a physical as well as a mental examination. And he is in a sense in a competitive position when he goes in for his physical examination.

And certainly, the physical examination invades privacy in the normal sense of the term. I think here we have approached as nearly as you can, without actually having a M.D. administer the tests, a medical or doctor-patient type relationship.

Now, it has been my experience in law practice, before I got on this job, that when an M.D. in the community where I practiced was asked to make a psychological report on someone, he frequently called in a psychologist to give the very tests we are talking about there. And then he made an evaluation on the basis of that. In other words, there was the doctor-patient relationship, with a doctor in the picture, but the doctor didn't give the tests.

Now, in the instructions I mentioned this morning, that the Episcopal Church puts out to doctors, who are going to make the examination of all candidates for the clergy, they specifically ask the doctors to use this Minnesota Multiphasic Test.

The Presbyterian Church does similarly for missionaries. Other churches do likewise. So I think we do preserve this relationship, and I don't think the use of this testing is inconsistent with a medical-type relationship, Mr. Romney.

Mr. ROMNEY. No, but—

Mr. GALLAGHER. Would you yield, please?

This interests me, the church aspect of this. We have had some experts here testify that if a person were overly religious, this might be scored as a negative factor. If they do take this test, would an overreligious feeling disqualify a person applying for a rector's job?

Mr. LUCE. Well, I think the Committee ought to consider, at least, hearing from the churches themselves. I am not speaking for the churches. But here is the report form for psychological examination required under canons 26, 34, 37, and 38 of the Episcopal Church: "Examiners are urged to use, whenever possible, psychological and psychodiagnostic tests as a regular part of their examinations, such as—" and then it gives a number of them, and one is the MMPI.

Now, the Presbyterian Church puts out a guide for counseling prospective church workers in which they recommend this type of testing under certain circumstances. Supplement No. 2 is a guide and direction as to how to use the MMPI test.

Now, I can't believe that there is any moral question involved in this testing, when it is properly administered. I will grant that the mass application of this, by people who don't preserve this doctor-patient type relationship, raises some very serious questions. But when respectable, fine institutions such as I have just mentioned are using this type of testing, I can't see there is a moral question.

Mr. GALLAGHER. You don't feel there is a moral question involved to ask a person his innermost thoughts, which are theirs constitutional-