

appreciation of the problems that the law has had, which is institutionalized human wisdom in many respects, and we come to see the very great problem they have.

I have searched for a definition of invasion of privacy that I could be assured would have a reasonable chance of holding up in court. And you know better than I do, particularly as a lawyer, the very great difficulties of arriving at such a decision and one that would be sustained at the highest levels of the court.

Mr. GALLAGHER. We are not seeking to lay down inflexible guidelines. We do feel that basic values and sections in testing should be made more explicit so that they will be kept at a high level of consciousness in the minds of both the Government officials and researchers. That has been what this subcommittee has attempted to do, to bring to the surface some of the problems that people in Federal Government and other employment have been having with the moral issues that surround the inefficient or incompetent use of personality tests by those not competent to evaluate it. We have never questioned the need or the use or the desirability of psychological relationship at some particular point as long as that relationship would remain a clinical and confidential one.

Mr. ROSENTHAL. Doctor, I think you said in the beginning of your testimony that psychological testing has helped certain minority groups attain positions based on their absolute skills rather than any extraneous factors.

Yet I remember in the MMPI and some other tests that were given, that there seemed to be a number of questions which would clearly indicate the racial or social character or background of the person taking the test which in my judgment would have clearly excluded that person from consideration. I don't remember the questions.

Do you resent the background? With many people living in one apartment or one room, "was your neighborhood shabbier than other neighborhoods," questions of that type. I find an inconsistency between the little experience we had reviewing that test and the testimony you have given here this morning.

Dr. BRAYFIELD. Your problem always takes you back to the use of the materials. We finally discovered poverty in America. Those of us who date back to the early thirties and didn't even have a house window to jump out of, let alone a 40-story office building, kind of feel like it is the old days, and we feel more at home again that there is recognition of such a thing as poverty and there is such a thing as discrimination and deprivation.

One of my concerns, very seriously, is how we can get the kinds of useful knowledge that will make it possible to better design social programs of all kinds, whether they be training or the enhancement of motivation. In my view the biggest problem in working with underprivileged groups of all kinds, be it minority or any other label, is how to instill in them some real feeling of wanting to be a part of our society and to get a little of the "striving" syndrome into it, if you will. It is such a subtle thing that you are led into inquiries.

It now seems reasonably well established that a major part of the problem with respect to Negroes and their motivation—I am thinking of the younger people now—is the lack of a father figure. The lack of a father physically present and the lack of a father psychologically present.