

new surroundings or tolerance of stress may well be used tomorrow to assess any number of other personality characteristics, including submissiveness, rebelliousness, responsiveness to suggestion, loyalty, dependence on authority, political reliability, et cetera.

The questions directed at schoolchildren, for example, regarding what magazines their parents read have potential parallels to the duty of the child in Nazi Germany and Communist Russia to report on the political inclinations of their parents.

Is it better for a parent to read *Business Week*, *National Review*, of the *New Republic*? The testers don't tell us.

Nor does it suffice to say that a particular test was designed only for a specific harmless purpose. A test developed for one purpose may ultimately be found to have a number of other uses—or, worse yet, may be imagined to have other uses—not contemplated originally.

It is of critical importance, therefore, that modern computer technology makes it possible to analyze, store, and retrieve quantities of data that would have been impossible to use on a comprehensive basis formerly. Thus, a central law enforcement agency can today compile dossiers of the most extensive and intensive type. The ready availability of psychological tests of tens of thousands of our citizens is, therefore, not the least frightening aspect of the impact of modern technology on the relationship between State and citizen.

The unconstitutionality of such questioning is not limited to the fourth and fifth amendments. The numerous questions regarding religious beliefs and practices violate the first amendment as well.

The Government cannot, as a condition of employment, inquire into such matters, as has been held by the Supreme Court in the *Torcaso* case. Needless to say, I am not made easier on this score by the strangely phrased assurances of a leading psychological testing expert that "not every aspect of religion is at times symptomatic of mental illness."

On occasion, the supporters of such tests have disingenuously contended that "there are no wrong answers" to the questions asked.

First, the average examinee does not know this, and could not be expected to believe it with certainty even if told it. Why else would he be asked whether he believes in God (the very question held unconstitutional in *Torcaso*) unless the inquisitor is interested in his giving the correct answer?

Second, are we—any more than the examinee—to believe that it is really a matter of indifference whether the answer be yes or no?

And is the Congress of the United States prepared to go on record as endorsing the "scientific" conclusion that there is no correct answer to the question of the belief in God?

It has been occasionally suggested that Government employees forfeit their constitutional rights when they apply for work.

Justice Holmes, while he was sitting on the Supreme Judicial Court of Massachusetts, came to this conclusion, holding in the *McAuliffe* case that a citizen has a constitutional right to speak but no right to be a police officer. Apparently few are aware, however, that Justice Holmes appears to have rejected his earlier position, and that the Supreme Court of the United States clearly has done so.