

I think you are asking for a technical consideration because I have to give it to you in terms of a technical consideration. That particular item has been shown to differentiate among a group of persons whom it was reasonably clear were masculine in their makeup and a group whom it was reasonably clear were feminine in their makeup. Now, if there were a single question asked that was relevant to that discrimination, that distinction, then you would be in trouble because indeed I could conceive that a Negro might well take Lincoln as his hero, but if you add in 30 or 40 other items that are not subject to that kind of bias, then you have control for bias and this is one of the technical problems you have always got, that of how to control for bias.

Bias is, in someone's definition, always there, and this is why you have to technically randomize the opportunities for bias to occur in order to get a useful measure that will indeed have some relationship to whatever the characteristic is, or kind of behavior is, that you are trying to get at.

Mr. ROSENTHAL. Let me just ask only one more question because I know I have abused my time privilege. It seems to me when you come down to the basics of the thing, there is a need to balance the scales of justice. On one side is what you presumably indicate is scientific progress in research and movement of groups and so forth. On the other side is the invasion of privacies in its constitutional derivatives. At what point do you balance the scales of justice in favor of science and against the Constitution? Or do you?

Dr. BRAYFIELD. Well, you don't, of course. You work out an accommodation process of some kind that fluctuates back and forth, is what you really do. You almost have to have confidence in the honesty and integrity of individuals, and many of us have sufficient experience in human affairs that our confidence, I must say, is sorely tested from time to time.

Mr. ROSENTHAL. In whose confidence are we talking? The examiner, the person responding to the test questions, the reviewer? Who precisely do you mean?

Dr. BRAYFIELD. Well, I start first with the nine wise men on the Supreme Court, because I have said earlier that is where our fundamental moral issues get spoken to eventually. It may take a hundred years, as it did with the question of discrimination. It took a hundred years for that one to get resolved by the Supreme Court in 1954. And we are going to have to be patient and wait.

I think a lot of people are involved. I think, for example, that a school board in Kansas has a stake in this question and I think that there, locally, there is going to be some resolution of it. I think it will be resolved, responded to in part by professionals. I think it has been responded to by your committee which has served the function which I think is a very, very valuable function to keep all participants on their toes.

I don't think you have the wisdom to resolve the problem, very frankly, because I know psychologists don't have the wisdom to do it, and I am not sure the Supreme Court has.

Mr. GALLAGHER. Is that a measured judgment on who has the ability?

Mr. ROSENTHAL. Thank you, Mr. Chairman.