

Mr. ROSENTHAL. He has already said that. He said that in substance.

Mr. LUCE. Of course the tests we give here, you gentlemen—and I am not criticizing you—but you are picking out certain questions out of hundreds and hundreds of questions.

Mr. GALLAGHER. Well, he can read the hundreds to you, if you want. We are just trying to make a point.

Mr. ROSENTHAL. We are impressed by even 5 out of 50. I will tell you what: I am impressed to the point where if the House were still in session today, and I don't think they are in session, I am prepared to offer a bill now or on Monday to prohibit the giving of psychological tests by any Federal agency, under any circumstances, at any place, and to make it a Federal crime for any Federal official to do it. That is how much I am impressed by the violation of privacy in the testimony we have had.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. Reuss.

Mr. REUSS. Thank you, Mr. Chairman.

I feel a certain multiphasic empathy with the administrator. I was a delegate to the 1960 Democratic Convention. And I used to be a trial lawyer, specializing in medical jurisprudence, and I am an Episcopalian. After this warmup I am going to proceed on a very empathetic level with you.

Let's talk about your days as a trial lawyer. And I feel confident you were a darn good one. When you had before you in the jury trial you were conducting, a medical question, you didn't supinely accept the word of the physician on the other side; you made yourself, on that particular narrow little branch of medical jurisprudence, as nearly a knowledgeable medical expert as you could, didn't you?

Mr. LUCE. Yes.

Mr. REUSS. I am sure you did, because that is what a good lawyer has to do.

Mr. LUCE. Yes; in order to conduct cross-examination, you have to.

Mr. REUSS. If you were today conducting a lawsuit in which the issue was the validity or the frivolousness and inutility of the MMPI, and its 563 questions, if, for example, the issue was whether someone fired on the basis of such a test, was validly fired, you would not content yourself with saying the Episcopalians and Puget Sound Power & Light do this, would you?

Mr. LUCE. No; I would seek competent medical advice, to tell me whether they thought that test was a good one.

Mr. REUSS. Then armed with that, would you not undertake a rigorous 2 hours, at least, examination of the learned doctor whom the other side presented as an expert witness in favor of the MMPI test?

Mr. LUCE. Well, it would depend on the advice I got from the psychiatrist that I questioned. If he told me it was a good test, if I couldn't find a psychiatrist who would say it was not a good test, I couldn't very well defend my man.

Mr. REUSS. Let's stop right here. Are you suggesting that in your trial lawyer days that you didn't use your own independent judgment and gumption on what was the truth of the medical matter? And that if you couldn't find a medical man on your side, that you then forwent the right of cross-examination and confessed judgment against your client? I am sure you didn't do that.